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Rules and Regulations

Federal Register
Vol. 66, No. 126
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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG75

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® –24P and –52B Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations revising the Standardized NUHOMS® –24P and –52B cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to Certificate of Compliance (CoC) Number 1004. Amendment No. 3 will modify the present cask system design to add the –61BT dry storage canister (DSC), the storage portion of a dual purpose cask design intended to both store and transport spent fuel. The Technical Specifications are revised to add additional fuel parameters associated with use of the –61BT DSC. Additional administrative changes are made to the conditions of the CoC. However, the NRC is disapproving a portion of the applicant's request pertaining to storage of failed fuel.

DATES: The final rule is effective September 12, 2001, unless significant adverse comments are received by July 30, 2001. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov.* You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found under ADAMS Accession No. ML010720508. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Gordon Gundersen, telephone (301) 415–6195, e-mail *GEG1@nrc.gov*, of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the Department of Energy (DOE)] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule in 10 CFR part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within 10 CFR part 72, entitled ''Approval of Spent Fuel Storage Casks'' containing procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on December 22, 1994 (59 FR 65920), that approved the Standardized NUHOMS® –24P and –52B cask design and added it to the list of NRC-approved cask designs in § 72.214 as Certificate of Compliance Number (CoC No.) 1004.

Discussion

On July 15, 2000, and as supplemented on September 1, 2000, the certificate holder Transnuclear West, Inc. submitted an application to the NRC to amend CoC No. 1004 to permit a Part 72 licensee to use the –61BT dry storage canister (DSC) to store spent fuel. The –61BT is intended to both store and transport spent fuel. Second, conforming changes would be made to current Technical Specifications (TS) 1.2.1, 1.2.3, and 1.2.4, and would add new TS 1.2.3a, 1.2.4a, and 1.2.17 to accommodate the –61BT DSC and the fuel types it will contain. Additionally, the NRC, on its own initiative, is removing CoC Conditions Nos. 9, 10, and 11. Conditions Nos. 9 and 11 have been superseded by a change to 10 CFR 72.48 (64 FR 53582; October 4, 1999) that permits certificate holders to make

certain changes to a cask design without prior NRC approval. Condition No. 10 has been superseded by the new 10 CFR 72.248 (64 FR 53617; October 4, 1999) that requires a certificate holder to periodically update the final safety analysis report (FSAR) associated with the cask design. This update must include any changes to the cask design made under the provisions of 10 CFR 72.48. The change to 10 CFR 72.48 became effective on April 5, 2001, and the addition of 10 CFR 72.248 became effective on February 1, 2000. Removal of Conditions Nos. 9, 10, and 11 will remove confusion for users of the Standardized NUHOMS® Storage System between compliance with the CoC and Part 72 regulations. Finally, existing Condition No. 12 is redesignated as Condition No. 6. The NRC notes that current Condition Nos. 6, 7, and 8 are unused. Additionally, a minor editorial change would be made to Condition No. 3.b. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that adding the –61BT DSC to store spent fuel in and making conforming changes to the TS to add additional fuel parameters associated with the use of the –61BT DSC does not reduce the safety margin. In addition, the NRC staff has determined that these changes do not pose an increased risk to public health and safety.

However, the NRC is disapproving a portion of the applicant's request pertaining to storage of failed fuel. The NRC staff concluded that the applicant's request did not provide acceptable assurance of retrievability of the failed fuel, absent the use of a separate failed-fuel can to store the failed fuel in the Standardized NUHOMS® cask design.

This direct final rule revises the Standardized NUHOMS® Storage System cask design listing in § 72.214 by adding Amendment No. 3 to CoC No. 1004. The particular TS that are changed are identified in the NRC Staff's Safety Evaluation Report for Amendment No. 3.

The amended Standardized NUHOMS® Storage System, when used in accordance with the conditions specified in the CoC, the TS, and NRC regulations will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured.

CoC No. 1004, the revised Technical Specifications, the underlying Safety Evaluation Report for Amendment No. 3, and the Environmental Assessment are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from Gordon Gundersen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6195, email *GEG1@nrc.gov.*

Discussion of Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

Certificate No. 1004 is revised by adding the effective date of Amendment Number 3 and adding Model Number NUHOMS® –61BT.

Procedural Background

This rule is limited to the changes contained in Amendment 3 to CoC No. 1004 and does not include other aspects of the Standardized NUHOMS® Storage System cask system design. The NRC is using the ''direct final rule procedure'' to promulgate this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. This amendment is not considered to be a significant amendment by the NRC staff. The amendment to the rule will become effective on September 12, 2001. However, if the NRC receives significant adverse comments by July 30, 2001, then the NRC will publish that document that withdraws this action and will address the comments received in response to the proposed amendments published elsewhere in this issue of the **Federal Register**. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. These comments will be addressed in a subsequent final rule. The NRC will not initiate a second comment period on this action.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC would revise the Standardized NUHOMS® Storage System cask system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally applicable requirements.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA) or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing'' directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule would amend the CoC for the Standardized NUHOMS® Storage System cask system within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. The amendment will modify the present cask system design by adding the –61BT DSC to store spent fuel in and making conforming changes to TS to add additional fuel parameters to support use of the –61BT DSC. Additional administrative changes are made to the conditions of the CoC. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the environmental

assessment and finding of no significant impact are available from Gordon Gundersen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6195, email *GEG1@nrc.gov.*

Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On December 22, 1994 (59 FR 65920), the NRC issued an amendment to part 72 that approved the Standardized NUHOMS® Storage System cask design by adding it to the list of NRC-approved cask designs in § 72.214. On July 15, 2000, and as supplemented on September 1, 2000, the certificate holder, Transnuclear West, submitted an application to the NRC to amend CoC No. 1004 to permit a part 72 licensee to use the –61BT DSC to store spent fuel in and to make conforming changes to TS to support the use of the –61BT DSC.

This rule will permit general licensees to use the –61BT DSC to store spent fuel. The rule will remove CoC Conditions Nos. 9, 10, and 11; will redesignate Condition No. 12 as No. 6; and make an editorial change to Condition No. 3.b. The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate the above described problem and is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and Transnuclear West. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d—48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance (CoC) 1004 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1004.

Initial Certificate Effective Date: January 23, 1995

Amendment Number 1 Effective Date: April 27, 2000

Amendment Number 2 Effective Date: September 5, 2000

Amendment Number 3 Effective Date: September 12, 2001.

SAR Submitted by: Transnuclear West, Inc.

SAR Title: Final Safety Analysis Report for the Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel

Docket Number: 72–1004

Certificate Expiration Date: January 23, 2015

Model Number: Standardized NUHOMS® –24P, NUHOMS® –52B, and NUHOMS® –61BT.

* * * * *

Dated at Rockville, Maryland, this 15th day of June , 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01–16390 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–313–AD; Amendment 39–12292; AD 2001–13–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes. This AD requires repetitive inspections to detect cracks and corrosion around the lower bearing of the actuator attach fittings of the inboard and outboard flaps. This AD also requires repetitive overhauls for certain actuator attach fittings or repetitive replacement of the fittings with new fittings, as applicable, which terminates the repetitive inspections. This AD also provides for replacement of actuator attach fittings with improved fittings, which terminates all requirements of this AD. This amendment is prompted by reports of cracks on the lower bearing journal of the inboard actuator attach fittings of the outboard trailing edge flaps due to stress corrosion. The actions specified by this AD are intended to detect and correct cracking on the actuator attach fittings of the trailing edge flaps, which could result in abnormal operation or retraction of a trailing edge flap, and consequent reduced controllability of the airplane.

DATES: Effective August 3, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 3, 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: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 747–100, –200, –300, –400, and 747SR series airplanes was published in the **Federal Register** on April 24, 2000 (65 FR 21675). That action proposed to require repetitive inspections to detect cracks and corrosion around the lower bearing of the actuator attach fittings of the inboard and outboard flaps. That action also proposed to require repetitive overhauls for certain attach fittings or repetitive replacement of the attach fittings with new attach fittings, as applicable, which would constitute terminating action for certain repetitive 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.

Support for the Proposal

One commenter supports the proposed rule.

Limit Applicability of AD

One commenter, the airplane manufacturer, requests that the FAA limit the applicability of the proposed rule to airplanes having line numbers up to and including 1265. The commenter states that new, improved actuator attach fittings will be installed during production on airplanes starting at line number 1266. The commenter explains that the new, improved actuator attach fittings in certain positions (i.e., actuator attach fittings number 2 and 7) have an increased cross-sectional area that reduces stress levels and, consequently, the possibility of stress corrosion cracking. Attach fittings in all other locations will have increased bushing interference, and BMS 5–26 sealant will be applied to the new fittings to prevent general corrosion.

The FAA concurs with the intent of the commenter's request to limit the applicability of this AD. However, since they submitted their comment, the airplane manufacturer has advised the FAA that new fittings have been incorporated on airplanes starting with line number 1264. This coincides with the effectivity listing of a new service bulletin related to this AD, Boeing Service Bulletin 747–57A2310, Revision 2, dated February 22, 2001 (which is described in the next section of this final rule). Therefore, the FAA has revised and clarified the applicability of this AD to apply only to Model 747 series airplanes listed in Boeing Service Bulletin 747–57A2310, Revision 2. (Operators may note that, while the applicability of this AD has been reduced, the estimated number of affected airplanes has been increased in the ''Cost Impact'' section of the preamble. The new estimate includes airplanes delivered after the preparation of the proposed rule.)

Reference New Terminating Action

One commenter notes that, in the preamble of the proposed AD, the FAA identifies the proposed AD as interim action, and states that, once a modification is developed, approved, and available, the FAA may consider additional rulemaking. The commenter states that it is very interested in this terminating modification. The commenter requests that, if release of the modification is imminent, the FAA delay release of this AD until the airplane manufacturer has developed the terminating modification. If the release is not imminent, the commenter requests that the FAA make the modification available as an alternative method of compliance (AMOC) to this AD or issue a superseding AD to include the terminating action as soon as possible.

The FAA partially concurs with the commenter's request. The FAA does not agree that issuance of the final rule should intentionally be delayed pending development of a terminating modification. The commenter provides no technical justification for such a delay.

However, since the issuance of the proposed AD, the FAA has reviewed and approved Boeing Service Bulletin 747–57A2310, Revision 2. (The proposed AD references Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999, as an appropriate source of service

information for certain proposed actions.) Among other actions, Revision 2 of the service bulletin includes procedures for a new terminating action. The new terminating action involves rework of the numbers 1, 3, 4, 5, 6, and 8 actuator attach fittings on both the inboard and outboard flaps, or replacement of the attach fittings with improved attach fittings; and replacement of the number 2 and 7 attach fittings of the trailing edge flap actuators with new, improved attach fittings (of a new design).

The FAA has determined that, if accomplished, this terminating action would adequately address the unsafe condition. Therefore, the FAA has added subparagraphs to paragraph (e) of this final rule, including paragraph (e)(2) which provides the terminating action specified in Revision 2 of the service bulletin as an option that ends the requirements of this AD. Additionally, the FAA finds that Revision 2 is also an acceptable source of service information for the inspections required by paragraph (c) of this AD. Thus, paragraph (c) of this final rule has also been revised to reference Revision 2 of the service bulletin, in addition to Revision 1, as an acceptable source of service information.

Clarify References in Paragraphs (a) and (b)

One commenter requests that the FAA revise paragraphs (a) and (b) of the proposed rule to state, ''Accomplish the actions in paragraphs (c), (d), or (e) of this AD * * *'' instead of referring to paragraph (c) only. The commenter provides no justification for its request.

The FAA concurs with the commenter's request because adding references to paragraphs (d) and (e) will clarify the complete range of actions available to operators. Paragraphs (a) and (b) of this final rule have been revised accordingly.

Provide for Previous Overhaul of Actuator Fittings

One commenter requests that the FAA provide for actuator attach fittings of the inboard flaps that have been overhauled in accordance with a revision of Boeing 747 Overhaul Manual (OHM) 57–52–35 that is dated prior to June 10, 1999. The commenter specifically requests that, for airplanes previously overhauled, the FAA revise the compliance times in paragraph (a) of the proposed AD to 8 years or 8,000 flight cycles after overhaul of the actuator attach fittings for the inboard flaps. The commenter notes that this compliance time would agree with the compliance time for the actuator attach fittings of the outboard flaps, which are more critical.

The FAA concurs with the commenters request, and has revised paragraph (a) of this final rule to apply to:

- Actuator attach fittings on the outboard flaps that have NOT been overhauled in accordance with revisions of OHM 57–52–55 dated prior to June 1, 1999, or replaced with a new fitting; and
- Actuator attach fittings on the inboard flaps that have NOT been overhauled in accordance with revisions of OHM 57–52–35, dated prior to June 10, 1999, or replaced with a new fitting.

Also, the FAA has revised paragraph (b) of this final rule to apply to:

- Actuator attach fittings on the outboard flaps that HAVE been overhauled in accordance with revisions of OHM 57–52–55 dated prior to June 1, 1999, or replaced with a new fitting; and
- Actuator attach fittings on the inboard flaps that HAVE been overhauled in accordance with revisions of OHM 57–52–35, dated prior to June 10, 1999, or replaced with a new fitting.

Allow Use of Later Revisions of OHM

One commenter requests that the FAA revise paragraph (d) of the proposed rule to specify overhaul of the actuator attach fittings for the flaps in accordance with Boeing OHM 57–52–55, Temporary Revision 57–7, dated June 1, 1999, or Temporary Revision 57–9, dated May 14, 2000; and Boeing OHM 57–52–35, Temporary Revision 57–8, dated June 10, 1999, Temporary Revision 57–10, dated May 8, 2000, or Full Revision 57–10, dated July 1, 2000. The commenter also requests that the FAA refer to Boeing OHM 57–52–35, Temporary Revision 57–10, or Full Revision 57–10, in Note 4 of the proposed rule. The commenter states that these later revisions of the OHM chapters describe the same actions as those revisions referred to in the proposed rule but provide additional repair information.

Similarly, a second commenter requests that the FAA revise paragraph (d) of the proposed rule to specify overhaul of the actuator attach fittings in accordance with Boeing OHM 57–52–55, Temporary Revision 57–7, dated June 1, 1999, or later, and Boeing OHM 57–52–35, Temporary Revision 57–8, dated June 10, 1999, or later. The commenter states that this would allow use of the latest revision of the OHM when overhauling the fittings.

The FAA partially concurs with the commenters' requests. The FAA has reviewed the specific revisions referenced by the first commenter and finds them acceptable. The FAA has also reviewed Boeing OHM 57–52–55, Full Revision 57–9, dated July 1, 2000, and finds it acceptable. However, rather than revising paragraph (d) to cite all of these revisions, the FAA finds that paragraph (d) of this AD may be revised to refer to the accomplishment instructions of Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999, or Revision 2, dated February 22, 2001, as acceptable sources of service information for the accomplishment of the overhaul required by that paragraph. The FAA finds that this change will clarify the requirements of paragraph (d) of this AD, and make it easier for operators to comply with that paragraph. The FAA has revised paragraph (d) accordingly. In addition, for the actuator attach fittings on the inboard flaps, the FAA has revised Note 4 of this AD to refer to specific OHM revisions referenced by the first commenter and reviewed and accepted by the FAA.

Allow Approval of Repairs By Designated Engineer Representative (DER)

One commenter requests that the FAA revise the ''Alternative Methods of Compliance'' paragraph—paragraph (f) in the proposed rule—to allow repairs of corrosion or cracking that is outside the limits specified in the OHM in accordance with a method approved by a Boeing DER, in lieu of requiring replacement of the actuator attach fittings before further flight. The commenter states that this allowance is necessary to prevent unnecessary delays or grounding of airplanes if operators find conditions outside the rework limits in the OHM.

The FAA partially concurs with the commenter's request. The FAA does not concur with the commenter's request to revise the ''Alternative Methods of Compliance'' paragraph to allow the Boeing DER to approve repairs. However, the FAA finds that a new paragraph may be added to provide for repair of actuator attach fittings, in lieu of replacement. Therefore, the FAA has added paragraph (f) to this final rule (and reordered subsequent paragraphs accordingly), to allow for repair of the actuator attach fittings on the inboard and outboard flaps in accordance with a method approved by the FAA or data approved by a Boeing Company DER who has been authorized to make such findings.

Revise Cost Impact Estimate

One commenter requests that the FAA revise the estimate of the cost impact in the proposed rule. The commenter states that the estimate of 5 work hours

per airplane for overhaul of the actuator attach fittings is extremely low. The commenter notes that the procedures for each actuator attach fitting include cleaning, removing sleeves, machining, performing non-destructive tests, and manufacturing and installing new sleeves. The commenter also submits estimates from several vendors as well as their own estimate of 192 work hours per airplane.

The FAA partially concurs with the commenter's request. The FAA does not concur that the commenter's estimate of 192 work hours is appropriate for use in this AD. The cost impact information in AD actions includes only the ''direct'' costs of the specific actions required by the AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

However, the FAA does concur that the estimated number of work hours can be adjusted somewhat. The estimate of 5 work hours included only the time necessary specifically for the overhaul, based on the data included in the manufacturer's service bulletin. The FAA finds it appropriate to include the estimate of work hours needed for removal, inspection, and re-installation, as well as overhaul, of the subject parts. Based on the data provided in the airplane manufacturer's service bulletin, the FAA estimates the number of work hours for these actions to be 37 work hours per airplane. Similarly, the FAA finds that the cost estimate for replacement of the actuators should include time for the inspection that is included in the procedures for the replacement. Thus, the number of work hours for the replacement has been increased from 2 to 4 work hours per airplane. The FAA has revised the cost impact estimate in this final rule accordingly.

Reduce Compliance Time for Actions on Attach Fittings on Outboard Flap

One commenter, an operator, requests that the FAA reduce the proposed initial compliance time for actions on the actuator attach fittings on the outboard flap that have been overhauled per OHM 57–52–55. The commenter requests a compliance time of 6 years or 6,000 flight cycles, whichever occurs first, after the attach fitting was overhauled, for the accomplishment of paragraph (c), (d), or (e) of this AD. The commenter states that the earlier of 6 years or 6,000 flight cycles is its ''hard time'' interval between overhauls.

The FAA does not concur. The compliance time of 8 years or 8,000 flight cycles, whichever occurs first, is based on when cracking of actuator attach fittings has been found, and the manufacturer's recommendation in the service bulletin. However, an operator may choose to accomplish the actions in this AD prior to the 8-year-or-8,000-flight-cycle threshold. No change to the final rule is necessary in this regard.

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 1,111 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 237 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection on U.S. operators is estimated to be $28,440, or $120 per airplane, per inspection cycle.

The overhaul of actuator attach fittings, which is offered as one alternative for compliance with this AD action, will take approximately 37 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this overhaul is estimated to be $2,220 per airplane, per overhaul cycle.

In lieu of the overhaul, this AD provides for a replacement of actuator attach fittings, which would take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $6,623 (for the four attach fittings on the outboard flaps) and $7,566 (for the four attach fittings on the inboard flaps). Based on these figures, the cost impact of this replacement is estimated to be $14,429, per airplane, per replacement cycle.

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.

Should an operator elect to accomplish the optional replacement with improved attach fittings, which terminates the requirements of this AD, it would take approximately 16 work hours to accomplish, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $15,322 per airplane. Based on these figures, the cost impact of the optional terminating action would be $16,282 per airplane.

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:

2001–13–12 Boeing: Amendment 39–12292. Docket 99–NM–313–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Service Bulletin 747–57A2310, Revision 2, dated February 22, 2001; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking on the actuator attach fittings of the trailing edge flaps, which could result in abnormal operation or retraction of a trailing edge flap, and consequent reduced controllability of the airplane, accomplish the following:

Actuator Attach Fittings That Have Not Been Overhauled or Replaced

(a) For actuator attach fittings on the outboard flaps that have NOT been overhauled in accordance with revisions of Boeing 747 Overhaul Manual (OHM) 57–52–55 dated prior to June 1, 1999, or replaced with a new fitting, prior to the effective date of this AD; and for actuator attach fittings on the inboard flap actuators that have NOT been overhauled in accordance with revisions of OHM 57–52–35, dated prior to June 1, 1999, or replaced with a new fitting, prior to the effective date of this AD: Accomplish the actions in paragraph (c), (d), or (e) of this AD at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Prior to the accumulation of 8 years since date of manufacture or 8,000 total flight cycles, whichever occurs first.

(2) Within 6 months after the effective date of this AD.

Actuator Attach Fittings That Have Been Overhauled or Replaced

(b) For actuator attach fittings on the outboard flaps that HAVE been overhauled in accordance with revisions of OHM 57–52–55 dated prior to June 1, 1999, or replaced with a new fitting, prior to the effective date of this AD; and for actuator attach fittings on the inboard flap actuators that HAVE been overhauled in accordance with revisions of OHM 57–52–35 dated prior to June 1, 1999, or replaced with a new fitting, prior to the effective date of this AD: Accomplish the actions in paragraph (c), (d), or (e) of this AD at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Within 8 years or 8,000 total flight cycles after the attach fitting was overhauled or replaced, whichever occurs first.

(2) Within 6 months after the effective date of this AD.

Inspections and Corrective Action

(c) Perform a detailed visual inspection to detect corrosion around the lower bearing journal on the actuator attach fittings on the inboard and outboard flaps, and perform an ultrasonic inspection to detect cracks around the lower bearing journal of the actuator attach fittings on the outboard flaps, in accordance with Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999; or Revision 2, dated February 22, 2001.

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

Note 3: Inspections and replacements accomplished in accordance with Boeing Alert Service Bulletin 747–57A2310, dated June 17, 1999, are acceptable for compliance with the requirements of paragraph (c) of this AD.

(1) If no corrosion or cracks are detected, repeat the inspections required by paragraph (c) of this AD at intervals not to exceed 18 months. Within 5 years after the initial inspections required by paragraph (c) of this AD, accomplish the actions specified in paragraph (d) or (e) of this AD.

(2) If any corrosion is detected, prior to further flight, remove the corrosion by accomplishing the actions of either paragraph (c)(2)(i) or (c)(2)(ii) of this AD.

(i) If corrosion is within the limits of the Boeing 747 OHM: Prior to further flight, accomplish the actions specified in paragraph (d) or (e) of this AD.

(ii) If corrosion is not within the limits of the Boeing 747 OHM: Prior to further flight, accomplish the actions specified in paragraph (e) or (f) of this AD.

(3) If any crack is detected: Prior to further flight, accomplish the actions specified in paragraph (e) or (f) of this AD.

Overhaul

(d) Overhaul the actuator attach fittings on the outboard flaps in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999; or Revision 2, dated February 22, 2001. Repeat the overhaul of actuators on the outboard flaps as specified in Part 2 of the Work Instructions of the service bulletin thereafter at intervals not to exceed 8 years or 8,000 flight cycles, whichever occurs first. Accomplishment of the overhaul of the actuator attach fittings on the outboard flaps constitutes terminating action for the repetitive inspection requirements of paragraph (c)(1) of this AD. Overhaul the actuator attach fittings on the inboard flaps in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999; or Revision 2, dated February 22, 2001. Accomplishment of the overhaul of the actuator attach fittings on the inboard flaps constitutes terminating action for the requirements of this AD for the actuator attach fittings on the inboard flaps.

Replacement

(e) Replace the actuator attach fittings on the inboard and outboard flaps in accordance with paragraph (e)(1) or (e)(2) of this AD.

(1) Replace the actuator attach fittings on the inboard and outboard flaps with new attach fittings in accordance with ''Part 3—Replacement'' of Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999; or Revision 2, dated February 22, 2001. Accomplishment of this replacement constitutes terminating action for the repetitive inspections required by paragraph (c) of this AD for the replaced fitting. Within 8 years or 8,000 flight cycles following accomplishment of the replacement, whichever occurs first, repeat this replacement or accomplish the overhaul specified in paragraph (d) of this AD.

(2) Replace the actuator attach fittings on the inboard and outboard flaps with improved attach fittings in accordance with ''Part 4—Terminating Action'' of Boeing Service Bulletin 747–57A2310, Revision 2, dated February 22, 2001. If accomplished, this replacement with improved fittings terminates the requirements of this AD for the replaced fitting.

Note 4: Replacement of the actuator attach fittings on the inboard flaps with fittings that have been overhauled in accordance with Boeing OHM 57–52–35, Temporary Revision 57–8, dated June 10, 1999; Temporary Revision 57–10, dated May 8, 2000; or Full Revision 57–10, dated July 1, 2000; constitutes terminating action for the requirements of this AD for the actuator attach fittings on the inboard flaps.

Repair

(f) During any inspection done in accordance with paragraph (c) of this AD, if corrosion is found that is outside the limits specified in the Boeing 747 OHM, or if any crack is detected: In lieu of replacement of the actuator attach fittings in accordance with paragraph (e) of this AD, repair the actuator attach fittings on the inboard and outboard flaps in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative 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 Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(g) 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 5: 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

(h) 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

(i) Except as provided by paragraph (f) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 747–57A2310, Revision 1, dated November 23, 1999; or Boeing Service Bulletin 747–57A2310, Revision 2, dated February 22, 2001; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from 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

(j) This amendment becomes effective on August 3, 2001.

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

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16049 Filed 6–28–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–306–AD; Amendment 39–12298; AD 2000–03–20 R1]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to all Airbus Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R (collectively called A300–600) series airplanes, that currently requires repetitive ultrasonic inspections to detect cracks on the forward fittings in the radius of frame 40 adjacent to the tension bolts in the center section of the wings, and various follow-on actions. That AD was prompted by reports of cracking due to fatigue-related stress in the radius of frame 40 adjacent to the tension bolts at the center/outer wing junction. The actions specified by that AD are intended to detect and correct fatigue cracking on the forward fittings in the radius of frame 40 adjacent to the tension bolts in the center section of the wings, which could result in reduced structural integrity of the wings. This amendment removes airplanes from the applicability of the existing AD.

DATES: Effective August 3, 2001.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 28, 2000 (65 FR 8642, February 22, 2000).

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by revising AD 2000–03–20, amendment 39–11580 (65 FR 8642, February 22, 2000), which is applicable to Airbus Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R (collectively called A300–600) series airplanes, was published in the **Federal Register** on January 10, 2001 (66 FR 1919). The action proposed to continue to require repetitive ultrasonic inspections to detect cracks on the forward fittings in the radius of frame 40 adjacent to the tension bolts in the center section of the wings, and various follow-on actions. The action also proposed to remove Model A300 F4–622R from the applicability of the existing AD.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

Since this AD merely deletes Model A300 F4–622R airplanes from the applicability of AD 2000–03–02, it adds no additional costs, and will require no additional work to be performed by affected operators. The current costs associated with this AD are reiterated in their entirety (as follows) for the convenience of affected operators:

The FAA estimates that 35 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane (1 work hour per side) to accomplish the required ultrasonic inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be $4,200, or $120 per airplane, per inspection cycle.

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 removing amendment 39–11580 (65 FR 8642, February 22, 2000), and by adding a new airworthiness directive (AD), amendment 39–12298, to read as follows:

2000–03–20 R1 Airbus Industries: Amendment 39–12298. Docket 2000–NM–306–AD. Revises AD 2000–03–20, Amendment 39–11580.

Applicability: All Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking on the forward fittings in the radius of frame 40 adjacent to the tension bolts in the center section of the wings, which could result in reduced structural integrity of the wings, accomplish the following:

Inspections and Corrective Actions

(a) Perform an ultrasonic inspection to detect cracking on the forward fittings in the radius of frame 40 adjacent to the tension bolts in the center section of the wings, in accordance with Airbus Service Bulletin A300–57–6062, Revision 02, dated January 29, 1997, at the applicable time specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes that have accumulated fewer than 9,100 total landings or 22,300 total flight hours as of March 28, 2000 (the effective date of AD 2000–03–20, amendment 39–11580): Inspect at the later of the times specified in either paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) Prior to the accumulation of 7,250 total landings or 17,700 total flight hours, whichever occurs first.

(ii) Within 1,500 landings after March 28, 2000.

(2) For airplanes that have accumulated 9,100 total landings or more and 22,300 total flight hours or more as of March 28, 2000: Inspect within 750 landings after March 28, 2000.

Note 2: Inspections that were accomplished prior to March 28, 2000, in accordance with Airbus Service Bulletin A300–57–6062, Revision 1, dated July 23, 1995, are considered acceptable for compliance with paragraph (a) of this AD.

(b) If no crack is detected during the inspection required by paragraph (a) of this AD, repeat the ultrasonic inspection required by that paragraph thereafter at intervals not to exceed 6,500 landings or 16,000 flight hours, whichever occurs first; in accordance with Airbus Service Bulletin A300–57–6062, Revision 02, dated January 29, 1997.

(c) If any crack is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, install an access door, and perform an eddy current inspection to confirm the presence of a crack; in accordance with Airbus Service Bulletin A300–57–6062, Revision 02, dated January 29, 1997. Accomplishment of this eddy current inspection terminates the repetitive inspection requirement of paragraph (b) of this AD.

(1) If no crack is detected during the eddy current inspection, repeat the eddy current inspection, in accordance with the service bulletin, thereafter at intervals not to exceed 6,500 landings or 16,000 flight hours, whichever occurs first.

(2) If any crack is detected during any eddy current inspection performed in accordance with paragraph (c) or (c)(1) of this AD, prior to further flight, blend out the crack and repeat the eddy current inspection in accordance with the service bulletin.

(i) If the eddy current inspection performed after the blend-out shows that the crack has been removed, and if the blend-out is equal to or less than 50 millimeters (mm) long and equal to or less than 2 mm deep, thereafter repeat the eddy current inspection at intervals not to exceed 2,800 landings or 7,000 flight hours, whichever occurs first.

(ii) If the eddy current inspection performed after the blend-out shows that the crack has not been removed, or if the blend-out is more than 50 mm long or more than 2 mm deep, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

Alternative Methods of Compliance

(d)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Operators may request an extension to the compliance times of this AD in accordance with the ''adjustment-for-range'' formula found in Paragraph 1.B.(5) of Airbus Service Bulletin A300–57–6062, Revision 02, dated January 29, 1997; and provided in A300–600 Maintenance Review Board, Section 5, Paragraph 5.4. The average flight time per flight cycle (landing) in hours used in this formula should be for an individual airplane. Average flight time for a group of airplanes may be used if all airplanes of the group have flight times differing by no more than 10 percent. If compliance times are based on the average flight time for a group of airplanes, the flight times for individual airplanes of the group must be included for FAA review.

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

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided by paragraph (c)(2)(ii) of this AD, the actions shall be done in accordance with Airbus Service Bulletin A300–57–6062, Revision 02, dated January 29, 1997. This incorporation by reference was approved previously by the Director of the Federal Register as of March 28, 2000 (65 FR 8642, February 22, 2000). 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 1995–063–177(B) R4, dated July 12, 2000.

Effective Date

(g) This amendment becomes effective on August 3, 2001.

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

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16202 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–83–AD; Amendment 39–12191; AD 2001–08–13]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment corrects and clarifies information in an existing airworthiness directive (AD), applicable to certain Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V series airplanes, that currently requires an inspection to determine if certain door control valves of the landing gear are installed, and modification of the valve, if necessary. The actions specified in that AD are intended to prevent loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models. This amendment corrects the requirements of the current AD by specifying appropriate alert customer bulletins for certain airplane models, and clarifying the compliance time for the modification of the door control valve of the landing gear. This amendment is prompted by operators' comments on the existing AD.

DATES: Effective May 10, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of May 10, 2001 (66 FR 20734, April 25, 2001).

FOR FURTHER INFORMATION CONTACT: Frank Mokry, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6066; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: On April 16, 2001, the Federal Aviation Administration (FAA) issued Airworthiness Directive (AD) 2001–08–13, amendment 39–12191 (66 FR 20734, April 25, 2001), which applies to certain Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V series airplanes. That AD requires inspection and modification of certain door control valves of the nose landing gear and the main landing gear. The actions required by that AD are intended to prevent loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models.

Need for the Correction and Clarification

Since the issuance of that AD, the FAA has received information that requires certain corrections and clarifications for that AD.

In indicating which Gulfstream alert customer bulletin to use in accomplishing the required actions for each of the five Gulfstream airplane models affected, the FAA inadvertently reversed the bulletins indicated for the G–1159, G–1159B, and G–1159A Gulfstream models. That information also was included in the applicability section in the table entitled ''Gulfstream Airplane Models and Alert Customer Bulletins (ACB)'' and in paragraph (b) of AD 2001–08–13. This document corrects the references to the appropriate alert customer bulletins, and will ensure that the appropriate Gulfstream bulletin is used to accomplish the actions required by this AD for each of the five Gulfstream models to which it applies.

Additionally, this document also corrects and clarifies the compliance time specified for the actions specified in paragraph (b) of the AD. The FAA inadvertently specified the compliance times for paragraphs (b)(1) and (b)(2) of the AD as ''* * * after the effective date of this AD.'' We intended that the requirements of paragraph (b) of that AD should read ''* * * after the date of inspection accomplished per the requirements of paragraph (a) of this AD.'' Correction of that wording permits a somewhat extended compliance time for the operators to accomplish the requirements of paragraph (b) of this AD. Therefore, this correction is a relieving requirement for operators and necessitates no additional work or cost burdens.

Correction of the Publication

This document corrects an error, clarifies certain requirements, and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is being reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains May 10, 2001.

Since this action only clarifies a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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 [Corrected]

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

2001–08–13 Gulfstream Aerospace Corporation: Amendment 39–12191. Docket 2001–NM–83–AD.

Applicability: Model G–1159, G–1159A, G–1159B, G–IV, and G–V series airplanes, as specified in the Gulfstream Alert Customer Bulletins listed in the following table; certificated in any category:

TABLE 1—GULFSTREAM AIRPLANE MODELS AND ALERT CUSTOMER BULLETINS (ACB)

Model	ACB	Dated
G–1159 and G–1159B (G–II/IIB) series airplanes	No. 27	March 20, 2001.
G–1159A (G–III) series airplanes	No. 13	March 20, 2001.
G–IV series airplanes	No. 27	March 20, 2001.
G–V series airplanes	No. 12	March 20, 2001.

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 loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models; accomplish the following:

Inspection and Replacement of Valves

(a) Within 15 landings or 30 days after the effective date of this AD, whichever occurs later: Perform a general visual inspection to determine if any landing gear door control valve having Gulfstream part number (P/N) 1159SCH231–33 with Eaton/Sterer P/N 65940–1, –1 Rev. A, or –1 Rev. B, is installed.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If no valve has those P/N's, no further action is required by this paragraph.

(2) If all valves found have P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1, Rev. C, no further action is required by this paragraph.

(b) If any valve has a door control valve of the landing gear having Gulfstream P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1 and a serial number as specified in paragraph (b)(1) or (b)(2) of this AD: Replace the set screw with a new set screw, fill with Dow Corning RTV 732 sealant, and label the valve as P/N 65940–1 Rev. C; in accordance with Gulfstream G–II ACB No. 27 (for Model G–1159 and G–1159B series airplanes), G–III ACB No. 13 (for Model G–1159A series airplanes), G–IV ACB No. 27 (for Model G–IV series airplanes), and G–V ACB No. 12 (for Model G–V series airplanes); all dated March 20, 2001, as applicable; at the times specified in paragraph (b)(1) or (b)(2), as applicable.

(1) For valves having serial number 1900 or higher: Within 5 landings or 15 days after the inspection accomplished per the requirements of paragraph (a) of this AD, whichever occurs later.

(2) For valves having a serial number less than 1900: Within 50 landings or 90 days after the inspection accomplished per the requirements of paragraph (a) of this AD, whichever occurs later.

Note 3: The Gulfstream ACB's specified in paragraphs (a) and (b) of this AD reference Eaton Aerospace Sterer Engineering Service Bulletin 65940–27–01, dated March 1, 2001, as an additional source of service information.

(c) As of the effective date of this AD, no person shall install on any airplane a door control valve of the landing gear, Gulfstream P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1, unless that valve has been modified in accordance with paragraph (b) 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, Atlanta 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, Atlanta ACO.

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

Special Flight Permits

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

Incorporation by Reference

(f) With the exception of the general visual inspection required by paragraph (a) of this AD, the actions shall be done in accordance with Gulfstream G–II Alert Customer Bulletin No. 27, dated March 20, 2001; Gulfstream G–III Alert Customer Bulletin No. 13, dated March 20, 2001; Gulfstream G–IV Alert Customer Bulletin No. 27, dated March 20, 2001; and Gulfstream G–V Alert Customer Bulletin No.12, dated March 20, 2001; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of May 10, 2001 (66 FR 20734, April 25, 2001). Copies may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D–10, Savannah, Georgia 31402–9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) The effective date of this amendment remains May 10, 2001.

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

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16203 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 001116322–1017–02]

RIN 0648–AO74

Amendment to Florida Keys National Marine Sanctuary Regulations Revising the Boundary of the Northernmost Area To Be Avoided Off the Coast of Florida

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA, in cooperation with the U.S. Coast Guard (USCG), revises the boundary of the northernmost Area To Be Avoided (ATBA) off the coast of the Florida Keys. This change to the boundary is expected to increase maritime safety and to avoid harm to the marine environment and its resources.

DATES: This final rule is effective July 30, 2001.

ADDRESSES: Copies of the Final Environmental Assessment that was prepared for this action and the final rule amendment can be requested by writing to the Florida Keys National

Marine Sanctuary headquarters at P.O. Box 500368, Marathon, Florida 33050.

FOR FURTHER INFORMATION CONTACT: Billy Causey, Superintendent, Florida Keys National Marine Sanctuary, Florida Keys National Marine Sanctuary Headquarters, P.O. Box 500368, Marathon, Florida 33050, Tel: (305) 743–2437, E-mail: billy.causey@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

In part, as a result of three large vessel groundings within an 18-day period in the fall of 1989 on the coral reef tract of the Florida Keys, Congress enacted the Florida Keys National Marine Sanctuary and Protection Act (FKNMSPA), designating the area surrounding the Florida Keys as the Florida Keys National Marine Sanctuary (FKNMS). The primary goal of this Act is to protect the health of the fragile ecosystem of the Florida Keys. Among other things, the FKNMSPA, established four ATBAs where tank vessels and vessels larger than 50 meters are prohibited from entering. Under the FKNMSPA, NOAA and the USCG have the authority to amend the ATBAs.

On April 21, 1998, pursuant to input from the shipping industry, the Florida Keys National Marine Sanctuary Advisory Council (SAC) recommended a revision to the boundary of the northernmost ATBA to eliminate a small portion of the boundary near ''the Elbow'' which juts out further than other portions of the ATBA. The revision to the boundary will permit ships in two opposing traffic patterns located just outside the boundary of the ATBA to increase the distance between them, thus increasing maritime safety in the area. The revised boundary will not result in bringing ship traffic any closer to the reef than the other parts of the ATBA and, by reducing the potential for collisions, the boundary revision is beneficial for the protection of the marine environment.

The north- and east-bound vessels utilize the Gulf Stream in this area while the south- and west-bound vessels try to take advantage of countercurrents from eddies off of the Gulf Stream. The existing configuration of the ATBA near the coral reef known as ''the Elbow,'' when examined in relation to the axis of the Gulf Stream, results in a potential convergence of northeasterly bound and southwesterly bound traffic. The potential risk of collision increases when the Gulf Stream meanders closer to ''the Elbow.'' The revision of the ATBA boundary will permit ships in these two opposing traffic patterns to increase the distance between them, thus increasing maritime safety in the area. A collision in this area could cause oil and other material to seep into the Florida Keys damaging marine sanctuary resources, the marine environment, and quite possibly, the recreational, tourism and fishing industries of the Florida Keys.

In March 2000, the USCG conducted a survey of mariners, who frequently travel through this area, to see whether they believed ''the Elbow'' of the ATBA to be a safety hazard for vessels traveling in that area. Close to half of the mariners surveyed felt that ''the Elbow'' created a ''pinch point'' for south- and west-bound vessels that attempt to stay out of both the ATBA and the lanes of traffic for the north- and east-bound vessels. The USCG subsequently recommended the revision of the ATBA boundary in order to increase maritime safety in the area.

Based on these recommendations, and its own draft environmental assessment of the recommendations, NOAA published a proposed rule to revise the boundary in the **Federal Register** on November 22, 2000 (65 FR 70324, Nov. 22, 2000). Two public hearings were subsequently held on December 12 and 13, 2000. While no formal requests to present oral testimony at either meeting were received, a total of six people spoke at the meetings regarding the revised boundary. At the first meeting two individuals spoke in favor of the revision. At the second meeting one person spoke in favor of the revision and three individuals requested further information as to how the revision could affect their tugboat operations in the Florida Keys. Once it was explained that the ATBA only affects boats larger than 50 meters in registered length, the individuals spoke in favor of the change as well. One written comment was received supporting the boundary revision.

Miscellaneous Requirements

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when the rule was proposed that it will not have a significant economic impact on a substantial number of small entities. The basis for that certification has not changed. Accordingly, a Regulatory Flexibility Analysis was not prepared.

National Environmental Policy Act Requirements

NOAA has concluded that this regulatory action does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A final environmental assessment has been prepared. Copies are available (see **ADDRESSES**).

Plain Language Requirement

The President has directed all agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this rule (see **ADDRESSES**).

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Marine resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Margaret A. Davidson,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth in the preamble, 15 CFR part 922 is amended as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

Subpart P—Florida Keys National Marine Sanctuary

2. Appendix VII to subpart P is amended in the table by redesignating the entries for points 23 through 51 as 24 through 52, and by revising the entries under ''In the vicinity of the Florida Keys'' to read as follows:

Appendix VII To Subpart P of Part 922—Areas To Be Avoided Boundary Coordinates

In the Vicinity of the Florida Keys

[Reference Charts: United States 11466, 27th Edition—September 1, 1990 and United States 11450, 4th Edition—August 11, 1990]

Point	Latitude	Longitude
1	25°45.00′N	80°06.10′W
2	25°38.70′N	80°02.70′W
3	25°22.00′N	80°03.00′W
4	25°06.38′N	80°10.48′W
5	24°56.37′N	80°19.26′W
6	24°37.90′N	80°47.30′W

Point	Latitude	Longitude
7	24°29.20′N	81°17.30′W
8	24°22.30′N	81°43.17′W
9	24°28.00′N	81°43.17′W
10	24°28.70′N	81°43.50′W
11	24°29.80′N	81°43.17′W
12	24°33.10′N	81°35.15′W
13	24°33.60′N	81°26.00′W
14	24°38.20′N	81°07.00′W
15	24°43.20′N	80°53.20′W
16	24°46.10′N	80°46.15′W
17	24°51.10′N	80°37.10′W
18	24°57.50′N	80°27.50′W
19	25°09.90′N	80°16.20′W
20	25°24.00′N	80°09.10′W
21	25°31.50′N	80°07.00′W
22	25°39.70′N	80°06.85′W
23	25°45.00′N	80°06.10′W

* * * * *

[FR Doc. 01–16172 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8954]

RIN 1545–AY36

Nondiscrimination Requirements for Certain Defined Contribution Retirement Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that permit certain defined contribution retirement plans to demonstrate compliance with the nondiscrimination requirements based on plan benefits rather than contributions. Under the final regulations, a defined contribution plan can test on a benefits basis if it provides broadly available allocation rates, age-based allocations, or passes a gateway requiring allocation rates for nonhighly compensated employees to be at least 5% of pay or at least one-third of the highest allocation rate for highly compensated employees. The regulations also permit qualified defined contribution and defined benefit plans that are tested together as a single, aggregated plan (and that are not primarily defined benefit or broadly available separate plans) to test on a benefits basis after passing a similar gateway, under which the allocation rate for nonhighly compensated employees need not exceed 7½% of pay. These final regulations affect employers that maintain qualified retirement plans and qualified retirement plan participants.

DATES: *Effective Date:* These regulations are effective June 29, 2001.

Applicability Date: These regulations apply for plan years beginning on or after January 1, 2002.

FOR FURTHER INFORMATION CONTACT: John T. Ricotta, 202–622–6060 or Linda S.F. Marshall, 202–622–6090 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 1 under section 401(a)(4) of the Internal Revenue Code of 1986 (Code).

Section 401(a)(4) provides that a plan or trust forming part of a stock bonus, pension, or profit-sharing plan of an employer shall not constitute a qualified plan under section 401(a) of the Code unless the contributions or benefits provided under the plan do not discriminate in favor of highly compensated employees (HCEs) (within the meaning of section 414(q)). Whether a plan satisfies this requirement depends on the form of the plan and its effect in operation.

Section 415(b)(6)(A) provides that the computation of benefits under a defined contribution plan, for purposes of section 401(a)(4), shall not be made on a basis inconsistent with regulations prescribed by the Secretary. The legislative history of this provision explains that, in the case of target benefit and other defined contribution plans, ''regulations may establish reasonable earnings assumptions and other factors for these plans to prevent discrimination.'' Conf. Rep. No. 1280, 93d Cong., 2d Sess. 277 (1974).

Under the section 401(a)(4) regulations, a plan can demonstrate that either the contributions or the benefits provided under the plan are nondiscriminatory in amount. Defined contribution plans generally satisfy the regulations by demonstrating that contributions are nondiscriminatory in amount, through certain safe harbors provided for under the regulations or through general testing.

A defined contribution plan (other than an ESOP) may, however, satisfy the regulations on the basis of benefits by using cross-testing pursuant to rules provided in § 1.401(a)(4)–8 of the regulations. Under this cross-testing method, contributions are converted, using actuarial assumptions, to equivalent benefits payable at normal retirement age, and these equivalent benefits are tested in a manner similar to the testing of employer-provided benefits under a defined benefit plan.

In Notice 2000–14 (2000–10 I.R.B. 737), released February 24, 2000, the IRS and the Treasury Department initiated a review of issues related to use of the cross-testing method by so-called new comparability plans and requested public comments on this plan design from plan sponsors, participants and other interested parties. In general, new comparability plans are defined contribution plans that have built-in disparities between the allocation rates for classifications of participants consisting entirely or predominantly of HCEs and the allocation rates for other employees.

In a typical new comparability plan, HCEs receive high allocation rates, while nonhighly compensated employees (NHCEs), regardless of their age or years of service, receive comparatively low allocation rates. For example, HCEs in such a plan might receive allocations of 18 or 20% of compensation, while NHCEs might receive allocations of 3% of compensation. A similar plan design, sometimes known as a super-integrated plan, provides for an additional allocation rate that applies only to compensation in excess of a specified threshold, but the specified threshold (e.g., $100,000) or the additional allocation rate (e.g., 10%) is higher than the maximum threshold and rate allowed under the permitted disparity rules of section 401(l).

These new comparability and similar plans rely on the cross-testing method to demonstrate compliance with the nondiscrimination rules by comparing the actuarially projected value of the employer contributions for the younger NHCEs with the actuarial projections of the larger contributions (as a percentage of compensation) for the older HCEs. As a result, these plans are able generally to provide higher rates of employer contributions to HCEs, while NHCEs are not allowed to earn the higher allocation rates as they work additional years for the employer or grow older. Notwithstanding the analytical underpinnings of cross-testing, the IRS and Treasury Department became concerned that new comparability and similar plans were not consistent with the basic purpose of the nondiscrimination rules under section 401(a)(4).

After consideration of the comments received in response to Notice 2000–14, the IRS and Treasury issued proposed regulations on this subject (REG–114697–00), which were published in the **Federal Register** on October 6, 2000 (65 FR 59774). The proposed regulations

preserved the cross-testing rules of the section 401(a)(4) regulations, but prescribed a gateway condition for new comparability and similar plans to meet in order to be eligible to use cross-testing to satisfy the nondiscrimination rules on the basis of benefits. However, defined contribution plans that provide broadly available allocation rates, as defined in the proposed regulations, did not have to satisfy the gateway. The definition of broadly available allocation rates under the proposed regulations covered plans that provide different allocation rates to different, nondiscriminatory groups of employees. Under the proposed regulations, the definition also covered plans that base allocations or allocation rates on age or years of service, that, in contrast to new comparability plans, provide an opportunity for participants to ''grow into'' higher allocation rates as they age or accumulate additional service.

The proposed regulations also addressed a new comparability-type plan design that aggregates a defined benefit plan that benefits primarily HCEs with a defined contribution plan that benefits primarily NHCEs. This design would permit an employer to circumvent the minimum allocation gateway by aggregating (for purposes of the nondiscrimination rules) a new comparability or similar defined contribution plan with a defined benefit plan that provides only minimal benefits to NHCEs or covers only a relatively small number of NHCEs. In addition, a defined benefit plan that benefits primarily HCEs, and that is aggregated with a defined contribution plan for nondiscrimination testing, could produce results similar to a new comparability plan but with a potential for substantially more valuable benefits for HCEs. The proposed regulations provided a gateway for testing the aggregated plans on the basis of benefits that must be satisfied unless the aggregated defined contribution and defined benefit plan (the DB/DC plan) is primarily defined benefit in character (as defined in the proposed regulations), or unless each of the defined contribution and defined benefit portions of the DB/DC plan is a broadly available separate plan (as defined in the proposed regulations).

Written comments responding to the notice of proposed rulemaking were received, and a public hearing was held on January 25, 2001, at the request of one commentator. After consideration of the comments, the proposed regulations are adopted as revised by this Treasury decision.

Explanation of Provisions

A. Overview

Like the proposed regulations, these final regulations permit defined contribution plans with either broadly available allocation rates or certain age-based allocation rates to test on a benefits basis (cross-test) in the same manner as under current law, and permit other defined contribution plans to cross-test once they pass a gateway that prescribes minimum allocation rates for NHCEs. Similarly, these final regulations retain the rule in the proposed regulations that permits a DB/DC plan to test on a benefits basis in the same manner as under current law if the DB/DC plan either is primarily defined benefit in character or consists of broadly available separate plans. Other DB/DC plans are permitted to test on a benefits basis once they pass a corresponding gateway prescribing minimum aggregate normal allocation rates for NHCEs.

B. Gateway for Cross-Testing of New Comparability and Similar Plans

These final regulations retain the rule in the proposed regulations that requires a defined contribution plan that does not provide broadly available allocation rates or certain age-based allocation rates (as these terms are defined in these final regulations) to satisfy a gateway in order to be eligible to use the cross-testing rules to meet the nondiscrimination requirements of section 401(a)(4). Under these final regulations, as under the proposed regulations, a plan satisfies this minimum allocation gateway if each NHCE in the plan has an allocation rate that is at least one third of the allocation rate of the HCE with the highest allocation rate, but a plan is deemed to satisfy the gateway if each NHCE receives an allocation of at least 5% of the NHCE's compensation (within the meaning of section 415(c)(3)).

Several commentators raised questions about the interaction of the requirements under the proposed regulations and other regulatory rules relating to testing for nondiscrimination. For example, some commentators asked what was intended by the gateway requirement that all NHCEs receive the minimum required allocation. Except as specifically provided, the regulatory definitions and rules that apply for purposes of section 401(a)(4) also apply for purposes of these regulations. For example, the term employee, as used in these regulations, is defined in § 1.401(a)(4)–12 as an employee (within the meaning of § 1.410(b)–9) who benefits as an employee under the plan for the plan year, and an NHCE is defined in § 1.401(a)(4)–12 as an employee who is not an HCE. Thus, an individual who does not otherwise benefit under the plan for the plan year is not an employee under these regulations, hence not an NHCE, and need not be given the minimum required allocation under the gateway. Similarly, the allocation rate referred to in the gateway is determined under § 1.401(a)(4)–2(c) as the allocations to an employee's account for a plan year, expressed either as a percentage of plan year compensation (which must be calculated using a definition of compensation that satisfies the requirements of section 414(s)) or as a dollar amount.

The general rules and regulatory definitions applicable under section 410(b) apply also for purposes of these regulations. For example, these regulations do not change the general rule prohibiting aggregation of a 401(k) plan or 401(m) plan with a plan providing nonelective contributions. Accordingly, matching contributions are not taken into account for purposes of the gateway. Similarly, pursuant to § 1.410(b)–6(b)(3), if a plan benefits employees who have not met the minimum age and service requirements of section 410(a)(1), the plan may be treated as two separate plans, one for those otherwise excludable employees and one for the other employees benefitting under the plan. Thus, if the plan is treated as two separate plans in this manner, cross-testing the portion of the plan benefitting the nonexcludable employees will not result in minimum required allocations under the gateway for the employees who have not met the section 410(a)(1) minimum age and service requirements.

One commentator suggested that the regulatory provision that permits a plan to satisfy the gateway requirement by providing an allocation of at least 5% of compensation within the meaning of section 415(c)(3) not require that the allocation be based on a full year's compensation in the case of an employee who participates in the plan for only a portion of the plan year. The final regulations modify this requirement as suggested. The final regulations allow a plan to satisfy the gateway by providing an allocation of at least 5% of compensation within the meaning of section 415(c)(3), limited to a period otherwise permissible under the timing rules applicable under the definition of plan year compensation, in the same manner as the general rules under the section 401(a)(4) regulations. The definition of plan year compensation permits use of amounts

paid only during the period of participation within the plan year.

Some commentators questioned whether it was necessary to require the use of compensation within the meaning of section 415(c)(3) for purposes of the 5% of compensation component of the minimum allocation gateway. One of these commentators argued that using compensation within the meaning of section 414(s) would be more appropriate. Two other commentators argued that, for this purpose, plans should be able to use a definition of compensation that would be a reasonable definition of compensation for purposes of section 414(s) without regard to whether the definition of compensation meets the nondiscrimination standard under the section 414(s) regulations.

After consideration of these comments, the requirement that section 415(c)(3) compensation be used for purposes of the 5% of compensation component of the minimum allocation gateway has been retained. For purposes of the ''one third'' component of the gateway, a definition of compensation that satisfies section 414(s) is an appropriate measure because this component is based on the ratio of HCE allocation rates to NHCE allocation rates. By contrast, the 5% of compensation component of the gateway does not reflect a comparison of NHCE allocations to HCE allocations, but is based on a particular level of NHCE allocations. Without the comparison between HCE and NHCE allocations, a rule permitting the use of a definition of compensation that satisfies section 414(s), but is less inclusive than total compensation, could lead to NHCE allocations that are significantly smaller than the minimum that is contemplated by the regulations. Therefore, it is appropriate to require the use of total compensation, as defined in section 415(c)(3), for the 5% allocation component of the gateway. Furthermore, permitting the use of a potentially discriminatory definition of compensation would be inconsistent with the nondiscrimination requirements in general, including the minimum allocation gateway.

C. Plans With Broadly Available Allocation Rates

Like the proposed regulations, these final regulations provide that a plan that has broadly available allocation rates need not satisfy the minimum allocation gateway. In order to be broadly available, each allocation rate under the plan must be currently available to a group of employees that satisfies section 410(b) (without regard to the average benefit percentage test). Thus, if, within one plan, an employer provides different allocation rates for nondiscriminatory groups of employees at different locations or different profit centers, the plan would not need to satisfy the minimum allocation gateway in order to use cross-testing.

For purposes of determining whether an allocation rate that was available only to employees who satisfied an age or service condition was currently available to a section 410(b) group, the proposed regulations allowed such a condition to be disregarded if certain standards were met. The final regulations retain this exception from the application of the minimum allocation gateway. However, this exception has been relocated and is now part of an expanded provision for plans with age-based allocations (see Plans with Age-Based Allocations portion of this preamble).

In response to comments, the final regulations also liberalize the determination of whether a plan has broadly available allocation rates. First, the final regulations permit two allocation rates to be aggregated in a manner similar to the rule that permits aggregation of certain benefits, rights or features. This rule permits excess NHCEs with a higher allocation rate to be used to support a lower allocation rate. For example, under this rule, if under a plan there are two groups of participants, one group that receives an allocation rate of 10% and another that receives an allocation rate of 3%, and if the group of employees who receive the 10% allocation rate satisfies section 410(b) (without regard to the average benefit percentage test), then the 10% rate and the 3% rate can be aggregated and treated as a single allocation rate for purposes of determining whether the plan has broadly available allocation rates. In addition, the final regulations provide that, in determining whether a plan provides broadly available allocation rates, differences in allocation rates resulting from any method of permitted disparity provided for under the section 401(l) regulations are disregarded.

D. Transition Allocations

Several commentators raised the concern that a defined contribution plan may fail the broadly available test because of grandfathered allocation rates provided to employees who formerly participated in a defined benefit plan or provided to a group of employees in connection with a merger, acquisition, or other similar transaction. In response to these comments, the final regulations permit an employee's allocation to be disregarded, to the extent the employee's allocation is a transition allocation (as defined in the regulations) for the plan year. Transition allocations which can be disregarded can be defined benefit replacement allocations, pre-existing replacement allocations, or pre-existing merger and acquisition allocations (as defined in the regulations).

In each case, the transition allocations must be provided to a closed group of employees and must be established under plan provisions. Once the allocations are established under the plan, they cannot be modified, except to reduce allocations for HCEs, or because of de minimis changes (such as a change in the definition of compensation to include section 132(f) elective reductions). A plan also does not violate this requirement because of an amendment that either adds or removes a provision applicable to all employees in the group eligible for the allocations under which each employee who is eligible for a transition allocation receives the greater of the transition allocation or another allocation for which the employee would otherwise be eligible. If the plan provides that all employees who are eligible for the transition allocation receive the greater of the transition allocation or an otherwise available allocation, the otherwise available allocation is considered currently available to all such employees, including employees for whom the transition allocation is greater.

These final regulations set forth basic conditions for defined benefit replacement allocations. These conditions provide a framework that is designed to ensure that these allocations are provided in a manner consistent with the general principles underlying the provisions for broadly available allocation rates under these regulations. The regulations then delegate authority to the Commissioner to prescribe rules for defined benefit replacement allocations in revenue rulings, notices, and other guidance published in the Internal Revenue Bulletin. Rev. Rul. 2001–30 (2001–29 I.R.B.), dated July 16, 2001, published in conjunction with these final regulations, prescribes specific conditions for defined benefit replacement allocations that relate to the basic conditions set forth in the regulations. This division of the medium of guidance is designed to provide ongoing flexibility to the IRS and Treasury to respond to changing circumstances, or additional information relating to defined benefit replacement allocations.

The basic conditions that allocations must satisfy in order to be defined benefit replacement allocations are as follows: (1) The allocations are provided to a group of employees who formerly benefitted under an established nondiscriminatory defined benefit plan of the employer or of a prior employer that provided age-based equivalent allocation rates; (2) the allocations for each employee were reasonably calculated, in a consistent manner, to replace the retirement benefits that the employee would have been provided under the defined benefit plan if the employee had continued to benefit under the defined benefit plan; (3) no employee who receives the allocation receives any other allocations under the plan for the plan year (except as provided in these regulations); and (4) the composition of the group of employees who receive the allocations is nondiscriminatory.

Rev. Rul. 2001–30 fleshes out these basic conditions for determining whether an allocation is a defined benefit replacement allocation. Under the revenue ruling, the defined benefit plan's benefit formula applicable to the group of employees must be one that generated equivalent normal allocation rates (determined without regard to changes in accrual rates attributable to changes in an employee's years of service) that increased from year to year as employees attained higher ages. Further, if the defined benefit plan was sponsored by the employer, the defined benefit plan satisfied sections 410(b) and 401(a)(4), without regard to section 410(b)(6)(C) and without aggregating with any other plan, for the plan year which immediately precedes the first plan year for which the allocations are provided. Finally, the defined benefit plan must be one that has been established and maintained without substantial change for at least the 5 years ending on the date benefit accruals under the defined benefit plan cease (with one year substituted for 5 years in the case of a defined benefit plan of a former employer).

In order to be defined benefit replacement allocations for the plan year, the allocations for each employee in the group must be reasonably calculated, in a consistent manner, to replace the employee's retirement benefits under the defined benefit plan based on the terms of the defined benefit plan (including the section 415(b)(1)(A) limit) as in effect immediately prior to the date accruals under the defined benefit plan cease. In addition, the group of employees who receive the allocations in a plan year must satisfy section 410(b) (determined without regard to the average benefit percentage test of § 1.410(b)–5).

Although the regulations and Rev. Rul. 2001–30 prescribe conditions for the defined benefit replacement allocations, they still leave employers with flexibility in structuring these benefits. For example, there is more than one way in which the allocations may reasonably be calculated, such as a level percentage of pay for each year or an amount that increases as the employee ages.

The final regulations provide special rules applicable to allocations that are either pre-existing replacement allocations or pre-existing merger and acquisition allocations. Allocations are pre-existing replacement allocations if the allocations are provided pursuant to a plan provision adopted before June 29, 2001, are provided to employees who formerly benefitted under a defined benefit plan and are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits that the employee would have received under the defined benefit plan and any other plan or arrangement of the employer if the employee had continued to benefit under such defined benefit plan and such other plan or arrangement. Allocations are pre-existing merger and acquisition allocations if the allocations were established in connection with a stock or asset acquisition, merger, or other similar transaction occurring prior to August 28, 2001, for a group of employees who were employed by the acquired trade or business prior to a specified date, provided that the class of employees eligible for the allocations is closed no later than two years after the transaction (or January 1, 2002, if earlier), the allocations are provided pursuant to a plan amendment adopted by the date the class was closed, and the allocations for each employee in the group are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits that the employee would have received under any plan of the employer if the new employer had continued to provide the retirement benefits that the prior employer was providing for employees of the trade or business.

E. Plans With Age-Based Allocations

These final regulations provide a separate exception from the application of the minimum allocation gateway for certain plans with age-based allocation rates. This provision incorporates the exception under the proposed regulations for plans with gradual age or service schedules, and expands the exception to include plans that provide for allocation rates based on a uniform target benefit allocation.

A plan has a gradual age or service schedule if the schedule of allocation rates under the plan's formula is available to all employees in the plan and provides for allocation rates that increase smoothly at regular intervals. The rules applicable to the schedule of allocation rates are designed to be sufficiently flexible to accommodate a wide variety of age- or service-based plans (including age-weighted profit-sharing plans that provide for allocations resulting in the same equivalent accrual rate for all employees). The final regulations clarify that a plan projecting future age or service may not use imputed disparity in determining whether the allocation rates under the schedule increase smoothly at regular intervals. In response to comments, the final regulations also accommodate smoothly increasing schedules of allocation rates that are based on the sum of age and years of service. In addition, to conform with the rules for computation of service under § 1.401(a)(4)–12, references to service have been changed to years of service.

The requirement that the allocation rates under a schedule increase smoothly at regular intervals provides important protection for employees, because this requirement limits the exception from the minimum allocation gateway to plans in which NHCEs actually receive the benefit of higher rates as they attain higher ages or complete additional years of service. Some commentators expressed concern that employers could be forced to reduce allocations to younger or shorter-service NHCEs in order to satisfy the conditions for allocation rates that increase smoothly at regular intervals. In response to these comments, the final regulations provide that a plan's schedule of allocation rates does not fail to increase smoothly at regular intervals merely because a specified minimum uniform allocation rate is provided for all employees or because the minimum benefit described in section 416(c)(2) is provided for all non-key employees (either because the plan is top heavy or without regard to whether the plan is top heavy) if one of two alternative conditions is satisfied. These two alternative conditions are intended to limit the potential use of a minimum allocation to provide a schedule of rates that delivers allocations similar to those under a new comparability plan (i.e., a flat allocation rate applicable for all employees below a certain age, followed by a sharply increasing schedule of rates that effectively benefits only HCEs)

without satisfying the minimum allocation gateway.

A plan satisfies the first alternative condition if the allocation rates under the plan that exceed the specified minimum rate could form part of a schedule of allocation rates that increase smoothly at regular intervals (as defined in these regulations) in which the lowest allocation rate is at least 1% of plan year compensation. The second alternative condition, available for a plan using an age-based schedule, allows the use of a minimum allocation rate if, for each age band above the minimum allocation rate, the allocation rate applicable for that band is less than or equal to the allocation rate that would yield an equivalent accrual rate at the highest age in the band that is the same as the equivalent accrual rate determined for the oldest hypothetical employee who would receive just the minimum allocation rate. Thus, under this condition, the allocation rates above the minimum allocation rate do not rise more steeply than expected under an age-weighted profit-sharing plan generally intended to provide the same accrual rate at all ages.

The exception to the minimum allocation gateway for plans with age-based allocation rates also applies to certain uniform target benefit plans that do not comply with the safe-harbor testing method provided in § 1.401(a)(4)–8(b)(3).[1] A plan has allocation rates based on a uniform target benefit allocation if it would comply with the requirements for a safe harbor target benefit plan in § 1.401(a)(4)–8(b)(3) except that the interest rate for determining the actuarial present value of the stated plan benefit and the theoretical reserve is lower than a standard interest rate, the stated benefit is calculated assuming compensation increases, or the plan computes the current year contribution using the actual account balance instead of the theoretical reserve.

F. Application to Defined Contribution Plans That Are Combined With Defined Benefit Plans (DB/DC Plans)

These regulations prescribe rules for testing defined contribution plans that are aggregated with defined benefit plans for purposes of sections 401(a)(4) and 410(b). These rules apply in situations in which the employer aggregates the plans because one of the plans does not satisfy sections 401(a)(4) and 410(b) standing alone. These rules do not apply to safe harbor floor-offset arrangements described in § 1.401(a)(4)–8(d), or to the situation in which plans are aggregated solely for purposes of satisfying the average benefit percentage test of § 1.410(b)–5.

These regulations retain the rule of the proposed regulations that the combination of a defined contribution plan and a defined benefit plan may demonstrate nondiscrimination on the basis of benefits if the combined plan (the DB/DC plan) is primarily defined benefit in character, consists of broadly available separate plans (as these terms are defined in the regulations), or satisfies a minimum aggregate allocation gateway requirement that is generally similar to the minimum allocation gateway for defined contribution plans that are not combined with a defined benefit plan.

1. Gateway for Benefits Testing of Combined Plans

In order to apply this minimum aggregate allocation gateway, the employee's aggregate normal allocation rate is determined by adding the employee's allocation rate under the defined contribution plan to the employee's equivalent allocation rate under the defined benefit plan. This aggregation allows an employer that provides NHCEs with both a defined contribution and a defined benefit plan to take both plans into account in determining whether the minimum aggregate allocation gateway is met.

Under the gateway, if the aggregate normal allocation rate of the HCE with the highest aggregate normal allocation rate under the plan (HCE rate) is less than 15%, the aggregate normal allocation rate for all NHCEs must be at least one-third of the HCE rate. If the HCE rate is between 15% and 25%, the aggregate normal allocation rate for all NHCEs must be at least 5%. If the HCE rate exceeds 25%, then the aggregate normal allocation rate for each NHCE must be at least 5% plus one percentage point for each 5-percentage-point increment (or portion thereof) by which the HCE rate exceeds 25% (*e.g.,* the NHCE minimum is 6% for an HCE rate that exceeds 25% but not 30%, and 7% for an HCE rate that exceeds 30% but not 35%).

Several commentators expressed a concern that the minimum aggregate allocation gateway in the proposed regulations could require contributions for NHCEs that would make DB/DC plans too expensive for employers in certain circumstances. This could occur in cases where one HCE had a very high equivalent allocation rate on account of age or some other factor, and could prompt such an employer to redesign its plans in ways that could disadvantage NHCEs. In response to these comments, these final regulations provide that a plan is deemed to satisfy this minimum aggregate allocation gateway if the aggregate normal allocation rate for each NHCE is at least 7½% of compensation within the meaning of section 415(c)(3), determined over a period otherwise permissible under the timing rules applicable under the definition of plan year compensation.

These regulations retain the rule that, in determining the equivalent allocation rate for an NHCE under a defined benefit plan, a plan is permitted to treat each NHCE who benefits under the defined benefit plan as having an equivalent allocation rate equal to the average of the equivalent allocation rates under the defined benefit plan for all NHCEs benefitting under that plan. This averaging rule recognizes the grow-in feature inherent in traditional defined benefit plans (*i.e.,* the defined benefit plan provides higher equivalent allocation rates at higher ages).

2. Primarily Defined Benefit in Character

Like the proposed regulations, these final regulations provide that a DB/DC plan that is primarily defined benefit in character is not subject to the gateway requirement and may continue to be tested for nondiscrimination on the basis of benefits as under former law. A DB/DC plan is primarily defined benefit in character if, for more than 50% of the NHCEs benefitting under the plan, the normal accrual rate attributable to benefits provided under defined benefit plans for the NHCE exceeds the equivalent accrual rate attributable to contributions under defined contribution plans for the NHCE. For example, a DB/DC plan is primarily defined benefit in character where the defined contribution plan covers only salaried employees, the defined benefit plan covers only hourly employees, and more than half of the NHCEs participating in the DB/DC plan are hourly employees participating only in the defined benefit plan.

Some comments suggested a loosening of the standard as to when a DB/DC plan is primarily defined benefit in character, but no changes have been made. The Treasury and IRS believe that the determination of whether a DB/DC plan is primarily defined benefit in character should be based on the relative size of the defined benefit accruals and the defined contribution allocations for individual employees, as reflected in the actual benefits testing

[1] No exception to the minimum allocation gateway is needed for target benefit plans that comply with the safe-harbor testing provisions of § 1.401(a)(4)–8(b)(3), because they are deemed to satisfy section 401(a)(4) with respect to an equivalent amount of benefits.

that is being done under section 401(a)(4). In particular, the actuarial assumptions used to determine whether a DB/DC plan is primarily defined benefit in character must be the same assumptions that are used to apply the cross-testing rules.

3. Broadly Available Separate Plans

Like the proposed regulations, these final regulations provide that a DB/DC plan that consists of broadly available separate plans may continue to be tested for nondiscrimination on the basis of benefits as under current law, even if it does not satisfy the gateway requirement. A DB/DC plan consists of broadly available separate plans if the defined contribution plan and the defined benefit plan, tested separately, would each satisfy the requirements of section 410(b) and the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2), assuming satisfaction of the average benefit percentage test of § 1.410(b)–5. Thus, the defined contribution plan must separately satisfy the nondiscrimination requirements (taking into account these regulations as applicable), but for this purpose assuming satisfaction of the average benefit percentage test. Similarly, the defined benefit plan must separately satisfy the nondiscrimination requirements, assuming for this purpose satisfaction of the average benefit percentage test. In conducting the required separate testing, all plans of a single type (defined contribution or defined benefit) within the DB/DC plan are aggregated, but those plans are tested without regard to plans of the other type.

This alternative is useful, for example, where an employer maintains a defined contribution plan that provides a uniform allocation rate for all covered employees at one business unit and a safe harbor defined benefit plan for all covered employees at another unit, and where the group of employees covered by each of those plans is a group that satisfies the nondiscriminatory classification requirement of section 410(b). Because the employer provides broadly available separate plans, it may continue to aggregate the plans and test for nondiscrimination on the basis of benefits, as an alternative to using the qualified separate line of business rules or demonstrating satisfaction of the average benefit percentage test.

G. Use of Component Plans

As under the proposed regulations, the rules set forth in these final regulations cannot be satisfied using component plans under the restructuring rules. Although some commentators requested that restructuring be permitted for this purpose, the IRS and Treasury have determined that such use of component plans would be inconsistent with the purpose of these regulations.

Effective Date

These regulations apply for plan years beginning on or after January 1, 2002.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal authors of these regulations are John T. Ricotta and Linda S. F. Marshall of the Office of the Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and Treasury participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.401(a)(4)–0, the entry for § 1.401(a)(4)–8(b)(1), is revised to read as follows:

§ 1.401(a)(4)–0 Table of contents.

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§ 1.401(a)(4)–8 Cross-testing.

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*(b) * * **

(1) General rule and gateway.

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Par. 3. In § 1.401(a)(4)–8, paragraph (b)(1) is revised to read as follows:

§ 1.401(a)(4)–8 Cross-testing.

* * * * *

(b) *Nondiscrimination in amount of benefits provided under a defined contribution plan*—(1) *General rule and gateway*—(i) *General rule.* Equivalent benefits under a defined contribution plan (other than an ESOP) are nondiscriminatory in amount for a plan year if—

(A) The plan would satisfy § 1.401(a)(4)–2(c)(1) for the plan year if an equivalent accrual rate, as determined under paragraph (b)(2) of this section, were substituted for each employee's allocation rate in the determination of rate groups; and

(B) For plan years beginning on or after January 1, 2002, the plan satisfies one of the following conditions—

(*1*) The plan has broadly available allocation rates (within the meaning of paragraph (b)(1)(iii) of this section) for the plan year;

(*2*) The plan has age-based allocation rates that are based on either a gradual age or service schedule (within the meaning of paragraph (b)(1)(iv) of this section) or a uniform target benefit allocation (within the meaning of paragraph (b)(1)(v) of this section) for the plan year; or

(*3*) The plan satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section for the plan year.

(ii) *Allocations after testing age.* A plan does not fail to satisfy paragraph (b)(1)(i)(A) of this section merely because allocations are made at the same rate for employees who are older than their testing age (determined without regard to the current-age rule in paragraph (4) of the definition of *testing age* in § 1.401(a)(4)–12) as they are made for employees who are at that age.

(iii) *Broadly available allocation rates*—(A) *In general.* A plan has broadly available allocation rates for the plan year if each allocation rate under the plan is currently available during the plan year (within the meaning of § 1.401(a)(4)–4(b)(2)), to a group of employees that satisfies section 410(b) (without regard to the average benefit percentage test of § 1.410(b)–5). For this purpose, if two allocation rates could be permissively aggregated under § 1.401(a)(4)–4(d)(4), assuming the allocation rates were treated as benefits, rights or features, they may be aggregated and treated as a single allocation rate. In addition, the disregard of age and service conditions described in § 1.401(a)(4)–4(b)(2)(ii)(A)

does not apply for purposes of this paragraph (b)(1)(iii)(A).

(B) *Certain transition allocations.* In determining whether a plan has broadly available allocation rates for the plan year within the meaning of paragraph (b)(1)(iii)(A) of this section, an employee's allocation may be disregarded to the extent that the allocation is a transition allocation for the plan year. In order for an allocation to be a transition allocation, the allocation must comply with the requirements of paragraph (b)(1)(iii)(C) of this section and must be either—

(*1*) A defined benefit replacement allocation within the meaning of paragraph (b)(1)(iii)(D) of this section; or

(*2*) A pre-existing replacement allocation or pre-existing merger and acquisition allocation, within the meaning of paragraph (b)(1)(iii)(E) of this section.

(C) *Plan provisions relating to transition allocations*—(*1*) *In general.* Plan provisions providing for transition allocations for the plan year must specify both the group of employees who are eligible for the transition allocations and the amount of the transition allocations.

(*2*) *Limited plan amendments.* Allocations are not transition allocations within the meaning of paragraph (b)(1)(iii)(B) of this section for the plan year if the plan provisions relating to the allocations are amended after the date those plan provisions are both adopted and effective. The preceding sentence in this paragraph (b)(1)(iii)(C)(*2*) does not apply to a plan amendment that reduces transition allocations to HCEs, makes de minimis changes in the calculation of the transition allocations (such as a change in the definition of compensation to include section 132(f) elective reductions), or adds or removes a provision permitted under paragraph (b)(1)(iii)(C)(*3*) of this section.

(*3*) *Certain permitted plan provisions.* An allocation does not fail to be a transition allocation within the meaning of paragraph (b)(1)(iii)(B) of this section merely because the plan provides that each employee who is eligible for a transition allocation receives the greater of such allocation and the allocation for which the employee would otherwise be eligible under the plan. In a plan that contains such a provision, for purposes of determining whether the plan has broadly available allocation rates within the meaning of paragraph (b)(1)(iii)(A) of this section, the allocation for which an employee would otherwise be eligible is considered currently available to the employee, even if the employee's transition allocation is greater.

(D) *Defined benefit replacement allocation.* An allocation is a defined benefit replacement allocation for the plan year if it is provided in accordance with guidance prescribed by the Commissioner published in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter) and satisfies the following conditions—

(*1*) The allocations are provided to a group of employees who formerly benefitted under an established nondiscriminatory defined benefit plan of the employer or of a prior employer that provided age-based equivalent allocation rates;

(*2*) The allocations for each employee in the group were reasonably calculated, in a consistent manner, to replace the retirement benefits that the employee would have been provided under the defined benefit plan if the employee had continued to benefit under the defined benefit plan;

(*3*) Except as provided in paragraph (b)(1)(iii)(C) of this section, no employee who receives the allocation receives any other allocations under the plan for the plan year; and

(*4*) The composition of the group of employees who receive the allocations is nondiscriminatory.

(E) *Pre-existing transition allocations—(1) Pre-existing replacement allocations.* An allocation is a pre-existing replacement allocation for the plan year if the allocation satisfies the following conditions—

(*i*) The allocations are provided pursuant to a plan provision adopted before June 29, 2001;

(*ii*) The allocations are provided to employees who formerly benefitted under a defined benefit plan of the employer; and

(*iii*) The allocations for each employee in the group are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits that the employee would have received under the defined benefit plan and any other plan or arrangement of the employer if the employee had continued to benefit under such defined benefit plan and such other plan or arrangement.

(*2*) *Pre-existing merger and acquisition allocations.* An allocation is a pre-existing merger and acquisition allocation for the plan year if the allocation satisfies the following conditions—

(*i*) The allocations are provided solely to employees of a trade or business that has been acquired by the employer in a stock or asset acquisition, merger, or other similar transaction occurring prior to August 28, 2001, involving a change in the employer of the employees of the trade or business;

(*ii*) The allocations are provided only to employees who were employed by the acquired trade or business before a specified date that is no later than two years after the transaction (or January 1, 2002, if earlier);

(*iii*) The allocations are provided pursuant a plan provision adopted no later than the specified date; and

(*iv*) The allocations for each employee in the group are reasonably calculated, in a consistent manner, to replace some or all of the retirement benefits that the employee would have received under any plan of the employer if the new employer had continued to provide the retirement benefits that the prior employer was providing for employees of the trade or business.

(F) *Successor employers.* An employer that accepts a transfer of assets (within the meaning of section 414(l)) from the plan of a prior employer may continue to treat any transition allocations provided under that plan as transition allocations under paragraph (b)(1)(iii)(B) of this section, provided that the successor employer continues to satisfy the applicable requirements set forth in paragraphs (b)(1)(iii)(C) through (E) of this section for the plan year.

(iv) *Gradual age or service schedule*—(A) *In general.* A plan has a gradual age or service schedule for the plan year if the allocation formula for all employees under the plan provides for a single schedule of allocation rates under which—

(*1*) The schedule defines a series of bands based solely on age, years of service, or the number of points representing the sum of age and years of service (age and service points), under which the same allocation rate applies to all employees whose age, years of service, or age and service points are within each band; and

(*2*) The allocation rates under the schedule increase smoothly at regular intervals, within the meaning of paragraphs (b)(1)(iv)(B) and (C) of this section.

(B) *Smoothly increasing schedule of allocation rates.* A schedule of allocation rates increases smoothly if the allocation rate for each band within the schedule is greater than the allocation rate for the immediately preceding band (i.e., the band with the next lower number of years of age, years of service, or age and service points) but by no more than 5 percentage points. However, a schedule of allocation rates will not be treated as increasing smoothly if the ratio of the allocation rate for any band to the rate for the immediately preceding band is more than 2.0 or if it exceeds the ratio of

allocation rates between the two immediately preceding bands.

(C) *Regular intervals.* A schedule of allocation rates has regular intervals of age, years of service or age and service points, if each band, other than the band associated with the highest age, years of service, or age and service points, is the same length. For this purpose, if the schedule is based on age, the first band is deemed to be of the same length as the other bands if it ends at or before age 25. If the first age band ends after age 25, then, in determining whether the length of the first band is the same as the length of other bands, the starting age for the first age band is permitted to be treated as age 25 or any age earlier than 25. For a schedule of allocation rates based on age and service points, the rules of the preceding two sentences are applied by substituting 25 age and service points for age 25. For a schedule of allocation rates based on service, the starting service for the first service band is permitted to be treated as one year of service or any lesser amount of service.

(D) *Minimum allocation rates permitted.* A schedule of allocation rates under a plan does not fail to increase smoothly at regular intervals, within the meaning of paragraphs (b)(1)(iv)(B) and (C) of this section, merely because a minimum uniform allocation rate is provided for all employees or the minimum benefit described in section 416(c)(2) is provided for all non-key employees (either because the plan is top heavy or without regard to whether the plan is top heavy) if the schedule satisfies one of the following conditions—

(*1*) The allocation rates under the plan that are greater than the minimum allocation rate can be included in a hypothetical schedule of allocation rates that increases smoothly at regular intervals, within the meaning of paragraphs (b)(1)(iv)(B) and (C) of this section, where the hypothetical schedule has a lowest allocation rate no lower than 1% of plan year compensation; or

(*2*) For a plan using a schedule of allocation rates based on age, for each age band in the schedule that provides an allocation rate greater than the minimum allocation rate, there could be an employee in that age band with an equivalent accrual rate that is less than or equal to the equivalent accrual rate that would apply to an employee whose age is the highest age for which the allocation rate equals the minimum allocation rate.

(v) *Uniform target benefit allocations.* A plan has allocation rates that are based on a uniform target benefit allocation for the plan year if the plan fails to satisfy the requirements for the safe harbor testing method in paragraph (b)(3) of this section merely because the determination of the allocations under the plan differs from the allocations determined under that safe harbor testing method for any of the following reasons—

(A) The interest rate used for determining the actuarial present value of the stated plan benefit and the theoretical reserve is lower than a standard interest rate;

(B) The stated benefit is calculated assuming compensation increases at a specified rate; or

(C) The plan computes the current year contribution using the actual account balance instead of the theoretical reserve.

(vi) *Minimum allocation gateway*—(A) *General rule.* A plan satisfies the minimum allocation gateway of this paragraph (b)(1)(vi) if each NHCE has an allocation rate that is at least one third of the allocation rate of the HCE with the highest allocation rate.

(B) *Deemed satisfaction.* A plan is deemed to satisfy the minimum allocation gateway of this paragraph (b)(1)(vi) if each NHCE receives an allocation of at least 5% of the NHCE's compensation within the meaning of section 415(c)(3), measured over a period of time permitted under the definition of plan year compensation.

(vii) *Determination of allocation rate.* For purposes of paragraph (b)(1)(i)(B) of this section, allocations and allocation rates are determined under § 1.401(a)(4)–2(c)(2), but without taking into account the imputation of permitted disparity under § 1.401(a)(4)–7. However, in determining whether the plan has broadly available allocation rates as provided in paragraph (b)(1)(iii) of this section, differences in allocation rates attributable solely to the use of permitted disparity described in § 1.401(l)–2 are disregarded.

(viii) *Examples.* The following examples illustrate the rules in this paragraph (b)(1):

Example 1. (i) Plan M, a defined contribution plan without a minimum service requirement, provides an allocation formula under which allocations are provided to all employees according to the following schedule:

Completed years of service	Allocation rate (in percent)	Ratio of allocation rate for band to allocation rate for immediately preceding band
0–5	3.0	[1]
6–10	4.5	1.50
11–15	6.5	1.44
16–20	8.5	1.31
21–25	10.0	1.18
26 or more	11.5	1.15

[1] Not applicable.

(ii) Plan M provides that allocation rates for all employees are determined using a single schedule based solely on service, as described in paragraph (b)(1)(iv)(A)(*1*) of this section. Therefore, if the allocation rates under the schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section, then the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iii) The schedule of allocation rates under Plan M does not increase by more than 5 percentage points between adjacent bands and the ratio of the allocation rate for any band to the allocation rate for the immediately preceding band is never more than 2.0 and does not increase. Therefore, the allocation rates increase smoothly as described in paragraph (b)(1)(iv)(B) of this section. In addition, the bands (other than the highest band) are all 5 years long, so the increases occur at regular intervals as described in paragraph (b)(1)(iv)(C) of this section. Thus, the allocation rates under the plan's schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section. Accordingly, the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iv) Under paragraph (b)(1)(i) of this section, Plan M satisfies the nondiscrimination in amount requirement of § 1.401(a)(4)-1(b)(2) on the basis of benefits if it satisfies paragraph (b)(1)(i)(A) of this section, regardless of whether it satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section.

Example 2. (i) The facts are the same as in *Example 1,* except that the 4.5% allocation rate applies for all employees with 10 years of service or less.

(ii) Plan M provides that allocation rates for all employees are determined using a single schedule based solely on service, as described in paragraph (b)(1)(iv)(A)(*1*) of this section. Therefore, if the allocation rates under the schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section, then the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iii) The bands (other than the highest band) in the schedule are not all the same length, since the first band is 10 years long while other bands are 5 years long. Thus, the schedule does not have regular intervals as described in paragraph (b)(1)(iv)(C) of this section. However, under paragraph (b)(1)(iv)(D) of this section, the schedule of

allocation rates does not fail to increase smoothly at regular intervals merely because the minimum allocation rate of 4.5% results in a first band that is longer than the other bands, if either of the conditions of paragraph (b)(1)(iv)(D)(*1*) or (*2*) of this section is satisfied.

(iv) In this case, the schedule of allocation rates satisfies the condition in paragraph (b)(1)(iv)(D)(*1*) of this section because the allocation rates under the plan that are greater than the 4.5% minimum allocation rate can be included in the following hypothetical schedule of allocation rates that increases smoothly at regular intervals and has a lowest allocation rate of at least 1% of plan year compensation:

Completed years of service	Allocation rate (in percent)	Ratio of allocation rate for band to allocation rate for immediately preceding band
0–5	2.5	[1]
6–10	4.5	1.80
11–15	6.5	1.44
16–20	8.5	1.31
21–25	10.0	1.18
26 or more	11.5	1.15

[1] Not applicable.

(v) Accordingly, the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section. Under paragraph (b)(1)(i) of this section, Plan M satisfies the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits if it satisfies paragraph (b)(1)(i)(A) of this section, regardless of whether it satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section.

Example 3. (i) Plan N, a defined contribution plan, provides an allocation formula under which allocations are provided to all employees according to the following schedule:

Age	Allocation rate (in percent)	Ratio of allocation rate for band to allocation rate for immediately preceding band
Under 25	3.0	[1]
25–34	6.0	2.00
35–44	9.0	1.50
45–54	12.0	1.33
55–64	16.0	1.33
65 or older	21.0	1.31

[1] Not applicable.

(ii) Plan N provides that allocation rates for all employees are determined using a single schedule based solely on age, as described in paragraph (b)(1)(iv)(A)(*1*) of this section. Therefore, if the allocation rates under the schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section, then the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iii) The schedule of allocation rates under Plan N does not increase by more than 5 percentage points between adjacent bands and the ratio of the allocation rate for any band to the allocation rate for the immediately preceding band is never more than 2.0 and does not increase. Therefore, the allocation rates increase smoothly as described in paragraph (b)(1)(iv)(B) of this section. In addition, the bands (other than the highest band and the first band, which is deemed to be the same length as the other bands because it ends prior to age 25) are all 5 years long, so the increases occur at regular intervals as described in paragraph (b)(1)(iv)(C) of this section. Thus, the allocation rates under the plan's schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section. Accordingly, the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iv) Under paragraph (b)(1)(i) of this section, Plan N satisfies the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits if it satisfies paragraph (b)(1)(i)(A) of this section, regardless of whether it satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section.

Example 4. (i) Plan O, a defined contribution plan, provides an allocation formula under which allocations are provided to all employees according to the following schedule:

Age	Allocation rate (in percent)	Ratio of allocation rate for band to allocation rate for immediately preceding band
Under 40	3	[1]
40–44	6	2.00
45–49	9	1.50
50–54	12	1.33
55–59	16	1.33
60–64	20	1.25
65 or older	25	1.25

[1] Not applicable.

(ii) Plan O provides that allocation rates for all employees are determined using a single schedule based solely on age, as described in paragraph (b)(1)(iv)(A)(*1*) of this section. Therefore, if the allocation rates under the schedule increase smoothly at regular intervals as described in paragraph (b)(1)(iv)(A)(*2*) of this section, then the plan has a gradual age or service schedule described in paragraph (b)(1)(iv) of this section.

(iii) The bands (other than the highest band) in the schedule are not all the same length, since the first band is treated as 15 years long while other bands are 5 years long. Thus, the schedule does not have regular intervals as described in paragraph (b)(1)(iv)(C) of this section. However, under paragraph (b)(1)(iv)(D) of this section, the schedule of allocation rates does not fail to increase smoothly at regular intervals merely because the minimum allocation rate of 3% results in a first band that is longer than the other bands, if either of the conditions of paragraph (b)(1)(iv)(D)(*1*) or (*2*) of this section is satisfied.

(iv) In this case, in order to define a hypothetical schedule that could include the allocation rates in the actual schedule of allocation rates, each of the bands below age 40 would have to be 5 years long (or be treated as 5 years long). Accordingly, the hypothetical schedule would have to provide for a band for employees under age 30, a band for employees in the range 30–34 and a band for employees age 35–39.

(v) The ratio of the allocation rate for the age 40–44 band to the next lower band is 2.0. Accordingly, in order for the applicable allocations rates under this hypothetical schedule to increase smoothly, the ratio of the allocation rate for each band in the hypothetical schedule below age 40 to the allocation rate for the immediately preceding band would have to be 2.0. Thus, the allocation rate for the hypothetical band applicable for employees under age 30 would be .75%, the allocation rate for the hypothetical band for employees in the range 30–34 would be 1.5% and the allocation rate for employees in the range 35–39 would be 3%.

(vi) Because the lowest allocation rate under any possible hypothetical schedule is less than 1% of plan year compensation, Plan O will be treated as satisfying the requirements of paragraphs (b)(1)(iv)(B) and (C) of this section only if the schedule of allocation rates satisfies the steepness condition described in paragraph (b)(1)(iv)(D)(*2*) of this section. In this case, the steepness condition is not satisfied because the equivalent accrual rate for an employee age 39 is 2.81%, but there is no hypothetical employee in the band for ages 40–44 with an equal or lower equivalent accrual rate (since the lowest equivalent accrual rate for hypothetical employees within this band is 3.74% at age 44).

(vii) Since the schedule of allocation rates under the plan does not increase smoothly at regular intervals, Plan O's schedule of allocation rates is not a gradual age or service schedule. Further, Plan O does not provide uniform target benefit allocations. Therefore, under paragraph (b)(1)(i) of this section, Plan O cannot satisfy the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) for the plan year on the basis of benefits unless either Plan O provides for broadly available allocation rates for the plan year as described in paragraph (b)(1)(iii) of this section (i.e., the allocation rate at each age is provided to a group of employees that satisfies section 410(b) without regard to the average benefit percentage test), or Plan O satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section for the plan year.

Example 5. (i) Plan P is a profit-sharing plan maintained by Employer A that covers all of Employer A's employees, consisting of two HCEs, X and Y, and 7 NHCEs. Employee X's compensation is $170,000 and Employee

Y's compensation is $150,000. The allocation for Employees X and Y is $30,000 each, resulting in an allocation rate of 17.65% for Employee X and 20% for Employee Y. Under Plan P, each NHCE receives an allocation of 5% of compensation within the meaning of section 415(c)(3), measured over a period of time permitted under the definition of plan year compensation.

(ii) Because the allocation rate for X is not currently available to any NHCE, Plan P does not have broadly available allocation rates within the meaning of paragraph (b)(1)(iii) of this section. Furthermore, Plan P does not provide for age based-allocation rates within the meaning of paragraph (b)(1)(iv) or (v) of this section. Thus, under paragraph (b)(1)(i) of this section, Plan P can satisfy the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) for the plan year on the basis of benefits only if Plan P satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section for the plan year.

(iii) The highest allocation rate for any HCE under Plan P is 20%. Accordingly, Plan P would satisfy the minimum allocation gateway of paragraph (b)(1)(vi) of this section if all NHCEs have an allocation rate of at least 6.67%, or if all NHCEs receive an allocation of at least 5% of compensation within the meaning of section 415(c)(3) (measured over a period of time permitted under the definition of plan year compensation).

(iv) Under Plan P, each NHCE receives an allocation of 5% of compensation within the meaning of section 415(c)(3) (measured over a period of time permitted under the definition of plan year compensation). Accordingly, Plan P satisfies the minimum allocation gateway of paragraph (b)(1)(vi) of this section.

(v) Under paragraph (b)(1)(i) of this section, Plan P satisfies the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits if it satisfies paragraph (b)(1)(i)(A) of this section.

* * * * *

Par. 4. Section 1.401(a)(4)–9 is amended by adding paragraph (b)(2)(v) and revising paragraph (c)(3)(ii) to read as follows:

§ 1.401(a)(4)–9 Plan aggregation and restructuring.

* * * * *

(b) * * *

(2) * * *

(v) *Eligibility for testing on a benefits basis*—(A) *General rule.* For plan years beginning on or after January 1, 2002, unless, for the plan year, a DB/DC plan is primarily defined benefit in character (within the meaning of paragraph (b)(2)(v)(B) of this section) or consists of broadly available separate plans (within the meaning of paragraph (b)(2)(v)(C) of this section), the DB/DC plan must satisfy the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section for the plan year in order to be permitted to demonstrate satisfaction of the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits.

(B) *Primarily defined benefit in character.* A DB/DC plan is primarily defined benefit in character if, for more than 50% of the NHCEs benefitting under the plan, the normal accrual rate for the NHCE attributable to benefits provided under defined benefit plans that are part of the DB/DC plan exceeds the equivalent accrual rate for the NHCE attributable to contributions under defined contribution plans that are part of the DB/DC plan.

(C) *Broadly available separate plans.* A DB/DC plan consists of broadly available separate plans if the defined contribution plan and the defined benefit plan that are part of the DB/DC plan each would satisfy the requirements of section 410(b) and the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) if each plan were tested separately and assuming that the average benefit percentage test of § 1.410(b)–5 were satisfied. For this purpose, all defined contribution plans that are part of the DB/DC plan are treated as a single defined contribution plan and all defined benefit plans that are part of the DB/DC plan are treated as a single defined benefit plan. In addition, if permitted disparity is used for an employee for purposes of satisfying the separate testing requirement of this paragraph (b)(2)(v)(C) for plans of one type, it may not be used in satisfying the separate testing requirement for plans of the other type for the employee.

(D) *Minimum aggregate allocation gateway*—(1) *General rule.* A DB/DC plan satisfies the minimum aggregate allocation gateway if each NHCE has an aggregate normal allocation rate that is at least one third of the aggregate normal allocation rate of the HCE with the highest such rate (HCE rate), or, if less, 5% of the NHCE's compensation, provided that the HCE rate does not exceed 25% of compensation. If the HCE rate exceeds 25% of compensation, then the aggregate normal allocation rate for each NHCE must be at least 5% increased by one percentage point for each 5-percentage-point increment (or portion thereof) by which the HCE rate exceeds 25% (e.g., the NHCE minimum is 6% for an HCE rate that exceeds 25% but not 30%, and 7% for an HCE rate that exceeds 30% but not 35%).

(2) Deemed satisfaction. A plan is deemed to satisfy the minimum aggregate allocation gateway of this paragraph (b)(2)(v)(D) if the aggregate normal allocation rate for each NHCE is at least 7½% of the NHCE's compensation within the meaning of section 415(c)(3), measured over a period of time permitted under the definition of plan year compensation.

(3) Averaging of equivalent allocation rates for NHCEs. For purposes of this paragraph (b)(2)(v)(D), a plan is permitted to treat each NHCE who benefits under the defined benefit plan as having an equivalent normal allocation rate equal to the average of the equivalent normal allocation rates under the defined benefit plan for all NHCEs benefitting under that plan.

(E) *Determination of rates.* For purposes of this paragraph (b)(2)(v), the normal accrual rate and the equivalent normal allocation rate attributable to defined benefit plans, the equivalent accrual rate attributable to defined contribution plans, and the aggregate normal allocation rate are determined under paragraph (b)(2)(ii) of this section, but without taking into account the imputation of permitted disparity under § 1.401(a)(4)–7, except as otherwise permitted under paragraph (b)(2)(v)(C) of this section.

(F) *Examples.* The following examples illustrate the application of this paragraph (b)(2)(v):

Example 1. (i) Employer A maintains Plan M, a defined benefit plan, and Plan N, a defined contribution plan. All HCEs of Employer A are covered by Plan M (at a 1% accrual rate), but are not covered by Plan N. All NHCEs of Employer A are covered by Plan N (at a 3% allocation rate), but are not covered by Plan M. Because Plan M does not satisfy section 410(b) standing alone, Plans M and N are aggregated for purposes of satisfying sections 410(b) and 401(a)(4).

(ii) Because none of the NHCEs participate in the defined benefit plan, the aggregated DB/DC plan is not primarily defined benefit in character within the meaning of paragraph (b)(2)(v)(B) of this section nor does it consist of broadly available separate plans within the meaning of paragraph (b)(2)(v)(C) of this section. Accordingly, the aggregated Plan M and Plan N must satisfy the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section in order be permitted to demonstrate satisfaction of the nondiscrimination in amount requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits.

Example 2. (i) Employer B maintains Plan O, a defined benefit plan, and Plan P, a defined contribution plan. All of the six employees of Employer B are covered under both Plan O and Plan P. Under Plan O, all employees have a uniform normal accrual rate of 1% of compensation. Under Plan P, Employees A and B, who are HCEs, receive an allocation rate of 15%, and participants C, D, E and F, who are NHCEs, receive an allocation rate of 3%. Employer B aggregates Plans O and P for purposes of satisfying sections 410(b) and 401(a)(4). The equivalent normal allocation and normal accrual rates under Plans O and P are as follows:

Employee	Equivalent normal allocation rates for the 1% accural under plan O (defined benefit plan) (in percent)	Equivalent normal accural rates for the 15%/3% allocation under plan P (defined contribution plan) (in percent)
HCE A (age 55)	3.93	3.82
HCE B (age 50)	2.61	5.74
C (age 60)	5.91	.51
D (age 45)	1.74	1.73
E (age 35)	.77	3.90
F (age 25)	.34	8.82

(ii) Although all of the NHCEs benefit under Plan O (the defined benefit plan), the aggregated DB/DC plan is not primarily defined benefit in character because the normal accrual rate attributable to defined benefit plans (which is 1% for each of the NHCEs) is greater than the equivalent accrual rate under defined contribution plans only for Employee C. In addition, because the 15% allocation rate is available only to HCEs, the defined contribution plan cannot satisfy the requirements of § 1.401(a)(4)–2 and does not have broadly available allocation rates within the meaning of § 1.401(a)(4)–8(b)(1)(iii). Further, the defined contribution plan does not satisfy the minimum allocation gateway of § 1.401(a)(4)–8(b)(1)(vi) (3% is less than 1/3 of the 15% HCE rate). Therefore, the defined contribution plan within the DB/DC plan cannot separately satisfy § 1.401(a)(4)–1(b)(2) and does not constitute a broadly available separate plan within the meaning of paragraph (b)(2)(v)(C) of this section. Accordingly, the aggregated plans are permitted to demonstrate satisfaction of the nondiscrimination in amounts requirement of § 1.401(a)(4)–1(b)(2) on the basis of benefits only if the aggregated plans satisfy the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section.

(iii) Employee A has an aggregate normal allocation rate of 18.93% under the aggregated plans (3.93% from Plan O plus 15% from Plan P), which is the highest aggregate normal allocation rate for any HCE under the plans. Employee F has an aggregate normal allocation rate of 3.34% under the aggregated plans (.34% from Plan O plus 3% from Plan P) which is less than the 5% aggregate normal allocation rate that Employee F would be required to have to satisfy the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section.

(iv) However, for purposes of satisfying the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section, Employer B is permitted to treat each NHCE who benefits under Plan O (the defined benefit plan) as having an equivalent allocation rate equal to the average of the equivalent allocation rates under Plan O for all NHCEs benefitting under that plan. The average of the equivalent allocation rates for all of the NHCEs under Plan O is 2.19% (the sum of 5.91%, 1.74%, .77%, and .34%, divided by 4). Accordingly, Employer B is permitted to treat all of the NHCEs as having an equivalent allocation rate attributable to Plan O equal to 2.19%. Thus, all of the NHCEs can be treated as having an aggregate normal allocation rate of 5.19% for this purpose (3% from the defined contribution plan and 2.19% from the defined benefit plan) and the aggregated DB/DC plan satisfies the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section.

* * * * *

(c) * * *

(3) * * *

(ii) *Restructuring not available for certain testing purposes.* The safe harbor in § 1.401(a)(4)–2(b)(3) for plans with uniform points allocation formulas is not available in testing (and thus cannot be satisfied by) contributions under a component plan. Similarly, component plans cannot be used for purposes of determining whether a plan provides broadly available allocation rates (as defined in § 1.401(a)(4)–8(b)(1)(iii)), determining whether a plan has a gradual age or service schedule (as defined in § 1.401(a)(4)–8(b)(1)(iv)), determining whether a plan has allocation rates that are based on a uniform target benefit allocation (as defined in § 1.401(a)(4)–8(b)(1)(v)), or determining whether a plan is primarily defined benefit in character or consists of broadly available separate plans (as defined in paragraphs (b)(2)(v)(B) and (C) of this section). In addition, the minimum allocation gateway of § 1.401(a)(4)–8(b)(1)(vi) and the minimum aggregate allocation gateway of paragraph (b)(2)(v)(D) of this section cannot be satisfied on the basis of component plans. See §§ 1.401(k)–1(b)(3)(iii) and 1.401(m)–1(b)(3)(iii) for rules regarding the inapplicability of restructuring to section 401(k) plans and section 401(m) plans.

* * * * *

Par. 5. Section 1.401(a)(4)–12 is amended by adding a sentence to the end of the definition of *Standard mortality table* to read as follows:

§ 1.401(a)(4)–12 Definitions.

* * * * *

Standard mortality table. * * * The applicable mortality table under section 417(e)(3)(A)(ii)(I) is also a standard mortality table.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: June 21, 2001.

Mark A. Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 01–16326 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

Technology Administration

37 CFR Part 404

[Docket No. 010111012–1012–01]

RIN 0692–AA17

Licensing of Government Owned Inventions

AGENCY: Technology Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rule incorporates a recently enacted change to 35 U.S.C. 209 with respect to the granting of exclusive patent licenses by Federal agencies. Federal agencies are now authorized to provide the public no less than 15 days to file an objection to the proposed license. Under the present regulation in 37 CFR part 404, the notice period is 60 days although no specific time period was required by statute. This statutory change is being implemented to address the concern that the granting of exclusive licenses was being unnecessarily delayed by the 60-day notice period.

DATES: This rule is effective June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. John Raubitschek, Patent Counsel, at telephone: (202) 482–8010.

SUPPLEMENTARY INFORMATION: In section 4(e) of Public Law 106–404, the Technology Transfer Commercialization Act of 2000, signed by the President on November 1, 2000, agencies are now required to give the public notice of at least 15 days before granting an exclusive or partially exclusive license on a federally owned invention. This is reflected in revisions to 37 CFR 404.7(a)(1)(i) and (b)(1)(i). One of the reasons for the minimum notice was a concern that the granting of exclusive licenses was being unnecessarily delayed by the 60 day notice period prescribed by the current regulations. Although agencies may now issue shorter notices, they are expected to balance the need for promptness against the statutory purpose of ensuring that Government inventions are used to benefit the public.

Public Law 106–404 makes other changes to 35 U.S.C. 209 which will be separately addressed in a proposed rule.

In addition, the rule now cites 35 U.S.C. 208, instead of 35 U.S.C. 206, as the correct authority for the Department of Commerce over the patent licensing regulation. The rule also cites section 3(d)(3) of DOO 10–18, instead of section

3(g), for the specific delegation to the Assistant Secretary of Commerce for Technology Policy. Under the authority of 35 U.S.C. 208 and the delegation by the Secretary of Commerce in section 3(d)(3) of DOO 10–18, the Assistant Secretary of Commerce for Technology Policy may issue revisions to 37 CFR Part 404.

Classification

Administrative Procedure Act: Pursuant to 5 U.S.C. 553(b)(B), the Assistant Secretary of Commerce for Technology Policy finds good cause to waive the requirement to provide prior notice and an opportunity for public comment as being unnecessary. This regulation incorporates the language of the statue, verbatim. The Technology Administration is exercising no discretion for which public comment would serve a useful purpose and has no authority to change the statutory requirement.

Executive Order 12866

This rule has been determined not to be significant for purposes of Executive Order 12866 (58 FR 51735, October 4, 1993).

Executive Order 13132

This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, this rule not subject to the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

This rule does not impose any collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, OMB approval was recently obtained for the application for a license and the utilization reports. The number is 0692–0006 an expires on June 30, 2003.

List of Subjects in 37 CFR Part 404

Inventions, Patents, Licenses.

For the reasons set forth in the preamble, 37 CFR Part 404 is amended as follows:

PART 404—LICENSING OF GOVERNMENT OWNED INVENTIONS

1. The authority citation for 37 CFR Part 404 is revised to read as follows:

Authority: 35 U.S.C. 208 and the delegation of authority by the Secretary of Commerce to the Assistant Secretary of Commerce for Technology Policy at sec. 3(d)(3) of DOO 10–18.

2. Section 404.7 is amended by revising paragraphs (a)1)(i) and (b)(1)(i)

§ 404.7 Exclusive and partially exclusive licenses.

* * * * *

(a)(1) * * *

(i) Notice of a prospective license, identifying the invention and the prospective licensee, has been published in the **Federal Register**, providing opportunity for written objections within at least a 15-day period;

* * * * *

(b)(1) * * *

(i) Notice of a prospective license, identifying the invention and the prospective licensee, has been published in the **Federal Register**, providing opportunity for written objections within at least a 15-day period and following consideration of such written objections received during the period.

* * * * *

Dated: June 21, 2001.

Bruce P. Mehlman,

Assistant Secretary of Commerce for Technology Policy.

[FR Doc. 01–16137 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–18–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[OPPTS–00310; FRL–6771–7]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document updates EPA's table of OMB control numbers. These OMB control numbers are issued by the Office of Management Budget (OMB) under the Paperwork Reduction Act (PRA) for regulations containing information collection requirements. This technical amendment adds new approvals published in the **Federal Register** since July 1, 2000, removes expired and terminated approvals.

DATES: This rule is effective June 29, 2001.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), 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: Patricia Johnson, Regulatory Coordination Staff (7101), Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–2893; e-mail address: johnson.patriciaa@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are concerned about OMB approval for information collections required by EPA regulations. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and 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/. A frequently updated electronic version of 40 CFR part 9 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr9_00.html, a beta site currently under development.

II. Background

A. Why is this Technical Amendment Being Issued?

This document updates the OMB control numbers listed in 40 CFR part 9 for various actions published in the **Federal Register** since July 1, 2000, and issued under the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601)

and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*). EPA will continue to present OMB control numbers in a consolidated table format in 40 CFR part 9 of the Agency's regulations. The table lists Code of Federal Regulations (CFR) citations with reporting, recordkeeping, or other information collection requirements that require OMB approval under the PRA (44 U.S.C. 3501 *et seq.*), and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the PRA and OMB's implementing regulations at 5 CFR part 1320.

B. Why is this Technical Amendment Issued as a Final Rule?

Under PRA, the information collection requirements included in this document were previously subject to public notice and comment prior to OMB approval, either as part of the OMB approval process or as part of a rulemaking. Therefore, EPA finds that publication of a proposed rule is unnecessary and would waste public tax dollars. This technical amendment is effective upon publication under the ''good cause'' clause found in section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) which allows a regulatory action to become final without prior notice and comment.

III. Regulatory Assessment Requirements

Because this action is not economically significant as defined by section 3(f) of Executive Order 12866, this action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

This action will not result in environmental justice related issues and does not therefore, require special consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since the Agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see Unit II.B.), this action is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Similarly, this rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

This rule does not contain any information collection requirements that require review and approval by OMB pursuant to the PRA. The collection activities associated with the OMB control numbers contained in this document have already been approved by OMB.

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, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

As a technical amendment to the CFR, the requirements of Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), which requires an agency to examine the takings implications of a 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, does not apply to this action.

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

IV. Submission to Congress and the Comptroller General

The Congressional Review Act (CRA), 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. CRA section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 29, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 26, 2001.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1, the table is amended by adding the entry listed below under the heading indicated.

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
* *	
Significant New Uses of Chemical Substances	
* * * * *	
* *	
721.303	2070–0012
* * * * *	
721.333	2070–0012
* * * * *	
721.480	2070–0012
* * * * *	
721.545	2070–0012
* * * * *	
721.632	2070–0012
721.633	2070–0012
* * * * *	
721.1085	2070–0012
* * * * *	
721.2121	2070–0012
* * * * *	
721.2265	2070–0012
* * * * *	
721.3710	2070–0012
* * * * *	
721.3810	2070–0012
* * * * *	
721.3820	2070–0012
721.3821	2070–0012
721.3830	2070–0012
* * * * *	
721.3850	2070–0012
* * * * *	
721.4365	2070–0012
* * * * *	
721.4461	2070–0012
* * * * *	
721.4565	2070–0012
* * * * *	
721.4610	2070–0012
* * * * *	
721.5284	2070–0012
* * * * *	
721.5378	2070–0012
* * * * *	
721.5585	2070–0012
* * * * *	
721.5912	2070–0012
* * * * *	
721.5914	2070–0012
* * * * *	
721.5985	2070–0012
* * * * *	
721.6180	2070–0012
* * * * *	
721.6196	2070–0012
* * * * *	
721.6479	2070–0012
* * * * *	
721.6493	2070–0012
* * * * *	
721.6515	2070–0012
* * * * *	
721.8657	2070–0012
* * * * *	
721.9484	2070–0012
721.9485	2070–0012
721.9486	2070–0012
721.9487	2070–0012
* * * * *	
721.9514	2070–0012
* * * * *	
721.9535	2070–0012
* * * * *	
721.9670	2070–0012
721.9671	2070–0012
* * * * *	

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[FR Doc. 01–16457 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6997–9]

RIN 2060–AG91

National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities and National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical corrections.

SUMMARY: On June 17, 1999, we issued the national emission standards for hazardous air pollutants (NESHAP) from Oil and Natural Gas Production Facilities and the national emission standards for hazardous air pollutants from Natural Gas Transmission and Storage Facilities (Oil and Gas NESHAP) (64 FR 32610). These technical corrections will clarify intent and correct errors in the Oil and Gas NESHAP. These technical corrections will not change the level of health protection the Oil and Gas NESHAP provide or the basic control requirements of the Oil and Gas NESHAP. The Oil and Gas NESHAP require new and existing major sources to control emissions of hazardous air pollutants (HAP) to the level reflecting application of the maximum achievable control technology (MACT).

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making these final rule corrections without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial in nature, and do not substantively change the requirements of the Oil and Gas NESHAP. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(5).

EFFECTIVE DATE: June 29, 2001.

ADDRESSEES: Docket No. A–94–04 contains the supporting information used in the development of this rulemaking. The docket is located at the U.S. EPA in room M–1500, Waterside Mall (ground floor), 401 M Street SW., Washington, DC 20460, and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Nizich, Waste and Chemical Processes Group, Emission Standards Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–3078, facsimile: (919) 541–0246, electronic mail address: nizich.greg@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated entities.* Entities that will potentially be affected by these corrections are those that process, upgrade, or store hydrocarbon liquids; or process, upgrade, store, or transport natural gas and are major sources of HAP as defined in section 112 of the Clean Air Act (CAA). The regulated categories and entities include:

Category	Examples of regulated entities
Industry	Condensate tank batteries, glycol dehydration units, natural gas processing plants, and natural gas transmission and storage facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that we are now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in §§ 63.760 and 63.1270 of the Oil and Gas NESHAP. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

World Wide Web (WWW). The text of today's document will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of this action will be

posted on the TTN's policy and guidance page for newly proposed or promulgated rules.

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.

I. Background for the Corrections

Today's action consists of editorial, cross-referencing and clarifying corrections to the Oil and Gas NESHAP that was promulgated on June 17, 1999 (64 FR 32610). These editorial, cross-referencing and clarifying corrections are minor in nature and are noncontroversial. As an example of the editorial corrections, we have replaced the phrase ''storage tank'' or ''tank'' with ''storage vessel.'' We have removed the definition of *relief device* since it is not used in the Oil and Gas NESHAP. We have corrected a reporting requirement by replacing ''operating days'' with ''calendar days'' as it applies to the submission of Periodic Reports. Cross-referencing errors were corrected as applicable.

II. Corrections and Clarifications of Intent

Some of the corrections in today's action are being made to clarify our intent in the promulgated rule. The following paragraphs present these changes and our rationale for making the changes.

Applicability. As promulgated, subparts HH and HHH (§§ 63.760(a)(1) and 63.1270(a)) require facilities that operate at or near their design throughput to use a throughput that is higher than their design maximum to calculate potential-to-emit (PTE). This outcome was not intended and is not consistent with the General Provisions (40 CFR part 63, subpart A) in which PTE is defined to be ''the maximum capacity of a stationary source to emit a pollutant under its physical and operational design.'' Therefore, we have added text to §§ 63.760(a)(1) and 63.1270(a) clarifying that owners and operators still have the option of using design maximum natural gas or hydrocarbon liquid throughput to estimate maximum PTE.

Section 63.1270(a) states that a ''compressor station that transports natural gas prior to the point of custody transfer, or to a natural gas processing plant (if present) is considered a part of the oil and natural gas production source category.'' Our intent was to exclude a compressor station that transports natural gas prior to the point of custody transfer, or to a natural gas processing plant (if present) from the transmission and storage source category. Therefore, to clarify our intent, we have modified § 63.1270(a) to state that a ''compressor station that transports natural gas prior to the point of custody transfer, or to a natural gas processing plant (if present) is not considered a part of the natural gas transmission and storage source category.''

Section 63.1270(a)(1) contains a set of five equations that an owner or operator could use in sequence to estimate maximum facility natural gas throughput. We have modified § 63.1270(a)(1) by replacing the five equations with one equation, yielding the same result.

Definitions. We have reworded the definition of *custody transfer* in § 63.1271 by removing the phrase ''* * * from storage vessels or automatic transfer facilities, or other equipment, including product loading racks, to pipelines or any other forms of transportation.''

The definition of *major source* in subpart HH was confusing because it was unclear that facilities that are not production field facilities (i.e., facilities located after the point of custody transfer) are required to aggregate HAP emissions from all HAP emission units for the major source determination. This is consistent with our interpretation of the associated equipment terminology in section 112(n)(4) of the CAA (64 FR 32618). We have added a sentence to the definition of *major source* in § 63.761 to read: ''For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated for a major source determination.''

Startups, shutdowns, and malfunctions. Sections 63.762 and 63.1272 of the Oil and Gas NESHAP require owners and operators to prepare startup, shutdown and malfunction plans, but do not provide an exemption for facilities that were subject to the rule but had no requirements (e.g., a natural gas processing plant, that was a major source, that has a dehydration unit with a throughput less than 18.4 thousand standard cubic meters per day would be subject to the rule, but would have no control requirements). A startup, shutdown and malfunction plan would serve little purpose if there were no emission limit; therefore, today's action clarifies that facilities meeting the exemption criteria specified in §§ 63.764(e) and 63.1274(d) are not required to prepare a startup, shutdown and malfunction plan.

Test methods, compliance procedures, and compliance demonstrations. Sections 63.772(e)(1) and 63.1282(d)(1) provide exemptions from conducting performance tests under those sections for certain specified control devices, including flares. However, §§ 63.772(e)(2) and 63.1282(d)(2) require an owner or operator to comply with § 63.11(b), which contains testing requirements for flares. Flares are not exempt from the testing requirements in § 63.11(b), but are exempt from the performance test requirements in §§ 63.772(e) and 63.1282(d). Therefore, today's action clarifies that intent by modifying §§ 63.772(e)(1)(i) and 63.1282(d)(1)(i) to state that except as specified in paragraph (e)(2) (or paragraph (d)(2) for subpart HHH), a flare designed and operated in accordance with § 63.11(b) of the General Provisions is exempt from the performance testing requirements of the subpart(s).

Also, §§ 63.772(e)(3) and 63.1282(d)(3) state that the performance test must be subject to the schedule specified in § 63.7(a)(2), meaning that the performance test results would be due 240 days after the effective date of the rule, but §§ 63.775(d) and 63.1285(d) require the results to be submitted in the notification of compliance status report, 180 days after the effective date of the rule. To correct this inconsistency, today's action modifies §§ 63.772(e)(3) and 63.1282(d)(3) to clarify that the performance test results must be submitted with the notification of compliance status report, but does not require owners or operators to follow the schedule specified in § 63.7(a)(2) of the General Provisions.

Finally, the Oil and Gas NESHAP allow an owner or operator to use GRI-GLYCalc™ in conjunction with the Atmospheric Rich/Lean Method to determine condenser performance as an alternative to the performance test procedures (§§ 63.772(e)(5) and 63.1282(d)(5)). The results from the GRI-GLYCalc™ program (i.e., uncontrolled emissions) are the same, regardless of control device type. Therefore, today's action modifies §§ 63.772(e)(3)(iii)(B) and 63.1282(d)(3)(iii)(B) to allow owners or operators to use GRI-GLYCalc™ to determine uncontrolled emissions.

Inspection and monitoring requirements. Under §§ 63.775(d) and 63.1285(d), the owner or operator is required to submit a notification of compliance status report that contains information in § 63.775(d)(1) through (12) in addition to the information in § 63.9(h). Section 63.9(h)(2)(i)(B) of the General Provisions requires the owner

or operator to submit ''the results of any * * * monitoring procedures or other methods that were conducted * * *'' to demonstrate compliance with the standards. Today's action modifies §§ 63.773(c)(2), 63.775(d), 63.1283(c)(2) and 63.1285(d) to clarify that the owner or operator must submit inspection results without having to refer to the General Provisions.

Similarly, §§ 63.775(e) and 63.1285(e) require the owner or operator to submit periodic inspection results in the Periodic reports. Today's action modifies §§ 63.773(c)(2) and 63.1283(c)(2) to refer the reader to the reporting requirements.

We made an error in § 63.773(d)(5) by stating that the owner or operator must comply with § 63.773(d)(5)(i) for all control devices ''except for condensers.'' Section § 63.773(d)(5)(i) applies to all control devices, and owners and operators that install condensers must also comply with § 63.773(d)(5)(ii). Therefore, today's action removes the phrase ''* * * except for condensers* * *'' from § 63.773(d)(5).

Flare monitoring devices cannot calculate a daily average or a minimum or maximum operating value because they merely indicate that the pilot flame is either on or off. Therefore, today's action adds language to §§ 63.773(d) and 63.1283(d) clarifying that flares are exempt from calculating daily averages and minimum or maximum operating values.

We were not clear in § 63.773(d)(6)(iv) in stating that data available for less than 75 percent of the operating hours constitutes an excursion. Since averaging periods for demonstrating condenser compliance with the 95 percent control requirement can be either on a daily basis or 365-day basis, not specifying the period over which the data sufficiency criteria are evaluated could cause confusion. Therefore, today's action modifies § 63.773(d)(6)(iv) to clarify that an excursion occurs when the data are available for less than 75 percent of the operating hours in a day.

Reporting requirements. Section 63.10(c)(8) of the General Provisions requires an owner or operator to report excess emissions and parameter monitoring exceedances as defined in the relevant standard. As promulgated, §§ 63.775(e)(2)(i) and 63.1285(e)(2)(i) state that excess emissions are excursions. Therefore, since times when the pilot flame is absent would be a parameter monitoring excursion, reporting of the periods when the pilot flame is absent is required under the General Provisions. Today's action lists that requirement in §§ 63.775(e)(x) and 63.1285(e)(ix).

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget (OMB). Because the EPA has made a ''good cause'' finding that this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA. This action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 6, 2000). These technical corrections do not have substantial direct effects on the States, or on the relationship between the national government and the States, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). These technical corrections also are not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because they are not economically significant.

This technical correction action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 U.S.C. 272) do not apply. These technical corrections also do not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing these technical corrections, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of these rule amendments 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 technical correction 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 EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the June 17, 1999 **Federal Register** notice containing the Oil and Natural Gas Production final rule and Natural Gas Transmission and Storage final rule.

The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of June 29, 2001. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Storage.

Dated: June 8, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart HH–[AMENDED]

2. Section 63.760 is amended by revising paragraph (a)(1) introductory text to read as follows:

§ 63.760 Applicability and designation of affected source.

(a) * * *

(1) Facilities that are major sources of hazardous air pollutants (HAP) as defined in § 63.761. Emissions for major source determination purposes can be estimated using the maximum natural gas or hydrocarbon liquid throughput, as appropriate, calculated in paragraphs (a)(1)(i) through (iii) of this section. As an alternative to calculating the maximum natural gas or hydrocarbon liquid throughput, the owner or operator of a new or existing source may use the facility's design maximum natural gas or hydrocarbon liquid throughput to estimate the maximum potential emissions. Other means to determine the facility's major source status are allowed, provided the information is documented and recorded to the Administrator's satisfaction. A facility that is determined to be an area source, but subsequently increases its emissions or its potential to emit above the major source levels (without first obtaining and complying with other limitations that keep its potential to emit HAP below major source levels), and becomes a major source, must comply thereafter with all applicable provisions of this subpart starting on the applicable compliance date specified in paragraph (f) of this section. Nothing in this paragraph is intended to preclude a source from limiting its potential to emit through other appropriate mechanisms that may be available through the permitting authority.

* * * * *

3. Section 63.761 is amended by revising the definitions of ''Control device,'' ''Glycol dehydration unit process vent,'' and ''Major source,'' and by removing the definition of ''Relief device'' to read as follows:

§ 63.761 Definitions.

* * * * *

Control device means any equipment used for recovering or oxidizing HAP or volatile organic compound (VOC) vapors. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For the purposes of this subpart, if gas or vapor from regulated equipment is used, reused (i.e., injected into the flame zone of an enclosed combustion device), returned back to the process, or sold, then the recovery system used, including piping, connections, and flow inducing devices, is not considered to be a control device or closed-vent system.

* * * * *

Glycol dehydration unit process vent means the glycol dehydration unit reboiler vent and the vent from the GCG separator (flash tank), if present.

* * * * *

Major source, as used in this subpart, shall have the same meaning as in § 63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment, as defined in this section), and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) Emissions from processes, operations, or equipment that are not part of the same facility, as defined in this section, shall not be aggregated; and

(3) For facilities that are production field facilities, only HAP emissions from glycol dehydration units and storage vessels with the potential for flash emissions shall be aggregated for a major source determination. For facilities that are not production field facilities, HAP emissions from all HAP emission units shall be aggregated for a major source determination.

* * * * *

4. Section 63.762 is amended by revising paragraph (d) and by adding paragraph (e) to read as follows:

§ 63.762 Startups, shutdowns, and malfunctions.

* * * * *

(d) Except as provided in paragraph (e) of this section, the owner or operator shall prepare a startup, shutdown, and malfunction plan as required in § 63.6(e)(3), except that the plan is not required to be incorporated by reference into the source's title V permit as specified in § 63.6(e)(3)(i). Instead, the owner or operator shall keep the plan on record as required by § 63.6(e)(3)(v). The failure of the plan to adequately minimize emissions during startup, shutdown, or malfunctions does not shield an owner or operator from enforcement actions.

(e) Owners or operators are not required to prepare a startup, shutdown, and malfunction plan for any facility where all of the affected sources meet the exemption criteria specified in § 63.764(e).

5. Section 63.764 is amended by:

a. Revising paragraph (a);

b. Revising paragraph (e)(1) introductory text;

c. Revising paragraph (e)(2) introductory text; and

d. Revising paragraph (e)(2)(i).

The revisions read as follows:

§ 63.764 General standards.

(a) Table 2 of this subpart specifies the provisions of subpart A (General Provisions) of this part that apply and those that do not apply to owners and operators of affected sources subject to this subpart.

* * * * *

(e) * * *

(1) The owner or operator is exempt from the requirements of paragraph (c)(1) of this section if the criteria listed in paragraph (e)(1)(i) or (ii) of this section are met, except that the records of the determination of these criteria must be maintained as required in § 63.774(d)(1).

* * * * *

(2) The owner or operator is exempt from the requirements of paragraph (c)(3) of this section for ancillary equipment (as defined in § 63.761) and compressors at a natural gas processing plant subject to this subpart if the criteria listed in paragraph (e)(2)(i) or (ii) of this section are met, except that the records of the determination of these criteria must be maintained as required in § 63.774(d)(2).

(i) Any ancillary equipment and compressors that contain or contact a fluid (liquid or gas) must have a total VHAP concentration less than 10 percent by weight, as determined by the procedures specified in § 63.772(a); or

* * * * *

6. Section 63.765 is amended by revising paragraph (c)(3) introductory text to read as follows:

§ 63.765 Glycol dehydration unit process vent standards.

* * * * *

(c) * * *

(3) Control of HAP emissions from a GCG separator (flash tank) vent is not required if the owner or operator demonstrates, to the Administrator's satisfaction, that total emissions to the atmosphere from the glycol dehydration unit process vent are reduced by one of the levels specified in paragraph (c)(3)(i) or (ii) of this section, through the installation and operation of controls as specified in paragraph (b)(1) of this section.

* * * * *

7. Section 63.769 is amended by revising paragraph (a) introductory text and paragraph (c)(6) to read as follows:

§ 63.769 Equipment leak standards.

(a) This section applies to equipment subject to this subpart and specified in paragraphs (a)(1) and (2) of this section that is located at a natural gas processing plant and operates in VHAP service equal to or greater than 300 hours per calendar year.

* * * * *

(c) * * *

(6) Pumps in VHAP service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service located within a natural gas processing plant that is located on the Alaskan North Slope are exempt from the routine monitoring requirements of 40 CFR 61.242–2(a)(1) and 61.242–7(a), and paragraphs (c)(1) through (3) of this section.

* * * * *

8. Section 63.771 is amended by revising paragraphs (b)(1) and (e)(2) to read as follows:

§ 63.771 Control equipment requirements.

* * * * *

(b) *Cover requirements.*

(1) The cover and all openings on the cover (e.g., access hatches, sampling ports, and gauge wells) shall be designed to form a continuous barrier over the entire surface area of the liquid in the storage vessel.

* * * * *

(e) * * *

(2) The owner or operator shall document, to the Administrator's satisfaction, the conditions for which glycol dehydration unit baseline operations shall be modified to achieve the 95.0 percent overall HAP emission reduction, either through process modifications or through a combination of process modifications and one or more control devices. If a combination of process modifications and one or more control devices are used, the owner or operator shall also establish the percent HAP reduction to be achieved by the control device to achieve an overall HAP emission reduction of 95.0 percent for the glycol dehydration unit process vent. Only modifications in glycol dehydration unit operations directly related to process changes, including but not limited to changes in glycol circulation rate or glycol-HAP absorbency, shall be allowed. Changes in the inlet gas characteristics or natural gas throughput rate shall not be considered in determining the overall HAP emission reduction due to process modifications.

* * * * *

9. Section 63.772 is amended by:

a. Revising paragraph (c)(6)(i);

b. Revising paragraph (e)(1)(i);

c. Revising paragraph (e)(3) introductory text;

d. Revising paragraph (e)(3)(iii)(B) introductory text;

e. Revising paragraph (e)(3)(iii)(B)(*1*);

f. Adding paragraph (e)(3)(iii)(B)(*4*);

g. Revising paragraph (f) introductory text;

h. Revising paragraph (g) introductory text;

i. Revising paragraph (g)(2) introductory text;

j. Revising paragraph (g)(2)(iii) introductory text; and

k. Revising paragraph (g)(3).

The revisions and addition read as follows:

§ 63.772 Test methods, compliance procedures, and compliance demonstrations.

* * * * *

(c) * * *

(6) * * *

(i) Except as provided in paragraph (c)(6)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid, not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

* * * * *

(e) * * *

(1) * * *

(i) Except as specified in paragraph (e)(2) of this section, a flare that is designed and operated in accordance with § 63.11(b);

* * * * *

(3) For a performance test conducted to demonstrate that a control device meets the requirements of § 63.771(d)(1) or (e)(3)(ii), the owner or operator shall use the test methods and procedures specified in paragraphs (e)(3)(i) through (iv) of this section. The performance test results shall be submitted in the Notification of Compliance Status Report as required in § 63.775(d)(1)(ii).

* * * * *

(iii) * * *

(B) The mass rate of either TOC (minus methane and ethane) or total HAP (E_i, E_o) shall be computed using the equations and procedures specified in paragraphs (e)(3)(iii)(B)(*1*) through (*3*) of this section. As an alternative, the mass rate of either TOC (minus methane and ethane) or total HAP at the inlet of the control device (E_i) may be calculated using the procedures specified in paragraph (e)(3)(iii)(B)(*4*) of this section.

(*1*) The following equations shall be used:

$$E_i = K_2 \left(\sum_{j=1}^{n} C_{ij} M_{ij} \right) Q_i$$

$$E_o = K_2 \left(\sum_{j=1}^{n} C_{oj} M_{oj} \right) Q_o$$

Where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

E_i, E_o = Mass rate of TOC (minus methane and ethane) or total HAP at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.

M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o = Flowrate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2 = Constant, 2.494×10^{-6} (parts per million) (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

n = Number of components in sample.

* * * * *

(*4*) As an alternative to the procedures for calculating E_i specified in paragraph (e)(3)(iii)(B)(*1*) of this section, the owner or operator may use the model GRI-GLYCalc™, Version 3.0 or higher, and the procedures presented in the associated GRI-GLYCalc™ Technical Reference Manual. Inputs to the model shall be representative of actual operating conditions of the glycol dehydration unit and shall be determined using the procedures documented in the Gas Research Institute (GRI) report entitled ''Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions'' (GRI–95/0368.1). When the TOC mass rate is calculated for glycol dehydration units using the model GRI-GLYCalc™, all organic compounds (minus methane and ethane) measured by Method 18, 40 CFR part 60, appendix A, or Method 25A, 40 CFR part 60, appendix A, shall be summed. When the total HAP mass rate is calculated for glycol dehydration units using the model GRI-GLYCalc™, only HAP chemicals listed in Table 1 of this subpart shall be summed.

* * * * *

(f) *Compliance demonstration for control device performance requirements.* This paragraph applies to the demonstration of compliance with the control device performance requirements specified in § 63.771(d)(1)(i) and (e)(3). Compliance shall be demonstrated using the requirements in paragraphs (f)(1) through (3) of this section. As an alternative, an owner or operator that installs a condenser as the control device to achieve the requirements specified in § 63.771(d)(1)(ii) or (e)(3) may demonstrate compliance according to paragraph (g) of this section. An owner or operator may switch between compliance with paragraph (f) of this section and compliance with paragraph (g) of this section only after at least 1 year of operation in compliance with the selected approach. Notification of such a change in the compliance method shall be reported in the next Periodic Report, as required in § 63.775(e), following the change.

* * * * *

(g) *Compliance demonstration with percent reduction performance requirements—condensers.* This paragraph applies to the demonstration of compliance with the performance requirements specified in § 63.771(d)(1)(ii) or (e)(3) for condensers. Compliance shall be demonstrated using the procedures in paragraphs (g)(1) through (3) of this section.

* * * * *

(2) Compliance with the percent reduction requirement in § 63.771(d)(1)(ii) or (e)(3) shall be demonstrated by the procedures in paragraphs (g)(2)(i) through (iii) of this section.

* * * * *

(iii) Except as provided in paragraphs (g)(2)(iii)(A) and (B) of this section, at the end of each operating day, the owner or operator shall calculate the 365-day average HAP emission reduction from the condenser efficiencies as determined in paragraph (g)(2)(ii) of this section for the preceding 365 operating days. If the owner or operator uses a combination of process modifications and a condenser in accordance with the requirements of § 63.771(e), the 365-day average HAP emission reduction shall be calculated using the emission reduction achieved through process modifications and the condenser efficiency as determined in paragraph (g)(2)(ii) of this section, both for the previous 365 operating days.

* * * * *

(3) If the owner or operator has data for 365 days or more of operation, compliance is achieved with the emission limitation specified in § 63.771(d)(1)(ii) or (e)(3) if the average HAP emission reduction calculated in paragraph (g)(2)(iii) of this section is equal to or greater than 95.0 percent.

10. Section 63.773 is amended by:

a. Revising paragraphs (c)(2)(i)(A) and (B);

b. Revising paragraphs (c)(2)(ii)(A) through (C);

c. Revising paragraphs (c)(2)(iii)(A) and (B);

d. Revising paragraph (d)(1) introductory text;

e. Revising paragraph (d)(5) introductory text; and

f. Revising paragraph (d)(6)(iv).

The revisions read as follows:

§ 63.773 Inspection and monitoring requirements.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(A) Conduct an initial inspection according to the procedures specified in § 63.772(c) to demonstrate that the closed-vent system operates with no detectable emissions. Inspection results shall be submitted with the Notification of Compliance Status Report as specified in § 63.775(d)(1) or (2).

(B) Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in piping; loose connections; or broken or missing caps or other closure devices. The owner or operator shall monitor a component or connection using the procedures in § 63.772(c) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced or the connection is unsealed. Inspection results shall be submitted in the Periodic Report as specified in § 63.775(e)(2)(iii).

(ii) * * *

(A) Conduct an initial inspection according to the procedures specified in § 63.772(c) to demonstrate that the closed-vent system operates with no detectable emissions. Inspection results shall be submitted with the Notification of Compliance Status Report as specified in § 63.775(d)(1) or (2).

(B) Conduct annual inspections according to the procedures specified in § 63.772(c) to demonstrate that the components or connections operate with no detectable emissions. Inspection results shall be submitted in the Periodic Report as specified in § 63.775(e)(2)(iii).

(C) Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork; loose connections; or broken or missing caps or other closure devices. Inspection results shall be submitted in the Periodic Report as specified in § 63.775(e)(2)(iii).

(iii) * * *

(A) Conduct visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover, or between the cover and the separator wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the case where the storage vessel is buried partially or entirely underground, inspection is required only for those portions of the cover that extend to or above the ground surface, and those connections that are on such portions of the cover (e.g., fill ports, access hatches, gauge wells, etc.) and can be opened to the atmosphere.

(B) The inspections specified in paragraph (c)(2)(iii)(A) of this section shall be conducted initially, following the installation of the cover. Inspection results shall be submitted with the Notification of Compliance Status Report as specified in § 63.775(d)(12). Thereafter, the owner or operator shall perform the inspection at least once every calendar year, except as provided in paragraphs (c)(5) and (6) of this section. Annual inspection results shall be submitted in the Periodic Report as specified in § 63.775(e)(2)(iii).

* * * * *

(d) * * *

(1) For each control device, except as provided for in paragraph (d)(2) of this section, the owner or operator shall install and operate a continuous parameter monitoring system in accordance with the requirements of paragraphs (d)(3) through (9) of this section. Owners or operators that install and operate a flare in accordance with § 63.771(d)(1)(iii) are exempt from the requirements of paragraphs (d)(4) and (5) of this section. The continuous monitoring system shall be designed and operated so that a determination can be made on whether the control device is achieving the applicable performance requirements of § 63.771(d) or (e)(3). The continuous parameter monitoring system shall meet the following specifications and requirements:

* * * * *

(5) For each operating parameter monitor installed in accordance with the requirements of paragraph (d)(3) of this section, the owner or operator shall

comply with paragraph (d)(5)(i) of this section for all control devices, and when condensers are installed, the owner or operator shall also comply with paragraph (d)(5)(ii) of this section.

* * * * *

(6) * * *

(iv) An excursion occurs when the monitoring data are not available for at least 75 percent of the operating hours in a day.

* * * * *

11. Section 63.774 is amended by:

a. Revising paragraph (b)(4)(i);

b. Revising paragraph (b)(4)(ii)(A);

c. Revising paragraph (b)(8);

d. Revising paragraph (d)(2)(i);

e. Revising paragraph (d)(2)(ii); and

f. Revising paragraph (e)(3).

The revisions read as follows:

§ 63.774 Recordkeeping requirements.

* * * * *

(b) * * *

(4) * * *

(i) Continuous records of the equipment operating parameters specified to be monitored under § 63.773(d) or specified by the Administrator in accordance with § 63.773(d)(3)(iii). For flares, the hourly records and records of pilot flame outages specified in paragraph (e) of this section shall be maintained in place of continuous records.

(ii) * * *

(A) For flares, the records required in paragraph (e) of this section.

* * * * *

(8) For each inspection conducted in accordance with § 63.773(c) during which no leaks or defects are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks or defects were detected.

* * * * *

(d) * * *

(2) * * *

(i) Information and data used to demonstrate that a piece of ancillary equipment or a compressor is not in VHAP service or not in wet gas service shall be recorded in a log that is kept in a readily accessible location.

(ii) Identification and location of ancillary equipment or compressors, located at a natural gas processing plant subject to this subpart, that is in VHAP service less than 300 hours per year.

(e) * * *

(3) All hourly records and other recorded periods when the pilot flame is absent.

12. Section 63.775 is amended by:

a. Revising paragraph (d) introductory text;

b. Revising paragraph (d)(1) introductory text;

c. Removing ''; or'' at the end of paragraph (d)(1)(i) and adding in its place ''.'';

d. Adding paragraph (d)(1)(iii);

e. Revising paragraph (d)(2) introductory text;

f. Removing '', and'' at the end of paragraph (d)(2)(i) and adding in its place ''.'';

g. Adding paragraph (d)(2)(iii);

h. Revising paragraph (d)(9);

i. Adding paragraph (d)(12);

j. Revising paragraph (e)(1);

k. Revising paragraph (e)(2) introductory text;

l. Revising paragraph (e)(2)(ii)(D); and

m. Adding paragraph (e)(2)(x).

The revisions and additions read as follows:

§ 63.775 Reporting requirements.

* * * * *

(d) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status Report as required under § 63.9(h) within 180 days after the compliance date specified in § 63.760(f). In addition to the information required under § 63.9(h), the Notification of Compliance Status Report shall include the information specified in paragraphs (d)(1) through (12) of this section. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three. If all of the information required under this paragraph has been submitted at any time prior to 180 days after the applicable compliance dates specified in § 63.760(f), a separate Notification of Compliance Status Report is not required. If an owner or operator submits the information specified in paragraphs (d)(1) through (12) of this section at different times, and/or different submittals, subsequent submittals may refer to previous submittals instead of duplicating and resubmitting the previously submitted information.

(1) If a closed-vent system and a control device other than a flare are used to comply with § 63.764, the owner or operator shall submit the information in paragraph (d)(1)(iii) of this section and the information in either paragraph (d)(1)(i) or (ii) of this section.

* * * * *

(iii) The results of the closed-vent system initial inspections performed according to the requirements in § 63.773(c)(2)(i) and (ii).

(2) If a closed-vent system and a flare are used to comply with § 63.764, the owner or operator shall submit performance test results including the information in paragraphs (d)(2)(i) and (ii) of this section. The owner or operator shall also submit the information in paragraph (d)(2)(iii) of this section.

* * * * *

(iii) The results of the closed-vent system initial inspections performed according to the requirements in § 63.773(c)(2)(i) and (ii).

* * * * *

(9) The owner or operator shall submit the analysis performed under § 63.760(a)(1).

* * * * *

(12) If a cover is installed to comply with § 63.764, the results of the initial inspection performed according to the requirements specified in § 63.773(c)(2)(iii).

(e) * * *

(1) An owner or operator shall submit Periodic Reports semiannually beginning 60 calendar days after the end of the applicable reporting period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status Report is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status Report is due.

(2) The owner or operator shall include the information specified in paragraphs (e)(2)(i) through (x) of this section, as applicable.

* * * * *

(D) For each excursion caused by the lack of monitoring data, as specified in § 63.773(d)(6)(iv), the report must include the date and duration of the period when the monitoring data were not collected and the reason why the data were not collected.

* * * * *

(x) For flares, the records specified in § 63.774(e)(3).

* * * * *

13. In Table 2 of subpart HH the entries ''§ 63.6(h)'', ''§ 63.7(a)(2)'', ''§ 63.9(b)(2)'' and ''§ 63.10(b)(1)'' are revised to read as follows:

TABLE 2.—TO SUBPART HH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH

General provisions reference	Applicable to subpart HH	Explanation
*	*	*
§ 63.6(h)	No	Subpart HH does not contain opacity or visible emission standards.
*	*	*
§ 63.7(a)(2)	Yes	But the performance test results must be submitted within 180 days after the compliance date.
*	*	*
§ 63.9(b)(2)	Yes	Existing sources are given 1 year (rather than 120 days) to submit this notification.
*	*	*
§ 63.10(b)(1)	Yes	§ 63.774(b)(1) requires sources to maintain the most recent 12 months of data on site and allows offsite storage for the remaining 4 years of data.

* * * * *

Subpart HHH—[AMENDED]

14. Section 63.1270 is amended by revising paragraphs (a) introductory text and (a)(1) introductory text and by removing paragraphs (a)(1)(i) through (iii) to read as follows:

§ 63.1270 Applicability and designation of affected source.

(a) This subpart applies to owners and operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there are no local HAP emissions as defined using § 63.1271). Emissions for major source determination purposes can be estimated using the maximum natural gas throughput calculated in either paragraph (a)(1) or (2) of this section and paragraphs (a)(3) and (4) of this section. As an alternative to calculating the maximum natural gas throughput, the owner or operator of a new or existing source may use the facility design maximum natural gas throughput to estimate the maximum potential emissions. Other means to determine the facility's major source status are allowed, provided the information is documented and recorded to the Administrator's satisfaction. A compressor station that transports natural gas prior to the point of custody transfer or to a natural gas processing plant (if present) is not considered a part of the natural gas transmission and storage source category. A facility that is determined to be an area source, but subsequently increases its emissions or its potential to emit above the major source levels (without first obtaining and complying with other limitations that keep its potential to emit HAP below major source levels), and becomes a major source, must comply thereafter with all applicable provisions of this subpart starting on the applicable compliance date specified in paragraph (d) of this section. Nothing in this paragraph is intended to preclude a source from limiting its potential to emit through other appropriate mechanisms that may be available through the permitting authority.

(1) Facilities that store natural gas or facilities that transport and store natural gas shall calculate maximum annual facility natural gas throughput using the following equation:

$$\text{Throughput} = \frac{8{,}760}{\left(\frac{1}{IR_{max}} + \frac{1}{WR_{max}}\right)}$$

Where:

Throughput = Maximum annual facilitywide natural gas throughput in cubic meters per year.

$_{IR}$ max = Maximum facility injection rate in cubic meters per hour.

$_{WR}$ max = Maximum facility withdrawal rate in cubic meters per hour.

8,760 = Maximum hours of operation per year.

* * * * *

15. Section 63.1271 is amended by revising the definitions of ''Control device,'' ''Custody transfer,'' and ''Glycol dehydration unit process vent,'' and by removing the definition of ''Federal Energy Regulatory Commission Cushion or FERC Cushion'' to read as follows:

§ 63.1271 Definitions.

* * * * *

Control device means any equipment used for recovering or oxidizing HAP or volatile organic compound (VOC) vapors. Such equipment includes, but is not limited to, absorbers, carbon absorbers, condensers, incinerators, flares, boilers, and process heaters. For the purposes of this subpart, if gas or vapor from regulated equipment is used, reused (i.e., injected into the flame zone of an enclosed combustion device), returned back to the process, or sold, then the recovery system used, including piping, connections, and flow inducing devices, is not considered to be a control device or a closed-vent system.

Custody transfer means the transfer of natural gas after processing and/or treatment in the production operations to pipelines or any other forms of transportation.

* * * * *

Glycol dehydration unit process vent means the glycol dehydration unit reboiler vent and the vent from the GCG separator (flash tank), if present.

* * * * *

16. Section 63.1272 is amended by revising paragraph (d) and adding paragraph (e) to read as follows:

§ 63.1272 Startups, shutdowns, and malfunctions.

* * * * *

(d) Except as provided in paragraph (e) of this section, the owner or operator shall prepare a startup, shutdown, or malfunction plan as required in § 63.6(e)(3), except that the plan is not required to be incorporated by reference into the source's title V permit as specified in § 63.6(e)(3)(i). Instead, the owner or operator shall keep the plan on record as required by § 63.6(e)(3)(v). The failure of the plan to adequately minimize emissions during the startup, shutdown, or malfunction does not shield an owner or operator from enforcement actions.

(e) Owners or operators are exempt from the requirements to prepare a startup, shutdown, or malfunction plan for any facility where all of the affected

sources meet the exemption criteria specified in § 63.1274(d).

17. Section 63.1274 is amended by revising paragraph (d) introductory text and paragraph (d)(1) to read as follows:

§ 63.1274 General standards.

* * * * *

(d) *Exemptions.* The owner or operator is exempt from the requirements of paragraph (c) of this section if the criteria listed in paragraph (d)(1) or (2) of this section are met, except that the records of the determination of these criteria must be maintained as required in § 63.1284(d).

(1) The actual annual average flow of gas to the glycol dehydration unit is less than 283.0 thousand standard cubic meters per day, as determined by the procedures specified in § 63.1282(a)(1); or

* * * * *

18. Section 63.1275 is amended by revising paragraphs (a) and (c)(3) introductory text to read as follows:

§ 63.1275 Glycol dehydration unit process vents standards.

(a) This section applies to each glycol dehydration unit subject to this subpart with an actual annual average natural gas flowrate equal to or greater than 283.0 thousand standard cubic meters per day and with actual average benzene glycol dehydration unit process vent emissions equal to or greater than 0.90 megagrams per year.

* * * * *

(c) * * *

(3) Control of HAP emissions from a GCG separator (flash tank) vent is not required if the owner or operator demonstrates, to the Administrator's satisfaction, that total emissions to the atmosphere from the glycol dehydration unit process vent are reduced by one of the levels specified in paragraph (c)(3)(i) or (ii) through the installation and operation of controls as specified in paragraph (b)(1) of this section.

* * * * *

19. Section 63.1281 is amended by revising paragraph (e)(2) to read as follows:

§ 63.1281 Control equipment requirements.

* * * * *

(e) * * *

(2) The owner or operator shall document, to the Administrator's satisfaction, the conditions for which glycol dehydration unit baseline operations shall be modified to achieve the 95.0 percent overall HAP emission reduction, either through process modifications or through a combination of process modifications and one or more control devices. If a combination of process modifications and one or more control devices are used, the owner or operator shall also establish the percent HAP reduction to be achieved by the control device to achieve an overall HAP emission reduction of 95.0 percent for the glycol dehydration unit process vent. Only modifications in glycol dehydration unit operations directly related to process changes, including but not limited to changes in glycol circulation rate or glycol-HAP absorbency, shall be allowed. Changes in the inlet gas characteristics or natural gas throughput rate shall not be considered in determining the overall HAP emission reduction due to process modifications.

* * * * *

20. Section 63.1282 is amended by:

a. Revising paragraph (a)(1)(ii);

b. Revising paragraph (b)(6)(i);

c. Revising paragraph (d)(1)(i);

d. Revising paragraph (d)(3) introductory text;

e. Revising paragraph (d)(3)(iii)(B) introductory text;

f. Revising paragraph (d)(3)(iii)(B)(*1*);

g. Adding paragraph (d)(3)(iii)(B)(*4*);

h. Revising paragraph (e) introductory text;

i. Revising paragraph (f)(2) introductory text;

j. Revising paragraph (f)(2)(iii) introductory text;

k. Revising paragraph (f)(2)(iii)(A);

l. Revising paragraph (f)(2)(iii)(B); and

m. Revising paragraph (f)(3).

The revisions and addition read as follows:

§ 63.1282 Test methods, compliance procedures, and compliance demonstrations.

(a) * * *

(1) * * *

(ii) The owner or operator shall document, to the Administrator's satisfaction, that the actual annual average natural gas flowrate to the glycol dehydration unit is less than 283.0 thousand standard cubic meters per day.

* * * * *

(b) * * *

(6)(i) Except as provided in paragraph (b)(6)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic HAP or VOC, the average stream response factor shall be calculated on an inert-free basis.

* * * * *

(d) * * *

(1) * * *

(i) Except as specified in paragraph (d)(2) of this section, a flare that is designed and operated in accordance with § 63.11(b);

* * * * *

(3) For a performance test conducted to demonstrate that a control device meets the requirements of § 63.1281(d)(1) or (e)(3)(ii), the owner or operator shall use the test methods and procedures specified in paragraphs (d)(3)(i) through (iv) of this section. The performance test results shall be submitted in the Notification of Compliance Status Report as required in § 63.1285(d)(1)(ii).

* * * * *

(iii) * * *

(B) The mass rate of either TOC (minus methane and ethane) or total HAP (E_i, E_o) shall be computed using the equations and procedures specified in paragraphs (d)(3)(iii)(B)(*1*) through (*3*) of this section. As an alternative, the mass rate of either TOC (minus methane and ethane) or total HAP at the inlet of the control device (E_i) may be calculated using the procedures specified in paragraph (d)(3)(iii)(B)(*4*) of this section.

(*1*) The following equations shall be used:

$$E_i = K_2 \left(\sum_{j=1}^{n} C_{ij} M_{ij} \right) Q_i$$

$$E_o = K_2 \left(\sum_{j=1}^{n} C_{oj} M_{oj} \right) Q_o$$

Where:

C_{ij}, C_{oj} = Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

E_i, E_o = Mass rate of TOC (minus methane and ethane) or total HAP at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.

M_{ij}, M_{oj} = Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o = Flowrate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2 = Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature is 20 °C.

n = Number of components in sample.

* * * * *

(*4*) As an alternative to the procedures for calculating E_i specified in paragraph (d)(3)(iii)(B)(*1*) of this section, the owner or operator may use the model GRI-GLYCalc™, Version 3.0 or higher, and the procedures presented in the associated GRI-GLYCalc™ Technical Reference Manual. Inputs to the model shall be representative of actual operating conditions of the glycol dehydration unit and shall be determined using the procedures documented in the Gas Research Institute (GRI) report entitled ''Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions'' (GRI–95/0368.1). When the TOC mass rate is calculated for glycol dehydration units using the model GRI-GLYCalc™, all organic compounds (minus methane and ethane) measured by Method 18, 40 CFR part 60, appendix A, or Method 25A, 40 CFR part 60, appendix A, shall be summed. When the total HAP mass rate is calculated for glycol dehydration units using the model GRI-GLYCalc™, only HAP chemicals listed in Table 1 of this subpart shall be summed.

* * * * *

(e) *Compliance demonstration for control devices performance requirements.* This paragraph applies to the demonstration of compliance with the control device performance requirements specified in § 63.1281(d)(1) and (e)(3)(ii). Compliance shall be demonstrated using the requirements in paragraphs (e)(1) through (3) of this section. As an alternative, an owner or operator that installs a condenser as the control device to achieve the requirements specified in § 63.1281(d)(1)(ii) or (e)(3)(ii) may demonstrate compliance according to paragraph (f) of this section. An owner or operator may switch between compliance with paragraph (e) of this section and compliance with paragraph (f) of this section only after at least 1 year of operation in compliance with the selected approach. Notification of such a change in the compliance method shall be reported in the next Periodic Report, as required in § 63.1285(e), following the change.

* * * * *

(f) * * *

(2) Compliance with the percent reduction requirement in § 63.1281(d)(1)(ii) or (e)(3) shall be demonstrated by the procedures in paragraphs (f)(2)(i) through (iii) of this section.

* * * * *

(iii) Except as provided in paragraphs (f)(2)(iii)(A), (B), and (D) of this section, at the end of each operating day the owner or operator shall calculate the 30-day average HAP emission reduction from the condenser efficiencies as determined in paragraph (f)(2)(ii) of this section for the preceding 30 operating days. If the owner or operator uses a combination of process modifications and a condenser in accordance with the requirements of § 63.1281(e), the 30-day average HAP emission reduction shall be calculated using the emission reduction achieved through process modifications and the condenser efficiency as determined in paragraph (f)(2)(ii) of this section, both for the preceding 30 operating days.

(A) After the compliance date specified in § 63.1270(d), an owner or operator of a facility that stores natural gas that has less than 30 days of data for determining the average HAP emission reduction shall calculate the cumulative average at the end of the withdrawal season, each season, until 30 days of condenser operating data are accumulated. For a facility that does not store natural gas, the owner or operator that has less than 30 days of data for determining average HAP emission reduction shall calculate the cumulative average at the end of the calendar year, each year, until 30 days of condenser operating data are accumulated.

(B) After the compliance date specified in § 63.1270(d), for an owner or operator that has less than 30 days of data for determining the average HAP emission reduction, compliance is achieved if the average HAP emission reduction calculated in paragraph (f)(2)(iii)(A) of this section is equal to or greater than 95.0 percent.

* * * * *

(3) Compliance is achieved with the emission limitation specified in § 63.1281(d)(1)(ii) or (e)(3) if the average HAP emission reduction calculated in paragraph (f)(2)(iii) of this section is equal to or greater than 95.0 percent.

21. Section 63.1283 is amended by:

a. Revising paragraphs (c)(2)(i)(A) and (B);

b. Revising paragraphs (c)(2)(ii)(A) through (C);

c. Revising paragraph (d)(1) introductory text; and

d. Revising paragraph (d)(6)(iii).

The revisions read as follows:

§ 63.1283 Inspection and monitoring requirements.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(A) Conduct an initial inspection according to the procedures specified in § 63.1282(b) to demonstrate that the closed-vent system operates with no detectable emissions. Inspection results shall be submitted with the Notification of Compliance Status Report as specified in § 63.1285(d)(1) or (2).

(B) Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in piping; loose connections; or broken or missing caps or other closure devices. The owner or operator shall monitor a component or connection using the procedures specified in § 63.1282(b) to demonstrate that it operates with no detectable emissions following any time the component or connection is repaired or replaced or the connection is unsealed. Inspection results shall be submitted in the Periodic Report as specified in § 63.1285(e)(2)(iii).

(ii) * * *

(A) Conduct an initial inspection according to the procedures specified in § 63.1282(b) to demonstrate that the closed-vent system operates with no detectable emissions. Inspection results shall be submitted with the Notification of Compliance Status Report as specified in § 63.1285(d)(1) or (2).

(B) Conduct annual inspections according to the procedures specified in § 63.1282(b) to demonstrate that the components or connections operate with no detectable emissions. Inspection results shall be submitted in the Periodic Report as specified in § 63.1285(e)(2)(iii).

(C) Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork; loose connections; or broken or missing caps or other closure devices. Inspection results shall be submitted in the Periodic Report as specified in § 63.1285(e)(2)(iii).

* * * * *

(d) * * *

(1) For each control device except as provided for in paragraph (d)(2) of this section, the owner or operator shall install and operate a continuous parameter monitoring system in accordance with the requirements of paragraphs (d)(3) through (9) of this section that will allow a determination to be made whether the control device is achieving the applicable performance requirements of § 63.1281(d) or (e)(3). Owners or operators that install and operate a flare in accordance with § 63.1281(d)(1)(iii) are exempt from the requirements of paragraphs (d)(4) and (5) of this section. The continuous

parameter monitoring system must meet the following specifications and requirements:

* * * * *

(6) * * *

(iii) An excursion occurs when the monitoring data are not available for at least 75 percent of the operating hours in a day.

* * * * *

22. Section 63.1284 is amended by:

a. Revising paragraph (b)(3) introductory text;

b. Revising paragraphs (b)(4)(i) and (ii);

c. Revising paragraph (b)(7)(iii); and

d. Revising paragraph (e)(3).

The revisions read as follows:

§ 63.1284 Recordkeeping requirements.

* * * * *

(b) * * *

(3) Records specified in § 63.10(c) for each monitoring system operated by the owner or operator in accordance with the requirements of § 63.1283(d). Notwithstanding the previous sentence, monitoring data recorded during periods identified in paragraphs (b)(3)(i) through (iv) of this section shall not be included in any average or percent leak rate computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device operation when monitors are not operating.

* * * * *

(4) * * *

(i) Continuous records of the equipment operating parameters specified to be monitored under § 63.1283(d) or specified by the Administrator in accordance with § 63.1283(d)(3)(iii). For flares, the hourly records and records of pilot flame outages specified in paragraph (e) of this section shall be maintained in place of continuous records.

(ii) Records of the daily average value of each continuously monitored parameter for each operating day determined according to the procedures specified in § 63.1283(d)(4). For flares, the records required in paragraph (e) of this section.

* * * * *

(7) * * *

(iii) Maximum instrument reading measured by the method specified in § 63.1282(b) after the leak or defect is successfully repaired or determined to be nonrepairable.

* * * * *

(e) * * *

(3) All hourly records and other recorded periods when the pilot flame is absent.

23. Section 63.1285 is amended by:

a. Revising paragraph (d) introductory text;

b. Adding paragraph (d)(1)(iii);

c. Adding paragraph (d)(2)(iii);

d. Revising paragraph (e)(1);

e. Revising paragraph (e)(2) introductory text;

f. Revising paragraph (e)(2)(vii); and

g. Adding paragraph (e)(2)(ix).

The revisions and additions read as follows:

§ 63.1285 Reporting requirements.

* * * * *

(d) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status Report as required under § 63.9(h) within 180 days after the compliance date specified in § 63.1270(d). In addition to the information required under § 63.9(h), the Notification of Compliance Status Report shall include the information specified in paragraphs (d)(1) through (10) of this section. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three. If all of the information required under this paragraph have been submitted at any time prior to 180 days after the applicable compliance dates specified in § 63.1270(d), a separate Notification of Compliance Status Report is not required. If an owner or operator submits the information specified in paragraphs (d)(1) through (10) of this section at different times, and/or different submittals, subsequent submittals may refer to previous submittals instead of duplicating and resubmitting the previously submitted information.

(1) * * *

(iii) The results of the closed-vent system initial inspections performed according to the requirements in § 63.1283(c)(2)(i) and (ii).

(2) * * *

(iii) The results of the closed-vent system initial inspections performed according to the requirements in § 63.1283(c)(2)(i) and (ii).

* * * * *

(e) * * *

(1) An owner or operator shall submit Periodic Reports semiannually beginning 60 calendar days after the end of the applicable reporting period. The first report shall be submitted no later than 240 days after the date the Notification of Compliance Status Report is due and shall cover the 6-month period beginning on the date the Notification of Compliance Status Report is due.

(2) The owner or operator shall include the information specified in paragraphs (e)(2)(i) through (ix) of this section, as applicable.

* * * * *

(vii) Any change in compliance methods as specified in § 63.1282(e).

* * * * *

(ix) For flares, the records specified in § 63.1284(e).

* * * * *

24. In Table 2 of subpart HHH the entries ''§ 63.6(f)(1)'' through ''§ 63.7(d)'' are added, and ''§ 63.9(b)(2)'' and ''§ 63.10(b)(1)'' are revised to read as follows:

TABLE 2.—TO SUBPART HHH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HHH

General provisions reference	Applicable to subpart HHH	Explanation
*	* *	* * * *
§ 63.6(f)(1)	Yes	
§ 63.6(f)(2)	Yes	
§ 63.6(f)(3)	Yes	
§ 63.6(g)	Yes	
§ 63.6(h)	No	Subpart HHH does not contain opacity or visible emission standards.
§ 63.6(i)(1)–(i)(14).	Yes	
§ 63.6(i)(15)	No	Section reserved.
§ 63.6(i)(16)	Yes	
§ 63.6(j)	Yes	

TABLE 2.—TO SUBPART HHH—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HHH—Continued

General provisions reference	Applicable to subpart HHH	Explanation
§ 63.7(a)(1)	Yes	
§ 63.7(a)(2)	Yes	But the performance test results must be submitted within 180 days after the compliance date.
§ 63.7(a)(3)	Yes	
§ 63.7(b)	Yes	
§ 63.7(c)	Yes	
§ 63.7(d)	Yes	
*	* *	* * * * *
§ 63.9(b)(2)	Yes	Existing sources are given 1 year (rather than 120 days) to submit this notification.
*	* *	* * * * *
§ 63.10(b)(1)	Yes	Section 63.1284(b)(1) requires sources to maintain the most recent 12 months of data on site and allows offsite storage for the remaining 4 years of data.

[FR Doc. 01–16438 Filed 6–28–01; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[FRL–7003–1]

RIN 2050–AE64

Oil Pollution Prevention and Response; Non-Transportation-Related Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of June 30, 2000, revising requirements for facilities preparing Facility Response Plans. This document is being issued to correct typographical errors, remove inconsistent rule language, and change incorrect references in the rule.

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Oil Program Center, U.S. Environmental Protection Agency, at 703–603–8823 (davis.barbara@epamail.epa.gov); or the RCRA/Superfund Hotline at 800–424–9346 (in the Washington, DC metropolitan area, 703–412–9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 800–553–7672 (in the Washington, DC metropolitan area, 703–412–3323).

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply to Me?

Non-transportation related facilities handling, storing, or transporting oil that are considered ''significant and substantial harm,'' as well as certain other facilities designated by the Regional Administrator, must submit Facility Response Plans (FRPs) to the Agency. The Agency included in the final rule a more detailed description of which facilities are potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. 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'' 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 SPCC–9P. 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 Superfund Docket, Suite 105, 1235 Jefferson Davis Highway, Crystal Gateway I, Arlington, VA 22202. You may inspect the docket between 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays; and you may make an appointment to review the docket by calling 703–603–9232. You may copy a maximum of 266 pages from any regulatory docket at no cost. If the number of pages copied exceeds 266, however, you will be charged an administrative fee of $25 and a charge of $0.15 per page for each page after 266. The docket will mail materials to you if you are outside of the Washington, DC metropolitan area.

III. What Does This Technical Correction Do?

A final rule revising the facility response plan requirements for non-transportation related facilities handling, storing, or transporting animal fats or vegetable oils was published in the **Federal Register** of June 30, 2000 (65 FR 40776). This correction is being published to:

Correct minor typographical errors in §§ 112.20 and 112.21, and appendix E;

Correct the inadvertent reference to ''petroleum oils'' in section 8.2.1 of appendix E (this section is about animal fats and vegetable oils rather than petroleum oils, as shown in the title in section 8.0);

Remove inconsistent language and combine sections 9.2 and 9.2.1 of appendix E, which describe USCG planning levels corresponding to EPA's medium discharge;

Clarify that the first line of the table in section 10.5.2 of appendix E contains the factor by which you multiply the planning volume on water (a multiplication sign was inadvertently omitted);

Correct the inadvertent omission of the operating area ''Great Lakes'' in the column heading with Nearshore and Inland on Table 2 to appendix E;

Correct the USCG fax number in section 1.8.3 of appendix F.

IV. Why Is This Technical Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the correction contained in this action will simply correct § 112.20 and its appendices by correcting typographical errors, removing inconsistent rule language, and changing incorrect references in the rule. EPA therefore finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553) to make this amendment without prior notice and comment.

V. Do Any of the Regulatory Assessment Requirements Apply to This Action?

No. This final rule implements technical corrections to the Code of Federal Regulations (CFR), and does not impose any new requirements.

Under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has determined that a technical correction is not a ''significant regulatory action'' subject to review by OMB.

Because this action is not economically significant as defined by section 3(f) of Executive Order 12866, this action is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

This action will not result in environmental justice related issues and does not, therefore, require special consideration under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

Since the Agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see Unit IV.), this action is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This is so because this final rule only corrects mistakes in a rule which EPA issued in June 2000. It imposes no new regulatory requirements; nor does the rule announce new policies. Thus, Executive Order 13175 does not apply to this rule.

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, entitled Federalism (64 FR 43255, August 10, 1999).

This action does not involve any technical standards that require the Agency's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

This rule does not contain any information collection requirements that require review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.).

EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in section IV (Regulatory Analyses) of the final rule (65 FR 40776, June 30, 2000).

VI. Will EPA Submit This Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 29, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 112

Environmental protection, Oil pollution, Penalties, Reporting and recordkeeping requirements.

Dated: June 14, 2001.

Michael H. Shapiro,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

Therefore, 40 CFR part 112 is amended as follows:

PART 112—OIL POLLUTION PREVENTION

1. The authority citation for part 112 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

§ 112.20 [Amended]

2. Amend the third sentence of paragraph (a)(4)(iii) of § 112.20 by revising ''paragraphs (a)(2)(iii) or (iv)'' to read ''paragraph (a)(2)(iii) or (iv)''.

3. Amend appendix E to part 112 by:

a. Revising ''Petroleum oils and non-petroleum oils other than animal fats and vegetable oils'' to read ''Petroleum Oils and Non-Petroleum Oils Other Than Animal Fats and Vegetable Oils'' in sections 3.0 and 4.0;

b. Revising ''near shore'' to read ''nearshore'' in the last sentence of section 7.7, the last sentence of section 10.2.3, and the last sentence of section 10.7;

c. Revising ''petroleum'' to read ''animal fats and vegetable'' in the last sentence of section 8.2.1;

d. Removing section 9.2.1 and revising section 9.2 to read as set forth below;

e. Revising section 10.5.2 to read as set forth below;

f. Revising ''Near shore'' to read ''Nearshore'' in section 10.5.4; and

g. Revising ''Environments' '' to read ''Environments'' in section 13.3(2).

The revisions read as follows:

Appendix E to Part 112—Determination and Evaluation of Required Response Resources for Facility Response Plans

* * * * *

9.0 Determining Response Resources Required for Medium Discharges—Animal Fats and Vegetable Oils

* * * * *

9.2 Complexes that are regulated by EPA and the USCG must also consider planning quantities for the transportation-related transfer portion of the facility. Owners or operators of complexes that handle, store, or transport animal fats or vegetable oils must plan for oil discharge volumes for a medium discharge. For non-petroleum oils, there is no USCG planning level that directly corresponds to EPA's ''medium discharge.'' Although the USCG does not have planning requirements for medium discharges, they do have requirements (at 33 CFR 154.545) to identify equipment to contain oil resulting from an operational discharge.

* * * * *

10.0 Calculating Planning Volumes for a Worst Case Discharge—Animal Fats and Vegetable Oils.

* * * * *

10.5.2 With a specific worst case discharge identified, the planning volume for on-water recovery can be identified as follows:

Worst case discharge: 21 million gallons (500,000 barrels) of Group B vegetable oil

Operating Area: Inland

Planned percent recovered floating vegetable oil (from Table 6, column Nearshore/Inland/Great Lakes): Inland, Group B is 20%

Emulsion factor (from Table 7): 2.0

Planning volumes for on-water recovery: 21,000,000 gallons $\times$ 0.2 $\times$ 2.0 = 8,400,000 gallons or 200,000 barrels.

Determine required resources for on-water recovery for each of the three tiers using mobilization factors (from Table 4, column Inland/Nearshore/Great Lakes)

Inland Operating Area	Tier 1	Tier 2	Tier 3
Mobilization factor by which you multiply planning volume	.15	.25	.40
Estimated Daily Recovery Capacity (bbls)	30,000	50,000	80,000

* * * * *

4. Amend Tables 2, 6, and 7 to appendix E to Part 112 by:

a. Revising ''Oil'' to read ''oil'' in the heading of the middle column under Rivers and canals in Table 2;

b. Revising ''Near shore/Inland'' to read ''Nearshore/Inland/Great Lakes'' in the heading of the column in Table 2;

c. Revising ''Near shore/Inland Great Lakes'' to read ''Nearshore/Inland/Great Lakes'' in the heading of the column in Table 6; and

d. Revising ''section 1.2.1 and 1.2.9'' to read ''sections 1.2.1 and 1.2.9'' in the Note following Table 6 and the Note following Table 7.

Appendix F to Part 112 [Amended]

5. Amend appendix F to part 112 by revising ''fax 267–4085/4065'' to read ''fax (202) 267–4085'' in section 1.8.3.

[FR Doc. 01–16294 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301143; FRL–6788–5]

RIN 2070–AB78

Bifenazate; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

DATES: This regulation is effective June 29, 2001. Objections and requests for hearings, identified by docket control number OPP–301143, must be received by EPA on or before August 28, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VII. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301143 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6463; and e-mail address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the**Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2.*In person*. The Agency has established an official record for this action under docket control number OPP–301143. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(e) and 408 (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for combined residues of the insecticide bifenazate, (hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester) and diazenecarboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester, in or on tomato at 0.70 part per million (ppm). This tolerance will expire and is revoked on June 30, 2003. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

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

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

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

III. Emergency Exemption for Bifenazate on Tomato and FFDCA Tolerances

Texas has the greatest acreage of tomatoes under greenhouse production in the United States. Major production facilities are located in Jefferson Davis, Presidio, Atascosa, Frio, Limestone, Russ, Dallas, Tarrant, Willbarger, Commanche, and Lubbock counties. Small scale production facilites are located throughout the state. Virginia has approximately 50 acres of greenhouse tomatoes.

Greenhouse tomatoes are indeterminate varieties so production can be continuous. In general, most production facilities are planted twice annually. In the past 3 years there has been a continuing trend of greater early season pest mite densities. Spider mites feeding on the underside of leaves usually results in leaf yellowing and browning, but with high densities can result in plant death. Acaricides used to control spider mites must be efficacious over a wide range of pest mite species and should be effective against all life stages (egg to adult). In addition, maintenance of natural beneficial predatory mite species is desired for development of integrated pest management (IPM) programs. Bifenazate has been shown in tests on other crops to fulfill these requirements.

Numerous spider mites species can be pests in greenhouse tomato production. Nine insecticides are registered for mite control on greenhouses tomatoes. However, each of these has limited efficacy or does not fit into a continuous harvest operation or IPM program. Dicofol, endosulfan, malathion, dimethoate, and disulfoton are not effective against all pest mite species and are hard on beneficials. Due to the lack of efficacy against a broad spectrum of mites, use of these acaricides may require augmentation with additional insecticides in order to control multiple pest species. Use of these insecticides would disrupt the ongoing biological control programs established for other

tomato pests (i.e. it would take 2-8 weeks to re-establish beneficial populations to acceptable levels).

Abamectin has good efficacy but the extended REI (7 days) and PHI (7 days) make it impractical for use in indeterminate tomato production. Cinnamaldehyde is only moderately efficacious and can be phytotoxic to some tomato plants. Neem and M-pede (insecticidal soap) are only useful for spotty outbreaks where individual plants can be treated as both products cause leaf scorch.

No effective non-chemical practices are available which would provide adequate control of spider mites in greenhouse tomato production. Biological agents can provide some benefits but their use is minimal due to unfavorable economics, slow activity, difficulty to use, and host selectivity. Mite pest species are often capable of increasing population densities faster than the associate biological control agents, resulting in crop loss. In order to produce a high value tomato crop, growers must combine selective insecticides with biological control agents.

During the 2001 growing season for greenhouse tomato production, growers could possibly incur up to a 25% yield loss from spider mite infestation. EPA has authorized under FIFRA section 18 the use of bifenazate on tomato for control of spider mites in Texas and Virginia. After having reviewed the submission, EPA concurs that emergency conditions exist in these states.

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

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

IV. Aggregate Risk Assessment and Determination of Safety

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

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of bifenazate and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for combined residues of bifenazate in or on tomato at 0.70 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Endpoints

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

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

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

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

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary females 13-50 years of age and general population including infants and children	None	None	None
Chronic dietary all populations	NOAEL= 1.01 mg/kg/day UF = 100 Chronic RfD = 0.01 mg/kg/day	FQPA SF = 10 cPAD = chronic RfD FQPA SF = 0.001 mg/kg/day	One-year oral toxicity study in dogs LOAEL = 8.95 mg/kg/day based on changes in hematological and clinical chemistry parameters, and histopathology in the bone marrow, liver, and kidneys of both sexes.
Short-term incidental oral exposure (Residential)	NOAEL= 10 mg/kg/day	LOC for MOE = 1,000 (Residential)	Developmental toxicity study in rats LOAEL= 100 mg/kg/day based on clinical signs and decreased body weight gain and food consumption.
Short-term dermal (1 to 7 days) and Intermediate-term dermal (1 week to several months) (Residential)	Dermal study NOAEL= 80 mg/kg/day	LOC for MOE = 1,000 (Residential)	21-Day dermal toxicity study in rats LOAEL = 400 mg/kg/day based on decreased body weight and food consumption in females and an increased incidence of extramedullary hematopoiesis in the spleen in both sexes.
Long-term dermal (several months to lifetime) (Residential)	None	None	None
Short-term inhalation (1 to 7 days) (Residential)	Inhalation (or oral) study NOAEL = 10 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 1,000 (Residential)	Developmental toxicity study in rats LOAEL = 100 mg/kg/day based on decreased body weight and food consumption.
Intermediate-term inhalation (1 week to several months) (Residential)	Inhalation (or oral) study NOAEL= 1.0 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 1,000 (Residential)	90-day feeding study in dogs LOAEL = 10.4 mg/kg/day based on changes in hematological parameters and histopathological effects in the liver.
Long-term inhalation (several months to lifetime) (Residential)	None	None	None
Cancer (oral, dermal, inhalation)	Bifenazate has been classified as ''not likely'' to be a human carcinogen.		Carcinogenicity studies in mice and rats in which there were an absence of treatment-related tumors.

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

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Bifenazate is currently only registered for use on ornamental plants and trees. Therefore, there are no tolerances established for the combined residues of bifenazate, in or on any raw agricultural commodities. This is the first food use for bifenazate. Risk assessments were conducted by EPA to assess dietary exposures from bifenazate in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. An acute dietary endpoint for females 13-50 years old or the general U.S. population was not selected due to the absence of an effect of concern occurring as a result of a one day or single exposure.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: Tolerance level residues, 100% crop treated, and DEEM® default processing factors for all proposed commodities.

iii. *Cancer.* Bifenazate has been classified as ''not likely'' to be a human carcinogen based on carcinogenicity studies in mice and rats in which there was an absence of treatment-related tumors.

2. *Dietary exposure from drinking water.* The emergency exemption request is for the use of bifenazate on tomatoes grown in greenhouses and therefore, is not expected to have an impact on drinking water. However, the current registration for application of bifenazate to public, commercial, industrial, and institutional areas may impact drinking water resources.

The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for bifenazate in drinking water. Because the Agency does not have

comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of bifenazate.

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

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

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

Based on the GENEEC and SCI-GROW models the estimated environmental concentrations (EECs) of bifenazate for chronic exposures are estimated to be 0.02 parts per billion (ppb) for surface water and 0.02 ppb for ground water.

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

Bifenazate is currently registered for use on the following residential non-dietary sites: Ornamental plants and trees. The risk assessment was conducted using the following exposure assumptions: there is a potential for residential exposures, including homeowner applicator exposure and postapplication exposures, for the currently registered uses of bifenazate. However, since broad spectrum insecticides are generally used in the residential setting, application of bifenazate (a selective insecticide) by a homeowner is expected to be limited. Nevertheless, a homeowner applicator is anticipated to have short-term dermal and inhalation exposures. Exposure estimates were based on the applicator wearing short pants and short sleeves.

The registered use of bifenazate on ornamentals is also expected to result in residential post-application exposure. The exposure estimate for homeowners and children was based on the default assumptions for treatment to garden plants from the Agency's Standard Operating Procedures (SOPs) for Residential Exposure Assessment (December 18, 1997). Only short-term dermal exposures are anticipated.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

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

C. Safety Factor for Infants and Children

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

ii. *Developmental toxicity studies*. In a developmental toxicity study in rats the maternal toxicity NOAEL was 10 mg/kg/day based on clinical signs and decreased body weight gains and food consumption at the LOAEL of 100 mg/ kg/day. The developmental NOAEL was greater than 500 mg/kg/day (HDT) and the developmental LOAEL was not established. Therefore, there were no developmental effects observed in the presence of maternal toxicity in this study.

In a developmental toxicity study in rabbits there were no toxic effects up to the highest dose tested of 200 mg/kg/ day in either the maternal animals or the fetuses. Although no toxicity was observed in this study, sufficient evidence of adequate dose selection was based on a range-finding study which was performed at doses of 0, 125, 250, 500, 750, or 1,000 mg/kg/day. Abortions were seen at 250 mg/kg/day and above and deaths and decreased body weight were seen at 750 mg/kg/day and 1,000 mg/kg/day. Based on these results, doses of 10, 50, and 200 mg/kg/day were selected for the main study.

iii. *Reproductive toxicity study*. In a 2-generation reproductive toxicity study in rats, the parental toxicity NOAEL was 20 ppm (equivalent to 1.6/1.8 mg/kg/ day M/F) based on decreased body weight and cumulative weight gain in males and females at the LOAEL of 80 ppm (equivalent to 6.5/7.4 mg/kg/day M/F). The NOAEL for offspring toxicity and reproductive toxicity was 200 ppm (equivalent to 16.4/18.3 mg/kg/day M/F) which was the highest dose tested. A LOAEL for offspring toxicity and reproductive toxicity was not established.

iv. *Prenatal and postnatal sensitivity.* Based on the results of the developmental and reproduction studies, there is no indication of increased sensitivity in rats or rabbits to *in utero* and/or postnatal exposure to bifenazate.

v. *Conclusion.* There were no developmental or reproductive effects observed in the presence of maternal toxicity. However, bifenazate has not been evaluated by the Agency's FQPA Safety Factor Committee. Therefore, for the purposes of this emergency exemption, the FQPA safety factor of 10X, to protect infants and children has been retained for all dietary and residential risk assessments.

D. Aggregate Risks and Determination of Safety

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

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

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

1. *Acute risk.* An acute dietary endpoint for females 13-50 years old or the general U.S. population was not selected due to the absence of an effect of concern in studies conducted for bifenazate occurring as a result of a one day or single exposure. Therefore, no acute dietary risk assessments were conducted for bifenazate.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to bifenazate from food will utilize 29% of the cPAD for the U.S. population, 6% of the cPAD for infants and 43% of the cPAD for children (7-12 years old), the most highly exposed subgroup. Based the use pattern, chronic residential exposure to residues of bifenazate is not expected. In addition, despite the potential for chronic dietary exposure to bifenazate in drinking water, after calculating DWLOCs and comparing them to conservative model estimated environmental concentrations of bifenazate in surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2.

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

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.001	29	0.02	0.02	25
All Infants (<1 year)	0.001	6	0.02	0.02	9
Children (7-12 years)	0.001	43	0.02	0.02	6

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Bifenazate is currently registered for use(s) that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for bifenazate.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 1,300 to 1,500 for short-term dermal, inhalation and incidental oral exposures. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term DWLOCs were calculated and compared to the EECs for chronic exposure of bifenazate in ground water and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 3.

TABLE 3.— AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO BIFENAZATE

Population Subgroup	Aggregate MOE (Food +Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
U.S. Population	1,300	1,000	0.02	0.02	80
All Infants (<1 year	1,500	1,000	0.02	0.02	100
Children (7-12 years)	1,400	1,000	0.02	0.02	100

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level). Though residential exposure could occur with the use of bifenazate, currently, only short-term dermal and short-term inhalation residential exposures are expected. Therefore, an aggregate risk assessment for intermediate-term exposures was not conducted.

5. *Aggregate cancer risk for U.S. population.* Bifenazate has been classified as ''not likely'' to be a human carcinogen based on carcinogenicity studies in mice and rats in which there was an absence of treatment-related tumors. Therefore, an aggregate risk assessment to estimate cancer risk was not conducted.

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

V. Other Considerations

A. Analytical Enforcement Methodology

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

B. International Residue Limits

There is neither a Codex proposal, nor Canadian or Mexican limits, for residues of bifenazate and its metabolite in or on tomato. Therefore, harmonization is not an issue for this use.

C. Conditions

The request is for application to greenhouse grown tomatoes. Therefore, rotational crop restrictions are not relevant for the greenhouse. A maximum of two applications per crop are permitted and the seasonal rate is not to exceed 0.50 lbs active ingredient per acre. The product is not to be applied within 3 days of harvest.

VI. Conclusion

Therefore, the tolerance is established for combined residues of bifenazate, (hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester) and diazenecarboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester, in or on tomato at 0.70 ppm.

VII. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301143 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before August 28, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

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

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

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at

tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

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

3.*Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by the docket control number OPP–301143, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

VIII. Regulatory Assessment Requirements

This final rule establishes a time limited tolerance under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 exemption under FFDCA section 408, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

IX. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

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

Dated: June 13, 2001.

Joseph Merenda,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.572 is added to read as follows:

§ 180.572 Bifenazate; tolerance for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* Time limited tolerances are established for combined residues of bifenazate, (hydrazine carboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester) and diazenecarboxylic acid, 2-(4-methoxy-[1,1'-biphenyl]-3-yl-, 1-methylethyl ester in connection with use of the pesticide under section 18 emergency exemptions granted by the EPA. The tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/Revocation Date
Tomato	0.70	6/30/03

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 01–16441 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CS Docket Nos. 97–98 and 97–151; FCC 01–170]

Rules and Policies Governing Pole Attachments; Implementation of Section 703(e) of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of the Report and Order in CS Docket No. 97–151, and the Report and Order in CS Docket No. 97–98. This document consolidates two reconsideration proceedings raising similar and interrelated issues concerning the rates, terms and conditions of access for attachments by cable operators and telecommunications carriers to utility poles, ducts, conduits and rights-of-way pursuant to section 224 of the Communications Act of 1934, as amended. This document reconsiders affirms and clarifies the pole attachment rate formula for cable attachers as well as the formula for telecommunications attachers.

DATES: Effective July 30, 2001.

FOR FURTHER INFORMATION CONTACT: Kathleen Costello at (202) 418–7200 or via the Internet at kcostell@fcc.gov, or Cheryl King at (202) 418–2284 or via the Internet at cking@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order on Reconsideration,* CS Dkt. Nos. 97–98 and 97–151, FCC 01–170, adopted May 22, 2001; release May 25, 2001. The full text of the Commission's *Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036, or may be reviewed via Internet at http://www.fcc.gov/csb/.

Paperwork Reduction Act

The requirements adopted in the *Order on Reconsideration* have been analyzed with respect to the Paperwork Reduction Act of 1995 (''1995 Act'') and found to impose no new or modified information collection requirements on the public.

Synopsis of the Order on Reconsideration

I. Introduction

1. This *Order on Reconsideration* grants in part and denies in part petitions for reconsideration and/or clarification of Report and Order, Implementation of Section 703(e) of the Telecommunications Act of 1996, Amendment to the Commission's Rules and Policies Governing Pole Attachments, CS Docket No. 97–151, FCC 98–20, 63 FR 12013, published March 12, 1998, 13 FCC Rcd 6777 (1998) (''Telecom Order'') and Report and Order, Amendment of Rules and Policies Governing Pole Attachments, CS Docket No. 97–98, FCC 00–116, 65 FR 31270, published May 17, 2000, corrected 65 FR 34820, May 31, 2000, 15 FCC Rcd 6453 (2000) (''Fee Order''), concerning the rates, terms and conditions of access for attachments by cable operators and telecommunications carriers to utility poles, ducts, conduits and rights-of-way pursuant to Section 224 of the Communications Act of 1934, as amended (''Pole Attachment Act''), 47 U.S.C. 224 and Subpart J of the Commission's Rules, 47 CFR 1.1401–1.1418.

2. This *Order on Reconsideration* affirms our decision not to impose additional regulation on the negotiation process or on the rules for resolution of pole attachment complaints; affirms the continued use, in the pole attachment rate calculation formulas, of specific regulatory accounts maintained by utilities and identify the actual costs incurred by the utilities for the poles, ducts, conduits and rights-of-way that are the subject of the attachment; reconsiders and clarifies the way in which entities are counted for the purpose of allocating and apportioning costs of unusable space for telecommunications attachers after February 8, 2001; reconsiders and clarifies the geographic areas used to determined average numbers of attaching entities for use in calculations of the formulas of telecommunications pole attachment rates, and establish two presumptive averages that may be used in our formulas after February 8, 2001; affirms and clarifies decisions regarding third party overlashing; affirms the presumption that a pole attachment occupies one foot of usable space and that this presumption is rebuttable by either party; affirms that the formula adopted in the Fee Order, for calculating the rate for use of capacity in a conduit, is applicable to telecommunications systems; affirms the use in the formula of the actual percentage of the conduit capacity occupied, with a rebuttable presumption that an attacher occupies one-half duct; affirms that there is no unusable capacity in a conduit; affirms our decision that a utility may not exclude reserved capacity within a conduit system when calculating total capacity upon which the pole attachment rate in a conduit is based; affirms that complaints regarding nondiscriminatory access, rates, terms and conditions for non-traditional pole attachments, such as attachments to

rights-of-way, wireless attachments and transmission facilities attachments, will be considered under our rules on a case-by-case basis; reconsiders and clarifies the methodology for calculating maximum pole maximum pole attachment rates when the net pole investment becomes zero or negative; declines or reconsider at this time and reserves for later review; our decision that Internet service has a neutral affect on an attacher's classification as a cable system or telecommunications system; declines to reconsider at this time and reserves for later review; our decision that providers of wireless telecommunications services are entitled to the benefits and protection of the Pole Attachment Act; and adopts amended rules. Generally, the petitioners and commenters represent the interests of one of the following three categories: (1) Electric utilities; (2) cable operators; and (3) telecommunications carriers.

II. Background

3. In 1978, Congress enacted section 224 of the Communications Act, 47 U.S.C. 224, granting the Commission authority to regulate the rates, terms, and conditions governing pole attachments, requiring that such rates, terms and conditions be just and reasonable. The Commission is authorized to adopt procedures necessary to hear and to resolve complaints concerning such rates, terms, and conditions. Congress sought to constrain the ability of utilities to extract monopoly profits from cable television system operators in need of pole, duct, conduit or right-of-way space for pole attachments.

4. Section 224(d)(1) of the Pole Attachment Act defines a just and reasonable rate as ranging from the statutory minimum based on the additional costs of providing pole attachments, to the statutory maximum based on fully allocated costs. The additional, or incremental, costs are the costs that would not be incurred by the utility but for the pole attachments. The maximum rate, identified as a percentage of fully allocated costs, refers to the portion of operating expenses and capital costs that a utility incurs in owning and maintaining pole attachment infrastructure that is equal to the portion of space on a pole, or capacity of a duct, conduit, or right-of-way, that is occupied by an attacher. The Commission developed a methodology to determine the maximum allowable pole attachment rate under section 224(d)(1) of the Pole Attachment Act, which is referred to as the Cable Formula.

5. Subsequently, Congress enacted the 1996 Act ''to accelerate rapidly private sector deployment of advanced telecommunication and information technologies and services.'' Section 703(6) of the 1996 Act added a new section 224(d)(3), which expanded the scope of section 224 by applying the Cable Formula to rates for pole attachments made by telecommunications carriers, in addition to cable systems, until a separate methodology became effective for telecommunications carriers in 2001. Section 703(7) of the 1996 Act added new sections 224(e)(1–4), which set forth a separate methodology to govern charges for pole attachments used to provide telecommunications services beginning February 8, 2001 (''Telecom Formula''). Further, the 1996 Act gave cable operators and telecommunications carriers a right of nondiscriminatory access to utility poles, ducts, conduit and rights-of-way.

III. Order on Reconsideration

A. Complaint Procedures and Negotiated Agreements

6. Upon consideration of the record, we affirm our decision not to impose additional regulation on either the negotiation process or the rules for resolution of complaints arising out of failed negotiations. Our experience has taught us, and the record gained through these proceedings demonstrates, that without our rules and the use of presumptions in a formula methodology, attaching entities would not be able to challenge any rate offered by a utility. There would be no reasonable negotiation without a benchmark rate against which to compare the utility's proposed rate. We continue to reject arguments by utilities that attaching parties should be required to take exception to terms or conditions when the pole attachment agreement is negotiated or be estopped from filing a complaint about those issues. However, we do require that differences in rates, terms and conditions for pole attachments among attaching entities, be based on legitimate exchanges of consideration and not on discriminatory factors such as favoring an affiliated services provider over an unaffiliated entity. We will carefully scrutinize any differences in rates, terms and conditions in any complaint action, and the burden will be on the utility to demonstrate that any differences are nondiscriminatory.

B. Basic Concepts Used in the Formula

1. Use of Actual Costs

7. Electric utilities continue to urge that we abandon our use of regulatory accounts based on historical costs. Petitioners assert that pricing methodologies for use in pole attachment formulas should reflect replacement costs or the rates calculated are not constitutional because they cannot provide just compensation. We affirm our decision that the Cable Formula, which includes regulatory accounts maintained using historical costs, encompasses the statutory directive to provide just and reasonable rates for pole attachments, adding certainty and clarity to negotiations. We have been presented with no persuasive evidence that utility owners do not recover a just and reasonable compensation for pole attachments from use of the Cable Formula. Congressional intent to rely on existing regulatory accounts and avoid a prolonged rate making process is realized in the Commission's regulations.

8. We have recognized that the continued use of the historical cost based pole attachment formula brings certainty to the regulatory process. For more than two decades, the pole attachment formula has provided a stable and certain regulatory framework, which may be applied ''simply and expeditiously'' requiring ''a minimum of staff, paperwork and procedures consistent with fair and efficient regulation.'' We have found that switching to a methodology based on forward-looking economic costs would significantly change and burden the Commission's processes, requiring the Commission to develop a new formula, which would necessitate a protracted rulemaking proceeding involving complicated pricing investigation. We have acknowledged that, in certain contexts, setting prices on the basis of forward-looking economic costs has advantages, such as giving the appropriate signal for new entrants to invest in network facilities; but these advantages are less pronounced in the pole attachment context because pole attachers are less likely to build, or may be prohibited from building, their own poles and conduit. We have concluded and continue to find that, in the context of pole attachments, the continued use of historical costs accomplishes the key objectives of assuring just and reasonable rates to both the utility and the attaching parties, establishing accountability for prior cost recoveries, and encouraging negotiation among the parties by providing regulatory certainty. We will continue to calculate

maximum pole attachment rates under the Pole Attachment Act using regulatory accounts based on historical costs.

2. When Net Pole Investment Is Zero or Negative

9. Under Section 224(d)(1), fully allocated costs refer to the portion of operating expenses and capital costs that a utility incurs in owning and maintaining poles that are associated with the space occupied by pole attachments. Carrying charges are the costs incurred by the utility in owning and maintaining poles regardless of the presence of pole attachments. The carrying charges include the utility's administrative, maintenance, and depreciation expenses, a return on investment, and associated income taxes. To help calculate the carrying charge rate, we developed formulas that relate each of these components to the utility's net pole investment.

10. The pole attachment formulas rely on the investment and expense data utilities maintain in, or derive from, their accounting records. The investment data take two forms: ''gross'' data, which provide the original cost of the plant being considered; and ''net'' data, which adjust the gross data to reflect accumulated depreciation and deferred income taxes associated with that plant. The pole attachment formulas generally allocate the costs of owning and maintaining poles on the basis of net pole or net plant investment. In the Fee Order, we affirmed our long practice of calculating pole attachment rates using net book costs, continuing to allow the use of gross book costs if all parties agreed to that usage. We concluded that the important goal is to ensure that like figures are used, whether not or gross. We affirm our continued use of net figures in the formulas unless the parties agree otherwise, with the following limited exception.

11. In certain cases, negative net asset values for poles may occur as a result of the way the Commission calculates depreciation rates. As accumulated depreciation rises, for plant with high removal costs such as poles, the application of the depreciation rate formula can lead to a net asset value becoming negative. This is because, in computing the net pole investment, the formula subtracts from gross pole investment an accumulated depreciation that includes both a recovery of original investment and a recovery of costs of removal (less salvage). Because gross pole investment only includes the original cost of the poles, subtracting both components from the gross pole investment may lead to a zero or negative net pole investment. The carrying charge formulas compute percentages for each element (administrative, maintenance, and depreciation expenses, taxes, and rate of return) which are added and then multiplied against the net pole investment. For example, if the carrying charge formulas yield 10% for each element, the carrying charge rate would be 50%. This rate would then be multiplied by net pole investment (expressed on a per pole basis as net cost of a bare pole) and the percentage of usable pole space occupied by the attachment, to determine the maximum just and reasonable rate per pole. When the net pole investment is zero or negative, the formula cannot be calculated properly. In those instances, our pole attachment formula, using net figures, cannot be used to calculate a maximum rate based on fully allocated costs.

12. On reconsideration of this matter, we modify and clarify our guidance to utilities and attaching entities on how to apply the formula in those cases where the net pole investment is zero or negative. We have determined that the most reasonable and efficient method is to apply the formula using gross figures rather than net figures, with the exception of the rate of return element of the carrying charges which is always a net calculation. For example, we currently allocate administrative expenses by dividing total administrative and general expenses by net plant investment. This yields a percentage that is applied against the net cost of a bare pole. In contrast, a gross approach to allocation would, for example, divide total administrative and general expenses by gross plant investment.

13. With the exception of the maintenance component, the expense accounts upon which the pole attachment rates rely are not kept by type of plant. Because utilities cannot directly measure the amount of administrative expenses or taxes that are incurred because of poles, we must allocate administrative expenses and taxes to poles on some rational basis. We have previously determined that allocation of expenses based on net pole investment is reasonable. We continue to agree that the appropriate figures to use in the normal situation are the net figures. However, in the unusual situations where net pole investment is zero or negative, we find application of the formula using gross figures, with the noted net adjustment to the return element, to be appropriate.

14. In proposing this methodology, we acknowledge that only the administrative and tax elements of the carrying charges are affected by the change. The maintenance, depreciation and return elements yield the same maximum rate whether net or gross figures are used. The administrative and tax elements may be higher or lower due to the different ratios of accumulated depreciation and accumulated deferred taxes to gross total plant as opposed to gross pole plant. The rate of return element will be negative and is subtracted from the positive elements of the carrying charge. We believe this result is reasonable because the utility has, in effect, already recovered more than the original cost of its pole plant through depreciation charges. While this ''over-recovery'' is necessary to defray the costs of disposing of the poles when they are retired from service, the utility has the use of any ''over-recovered'' amounts throughout the poles' useful lives. Our conclusion that the utility's pole attachment rates should reflect the over-recovery in the form of a negative rate of return carrying charge properly recognizes this fact.

15. The formula using the gross approach yields the following calculation:

(A). Gross Plant (Poles)
(B). Net Plant (Poles)
(C). Depreciation Rate (Poles)
(D). Maintenance Expense (Poles)
(E). Quantity of Poles
(F). Authorized Rate of Return
(G). Administrative Expenses (Total)
(H). Taxes (Total)
(I). Gross Plant (Total)
(J). Net Plant (Total)
(K). Usable Space Factor (.074)
(L). Bare Pole Factor (.85 or .95)

Maintenance = Maintenance Expense (Poles) ÷ Gross Plant (Poles)
Element = (D) ÷ (A)
Depreciation = Depreciation Rate (Poles)
Element = (C)
Return Element = Rate of Return × Net Plant (Poles) ÷ Gross Plant (Poles) = [(F) × (B)] ÷ (A)
Administrative = Administrative Expenses (Total) ÷ Gross Plant (Total)
Element = (G) ÷ (I)
Tax Element = Taxes (Total) ÷ Gross Plant (Total) = (H) ÷ (I)
Total Carrying Charge = Sum of Maint., Depr., Ret. (−), Admin. and Tax Elements
Max Rate = Space Factor × Bare Pole Factor × Gross Plant (Poles) × Total Carrying Charges ÷ Quantity of Poles = [(K) × (L) × (A) × Total Carrying Charges] ÷ (E)

We reiterate that in all other cases, where the net pole investment is

positive, the appropriate figures to use in the formula continue to be the net figures, unless the parties agree otherwise.

3. Case by Case Applications

16. In the Telecom Order, we stated that the record was not sufficient to enable us to adopt detailed standards that would govern all of these situations. We believe our basic rate methodology is adaptable to attachments that fit these categories. A complaint involving a dispute about these attachments would be treated as any other pole attachment complaint. We recognize guiding principles based on the Pole Attachment Act to be used in determining rates for pole attachments, including attachments to rights-of-way, wireless attachments and transmission facilities attachments. Guiding principles include the congressionally mandated methodology, preference for publicly available records when available, and an acceptable range of just and reasonable rates. We continue to believe it prudent to gain experience through case by case adjudication to determine whether additional guiding principles or presumptions are necessary or appropriate, and this will be accomplished through our existing complaint procedures. We will continue to address complaints about just and reasonable rates, terms and conditions, and nondiscriminatory access for non-traditional attachments on a case-by-case basis.

C. The Space Factor

17. The basic Cable Formula can be stated as follows:

$$\text{Maximum Rate} = \frac{\text{Space Occupied}}{\text{Total Usable Space}} \times \text{Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

18. We define total usable space as the space on the utility pole above the minimum grade level that is usable for the attachment of wires, cables, and related equipment. In the Fee Order, we affirmed the use of various presumptions that lead to 13.5 feet as the presumptive average usable space on a pole. The Cable Formula uses a 37.5 foot presumptive pole height, an 18 foot average minimum ground clearance, allocation of the 40-inch safety space to usable space, and the inclusion of poles of 30 feet or less when calculating the costs of a bare pole. No persuasive evidence or arguments have been presented which challenge our long-standing presumptions resulting in 13.5 feet as the presumptive usable space. Application of these presumptions results in 7.4% as the percentage of usable space occupied by a pole attachment.

1. Average Pole Height

19. The record in this proceeding confirms the prevalent use of 30-foot poles and reflects that exclusion of such poles from the Cable Formula calculations could distort the resulting rate by excluding a significant portion of local exchange carrier (''LEC'') utility plant investment from the rate calculation. We affirm our position that a distorted inventory of poles would be reflected if utilities were allowed to ''opt out'' or exclude their poles of 30 feet or less when calculating their pole attachment rates.

2. Safety Space

20. No new arguments or evidence was presented in the filings and based on our previous reasoning, the 40-inch safety space that exists to minimize the likelihood of physical contact between employees working on cable television or telephone lines and the potentially lethal voltage carried by the electric lines, as well as to prevent electrical contact between such cables, is usable and used by the electric utility, and we reject arguments to reduce the presumptive usable space of 13.5 feet by 40 inches.

3. Minimum Ground Clearance

21. Ground clearance requirements in the National Electric Safety Code (''NESC'') include an average amount of sag for cable lines. No new evidence or arguments were provided that would persuade us to abandon our long-standing reliance on the presumptive average minimum ground clearance based on NESC standards.

4. Telecom Formula Space Factor

a. Counting Attaching Entities

22. Under the Cable Formula, the costs of unusable space are allocated based on the portion of usable space an attachment occupies, the space factor. Our formula is stated as follows:

$$\text{Maximum Rate} = \frac{\text{Space Occupied}}{\text{Total Usable Space}} \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

23. Using the presumptions in the Cable Formula, this results in a space factor of 1/13.5 or .074, multiplied by the net cost of a bare pole and the carrying charge rate:

$$\text{Maximum Rate} = .074 \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

24. Under the Telecom Formula, pursuant to the specific requirements of the Pole Attachment Act, the costs of unusable space are separated from the costs of usable space are allocated based on the number of attaching entities. The costs of usable space are still calculated based on the portion of usable space occupied. In the Telecom Order, we adopted separate formulas for determining the unusable space factor maximum rate and the usable space factor maximum rate which, when added together, calculate a maximum rate under section 224(e) of the Pole Attachment Act. We now simplify the two formulas into one combined formula as follows:

$$\text{Maximum Rate} = \left[\frac{\left(\text{Space Occupied}\right) + \left(\frac{2}{3} \times \frac{\text{Usable Space}}{\text{No. of Attaching Entities}}\right)}{\text{Pole Height}}\right] \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

25. Using our presumptions in the Telecom Formula, this calculation can be stated as:

$$\text{Maximum Rate} = \left[\frac{(1) + \left(\frac{16}{\text{No. of Attaching Entities}}\right)}{37.5}\right] \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

which results in a combined (usable and unusable) space factor of between .24 and 2 attachers and .098 for 6 attachers for telecommunications attachers, as opposed to .074 for cable attachers. The difference between the two rate calculations is then phased in over five years, pursuant to the provisions of the Pole Attachment Act.

26. In the Telecom Order, we recognized that the number of attaching entities is a significant factor in determining he maximum rate. We concluded that certain entities should be counted as attaching entities pursuant to the Pole Attachment Act. We now reconsider and clarify our methodology for counting the number of attaching entities used in the Telecom Formula. We clarify our position that all utilities should be counted as attaching entities. In addition, we further reconsider and clarify that any entity with a physical attachment to the pole should be counted as an attaching entity. We will continue to exclude a government's temporary or seasonal attachments from this category. We also reconsider our inclusion of third party overlashers as separate entities and conclude that they are not to be counted as separate attaching entities. This is consistent with our conclusion that an overlashing entity does not occupy additional space on a pole. An overlashed cable is still only attached to the pole by the original single attachment.

27. The term ''attaching entities'' includes, without limitation, and consistent with the Pole Attachment Act, any telecommunications carrier, incumbent or other local exchange carrier, cable operator, government agency, and any electric or other utility, whether or not the utility provides a telecommunications service to the public, as well as any other entity with a physical attachment to the pole. This is consistent with the language of the statute and with Congress' intent to count all attaching entities when allocating the costs of unusable space. Therefore, we include the utility pole owner in the count, resulting in a minimum of two attaching entities being counted.

28. Upon reconsideration, we find that third party overlashers should not be counted as separate entities because they are not occupying separately segregated pole space. This conclusion is consistent with our finding that overlashing does not constitute a separate attachment and our conclusion that all entities with a physical attachment should be counted. Our review of the Pole Attachment Act leads us to reconsider our previous decision and conclude that the term ''attaching entity'' as it is used in the Pole Attachment Act is not limited to entities with attachments that met the definition of pole attachment as it is used in the Pole Attachment Act. Rather, we conclude that any entity with a physical attachment to the pole should be counted. Our rule for counting attaching entities will allow parties to pole attachment agreements to calculate an average number of attaching entities for use in the Telecom Formula.

b. *Average Number of Attaching Entities:* 29. In the Telecom Order, we determined that the most efficient and expeditious manner to identify an average number of attaching entities, was for each utility to develop its own average number of attaching entities.

i. Geographic Areas. 30. Upon presentation of additional information and consideration of the record in this proceeding, we modify the geographic areas on which a utility will base its average numbers of attaching entities. Some utilities assert it will not be feasible to determine averages in any cost-efficient manner, so we will provide default averages for urbanized and non-urbanized areas, for use in the absence of utility developed averages.

31. The purpose of having averages based on geographic areas was to have pole attachment rates reflect an appropriate average number of pole attachments in a particular geographic area as of February 2001, when utilities begin calculating rates for telecommunications carriers. A population of 50,000 or greater (urbanized area) is a reasonable density in which to expect greater penetration of service providers and attachments. The record shows that using urbanized and non-urbanized areas allows a reasonably effective classification of poles based upon the actual characteristics of pole inventory of different utilities.

32. We will require utility pole owners to calculate an average number of attaching entities by service area. Where a utility territory or service area in which an attaching entity seeks to install pole attachments can be identified as either urbanized or non-urbanized, the default averages, or the actual averages if developed by the utility, for that area should be used. However, where a utility territory or service area in which an attaching entity seeks to install pole attachments cannot be identified as either urbanized or non-urbanized because it crosses into both an urbanized and non-urbanized area, and the utility is unable to identify a separate service area as non-urbanized, the default averages, or the actual averages if developed by the utility, for an urbanized area should be used. If any part of a specific service area, as identified by the utility, is urbanized, then all that service area would be considered urbanized for pole attachment purposes. This will facilitate an equitable calculation of pole attachment rates for telecommunications carriers. Utilities that have multiple service areas in a state would classify each service area, as either urbanized or non-urbanized depending on whether any part of the service area is within an area designated by the Bureau of Census as urbanized. Utilities advise this would be equitable because in a service area in which any part is considered urbanized, the

development potential for the entire area to become urbanized is great.

33. We emphasize our preference that each utility use the data it has available in its corporate and regulatory records, and not go to extraordinary lengths to be precise when reasonable estimates will generally provide an equitable process. The utility shall make available its data, information and methodology upon which the averages were developed, unless the default averages are used. We clarify that when a distinct area defined by the Bureau of Census as urban falls within an urbanized area, a separate average number of attaching entities for that urban area is not required. The record demonstrates that in some states, and for some utilities, there may be no significant difference in the number of attaching entities for rural areas and for urban areas that are outside urbanized areas. Therefore, we provide utilities the option of using our presumptive averages presented below, or developing averages for two areas: (1) Urbanized (50,000 or higher population), and (2) non-urbanized (less than 50,000 population).

34. When a utility exercises good faith in determining average numbers of attaching entities upon which to base the costs of providing unusable space, the burden of proof will be on an attaching entity to demonstrate the costs are being unjustly apportioned. In demonstrating its good faith, the utility must make its methodology and data publicly available to the attaching entity, upon request for information sufficient for an attaching entity to project its costs of attaching to that utility's infrastructure. The costs of conducting an exercise to determine average numbers of attaching entities shall not be directly passed on to the attaching entities as make-ready costs. Expenses relating to the exercise necessary to develop these averages will be shared ultimately by all attachers and the utility when, as a reasonable business expense incurred as part of doing business, the expense is reported to the utility's appropriate regulatory accounts and factored into the carrying charge rate of the Cable Formula. We do not believe that such expenses would be within the methodology prescribed by Congress for individual payment by each attaching entity for a pole attachment.

ii. Presumptive Averages. 35. In order to expedite the process of developing average numbers of attaching entities, and allow utilities to avert the expense of developing location specific averages, we provide two rebuttable presumptive averages for use in our Telecom Formula. This gives both small and large utilities the option of not conducting a potentially costly and burdensome exercise necessary to develop averages based on their company specific records. The adoption of presumptive averages should reduce cost and effort by all parties.

36. In the Telecom Order, we did not establish presumptions, but said we believed the most efficient and expeditious manner to calculate a presumptive number of attaching entities would be for each utility to develop its own presumptive average number of attaching entities. We now reconsider that decision and set rebuttable presumptive average numbers of attaching entities for our two categories, urbanized and non-urbanized. We are now persuaded that utilities and attaching entities would benefit from our providing presumptive averages for their use. Our establishment of presumptive averages will expedite the process and allow utilities to avert the expense of developing location specific averages. As with all our presumptions, either party may rebut this presumption with a statistically valid survey or actual data.

37. Based on the expanded record, we establish presumptive average numbers of attaching entities in a non-urbanized (less than 50,000 population) area to be three (3) attaching entities, based on information presented in the record and the expectation that on a pole or in a conduit, for instance, there would be electric, telephone and cable attachers. It is estimated that cable systems now provide access to cable television services to over 97% of all households with a television. Electric power and telephone service is even more universal. The record supports a presumptive average of three attaching entities in non-urbanized areas.

38. In an urbanized area that is more densely populated (50,000 or higher population), more developed commercially than a non-urbanized area, and in which we expect both residential and business commercial competition to flourish, we set a presumptive average number of attaching entities at five (5) to reflect the inclusion of, but not limited to, the following possible attaching entities: electric, telephone, cable, competitive telecommunications service providers and governmental agencies. Advanced telecommunications capability is being deployed throughout the country. As noted above, competitive services are increasing. The record supports a presumptive average number of five attachers in urbanized areas.

D. Overlashing

1. Space Occupied by Third Party Overlashing

39. Cable companies have, through overlashing been able to decades to replace deteriorated cables or expand the capacity of existing communications facilities, by typing communication conductors to existing, supportive strands of cable on poles. The 1996 Act was designed to accelerate rapid deployment of telecommunications and other services, and to increase competition among providers of these services. Overlashing existing cable reduces construction disruption and associated expense. Accordingly, in the Telecom Order, we declared our continued approval of, and support for, third party overlashing, subject to the same safety, reliability, and engineering constraints that apply to overlashing one's own pole attachment.

40. We determined that facilities overlashed by third parties are presumed to share the presumptive one foot of usable space occupied by the host attachment. We did not dictate how the utility, host attaching and third party attaching entities would relate to each other for compensation purposes. We did not require the host attaching entity or the third party overlasher to obtain the consent of the utility beyond the consent already acquired for the host attachment although the utility is entitled to notice of the overlashing. We stated that third party overlashing did not disadvantage the utility's ability to ensure the integrity of its poles.

41. We decline to impose additional regulation and clarify several aspects of our position regarding third party overlashing. Allowing third party overlashing reduces construction disruption and associated expenses which would otherwise be incurred by third parties installing new poles and separate attachments. We clarify that third party overlashing is subject to the same safety, reliability, and engineering constraints that apply to overlashing the host pole attachment. We affirm our policy that neither the host attaching entity nor the third party overlasher must obtain additional approval from or consent of the utility for overlashing other than the approval obtained for the host attachment.

2. What the Third Party Overlasher Pays

42. Some petitioners urge us to specify, or at least clarify, what the third party telecommunications carrier overlasher pays to the host attacher or the utility pole owner. We decline to attempt to regulate this relationship. However, if the third party overlashing

cable operator's pole attachment is a telecommunications carrier, then the pole attachment will be considered to be used to provide telecommunications services for purposes of calculating the pole attachment rate. The maximum rate for that overlashed pole attachment would then be calculated using the Telecom Formula after February 8, 2001. In some instances, the host attaching entity will pay the utility for a telecommunications carrier pole attachment. We have stated that the third party overlasher is not separately liable to the utility for the usable space which the overlashing shares with the host attachment because there would be no additional usable space occupied. We expect and encourage the overlashing and host attaching entities to negotiate a just and reasonable rate of compensation between them for the overlashing, which will represent some sharing of the usable and unusable space costs. Until our intervention is necessary to facilitate pole attachments for these parties, we will rely on all parties to act in good faith to develop their own just and reasonable compensation.

3. Wind and Weight Load Factors

43. We have reviewed Sections 24 and 26 of the NESC that address loading and structural requirements in detail. Based on our analysis and the record, we continue to believe that an attachment's ''burden on the pole'' relates to an assessment of need for make-ready changes to the pole structure, including pole change-out, to meet the strength requirements of the NESC. For example, if the addition of overlashed wires to an existing attachment causes an excessive weight to be added to the pole requiring additional support or causes the cable sag to increase to a point below safety standards, then the attacher must pay the make-ready charges to increase the height or strength of the pole. Make-ready costs are non-recurring costs. for which the utility is directly compensated and as such are excluded from expenses used in the rate calculation. The statutory language prescribes that we allocate costs based on space occupied, not load capacity.

44. Fee Order petitioners present no new or persuasive evidence that the ''burden on the pole'' due to weight and wind load is an additional factor for consideration in the determination of the amount of space occupied through which some rate increase would be calculated. We affirm our position that the costs of the physical attachments of an attaching entity are normally paid to the pole owner as a condition of attachment, addressing such factors as weight, wind load and safety space. Overlashing does not increase the amount of space actually occupied by the attachment.

4. Shared One-Foot Usable Space

45. In the Telecom Order, we found that the one foot presumption should continue to apply where an attaching entity has overlashed its own pole attachments. We also determined that facilities overlashed by third parties onto existing pole attachments are presumed to share the presumptive one foot of usable space of the host attachment. The one foot presumption is rebuttable by any party. We decline to abandon or redefine our presumption for usable space occupied by a pole attachment, even in instances of overlashing. The record on reconsideration affirms that the sharing and use of the one foot presumption, for usable space occupied by a pole attachment, does not lead to a distortion of the allocation of the costs of the pole in determining a just and reasonable compensation for the utility.

5. Cable Operator Not a Utility Obligated To Provide for Overlashing

46. The Pole Attachment Act does not define utility to include attachers, Section 224(f) of the Pole Attachment Act obligates a utility to provide a cable television system or any telecommunications carrier with nondiscriminatory access for purposes of a pole attachment. Neither a cable system attacher nor a telecommunications attacher has an obligation to act as a host and share its pole attachment with a third party overlasher.

6. Notice to Utility Pole Owner

47. We agree that the utility pole owner has a right to know the character of, and the parties responsible for, attachments on its poles, including third party overlashers. The pole owner is entitled to charge to Telecom Formula rate when a pole attachment previously used to provide only cable services is used to provide telecommunications services, as a result of a third party telecommunications carrier overlashing. When the cable operator's pole attachment provides transmission of telecommunications services, whether for itself or via third party overlashing, it will notify the pole owner. We clarify that it would be reasonable for a pole attachment agreement to require notice of third party overlashing.

48. In the Telecom Order, we concluded that the third party overlashing entity should be classified as a separate attaching entity for purposes of counting entities using the Telecom Formula. We now reconsider that decision, and based on our review of the statute, the record herein and our decision that an overlasher shares space with the host attachment, we believe that the third party overlasher should not be counted as a separate attaching entity.

49. We affirm the requirement that a cable operator notify the utility when the cable operator begins providing telecommunications services itself or via third party overlashing. Cable attachers stress that this notification should not provide utilities with an opportunity to acquire sensitive proprietary and business development, planning, or scheduling information that could result in a competitive disadvantage to the attaching entity. We agree. The record fails to demonstrate any legitimate purpose for a utility to require commercially-sensitive data or information to be provided as a part of this notification of a change of service status by a cable operator.

50. Pole attachment agreements after February 8, 2001 could be expected to include a reasonable mechanism for notification by a cable operator of its change of status to a telecommunications carrier. Pole attachment agreements could also be expected to include a reasonable remedy for a cable operator's failure to so notify. Because we have not explored the issue of a penalty for failure to notify and have no record on the question, we will not make a determination on that issue at this time.

7. Dark Fiber

51. We affirm our holding in the Telecom Order that if an attachment previously used for providing solely cable services would, as a result of the leasing of dark fiber, also be used for providing telecommunications services, the rate for the attachment would be determined using the Telecom Formula. However, attaching entities may lease their dark fiber to third parties without such leases being considered separate attachments and without making an additional payment beyond the host's existing attachment rate. The cable system operator may lease excess fiber capacity within its existing attachment to any party for a negotiated rate without the knowledge or consent of the pole owner because the physical attachment will not be altered. The dark fibers contained within the attaching host have already been taken into account in determining the rent for the attachment. The character and content of the services provided do not affect the amount of space occupied by the

attachment. The type of services provided over the attachment only affect the pole attachment rate if the services are telecommunications services. If the third party leasing the fiber is, or becomes, a telecommunications carrier, then the utility is compensation for the pole attachment based on the Telecom Formula and must be notified.

E. Conduit Issues

52. Conduits are structures that provide physical protection for cables and allow new cables to be added inexpensively along a pathway or route. A conduit consists of one or more ducts, which are the enclosures that carry the cables. Often, when a cable operator's or telecommunications carrier's cables are placed in a duct, three or more inner duct are inserted into the duct allowing ''one duct to be treated more like conduit.'' A collection of conduits, together with their supporting infrastructure, constitutes a conduit system. A conduit system may vary widely among geographic areas, and between LEC and electric utilities.

53. The total capacity of a duct or conduit is the entire volume of available capacity in the conduit system. All costs associated with the construction of the conduit system are considered in determining the cost of this total capacity. Essentially, the lack of any unusable capacity in a conduit makes the practical application of the Pole Attachment Act formulas the same for both cable attachers and telecommunications attachers both before and after February 8, 2001.

54. Cable operators and telecommunications carriers alike will calculate a maximum just and reasonable rate for a pole attachment in a conduit by apportioning the cost of providing capacity among all entities according to the percentage of capacity used by each entity. Calculation of the maximum rate may be simplified by using the presumptions in the formula. The carrying charge rate is calculated for pole attachments in conduit, in the same manner as the carrying charge rate in our pole attachment formula. The conduit formula adopted in the Fee Order and affirmed here is the following:

$$\text{Maximum Rate Per Linear ft./m.} = \text{Percentage of Conduit Capacity Occupied} \times \text{Net Linear Cost of Conduit} \times \text{Carrying Charge Rate}$$

1. Space Factor in Conduit

55. In the Fee Order, we concluded that all costs attributable to utilities' underground conduit systems are costs of providing capacity. The regulatory accounts to which LEC and electric utilities report their gross conduit investment include the costs of installed conduit, original permit, excavation, sewer connections and other costs. All costs associated with the construction of the conduit system are considered in determining the cost of this total capacity.

a. *Total Duct or Conduit Capacity.* 56. In the Fee Order, we clarified that a utility may designate capacity in a duct for maintenance or emergency use, but that a duct so designated is usable in the event it is needed, and therefore is part of the conduit capacity. Where duct capacity is set aside for future municipal use (in the nature of consideration as a condition for a license, franchise, or permit), the utility is compensated for those costs as part of its net conduit investment and/or in the carrying charge rate. Collapsed or otherwise ducts are no longer available for pole attachments, and should not be included in the calculation of total capacity of a conduit or duct in the Cable Formula.

57. We will not allow capacity designated for maintenance, future business plans, or municipal set-asides to be subtracted from the total duct or conduit capacity for rate determination purposes. The record supports our analysis that capacity in a duct or conduit that is usable for any of these purposes is part of the ''total duct or conduit capacity.'' For example, a utility may set-aside capacity for maintenance or emergencies so that unoccupied capacity is available into which a temporary cable may be placed and spliced into a damaged cable. Capacity so designated is usable in the event it is needed, and available for use by the utility at any time for any purpose, and is therefore part of the total available conduit capacity. Such reservation of capacity is not necessarily identified by a specific duct or location, can be created, used, withdrawn or discarded at the sole discretion of the utility, and must be considered part of the total capacity of the conduit. Municipal set-asides are also capacity that may be made available for the use of the local government as a condition in a franchise, license, right-of-way or other agreement.

58. Capacity may be reserved, or kept unused to be available to an electric utility for expansion of its core business services, but that capacity is still part of the total capacity of the duct or conduit system and must be made available for pole attachments until such time as it is needed by the electric utility under a bona fide business plan. Under the policy articulated in the Local Competition Order, an electric utility is allowed to reserve capacity for future business purposes under a bona fide business plan, but must allow that capacity to be used for attachments until an actual business need arises. For whatever reason capacity may be reserved or designated for special uses, by or on behalf of the utility, and regardless of who may benefit directly or indirectly from those uses, the capacity is available for use and therefore remains part of the total capacity of the conduit for rate determination purposes.

b. *Occupied Capacity, the Half-Duct Presumption.* 59. Presumptions are used in the Cable and Telecom Formulas to expedite the calculations of a just and reasonable rate so that complicated surveys, accounting and calculations may be avoided.

60. We affirm our rebuttable presumption that a cable or telecommunications attacher occupies a maximum capacity of one half of a duct, when determining a reasonable conduit attachment rate. The presumption that a communications cable in a conduit system occupies one half of a duct is based on clear evidence that all types of cable—including electric supply cables when controlled by the same party as the communications cable—may share a duct. We affirm our position that, because the NESC rule relied on by the electric utilities does not prohibit the sharing of a duct by electric and communications cables when controlled by the same party or two communications cables, it is reasonable to expect there to be more than one attacher in a duct.

61. The one half duct presumption is rebuttable and the presence of inner duct is adequate rebuttal. Where inner duct is installed, either by the attacher or in a previous installation, the maximum rate will be reduced in proportion to the fraction of the duct occupied. That fraction will be one

divided by the actual number of inner ducts in the duct. We continue to believe that the use of the one half duct rebuttable presumption is a simple, expedient and reasonable approximation of the actual capacity occupied by a cable operator or telecommunications carrier attaching in a conduit system. When the actual percentage of capacity occupied is known, it can and should be used instead of the one half duct presumption.

2. Net Linear Cost of Conduit

62. As stated in the Fee Order, in the conduit context, we use the net linear cost of the conduit, as compared to the net cost of a bare pole, as one factor within the formula for determining a maximum permissible rate for attachment within conduit. As the net cost of a bare pole reflects the total system investment for the above ground pole attachment infrastructure, to arrive at a system investment for use in the conduit formula we identify the net linear cost of the conduit system. To accomplish this, the utility must first establish the Net Conduit Investment.

63. Our goal has always been to adopt a formula which allows the parties to calculate the maximum rate using public data when available, in a fair and expeditious manner. We also have a policy against requiring additional accounting procedures so long as the information is available from the utilities upon reasonable request.

a. *Net Conduit Investment (LEC-Owned Conduit).* 64. Net Conduit Investment for LEC-owned conduit is calculated as follows:

$$\text{Net Conduit Investment} = \text{Gross Conduit Investment (ARMIS Account 2441)} - \text{Accumulated Depreciation (Conduit)} - \text{Accumulated Deferred Taxes (Conduit)}$$

65. Gross Conduit Investment for the LEC consists of Part 32 Account 2441. For LECs, Accumulated Depreciation (Conduit) represents the share of ARMIS Account 3100 that corresponds to Account 2441. Accumulated Depreciation related to conduit is publicly available at the LECs ARMIS Report 43–02. In the Fee Notice we proposed the following formula for the calculation of accumulated deferred income taxes for conduit:

$$\text{Accumulated Deferred Income Taxes (Conduit)} = \frac{\text{Gross Conduit Investment}}{\text{Total Gross Plant Investment}} \times \text{Total Accumulated Deferred Income Taxes}$$

66. LEC conduit owners objected to this formula on the basis that the actual amount of accumulated deferred taxes for conduit is available directly from the LEC's books. BellSouth maintains that because it is required to keep separate and accurate records of accumulated deferred income taxes for poles and conduit, our formula will improperly introduce non-conduit related deferred taxes into rate calculations. NCTA argued that LECs should not use accumulated deferred income tax figures taken from the LEC's books because the information is not publicly available.

67. In the Fee Order, we concluded that if the LEC conduit owner is required to keep this data precisely as required for the formula, we will allow them to use it in the rate calculation, as long as it was reported to and available through our public ARMIS. There is confusion among utilities and attaching entities whether this data is available. Pursuant to our Biennial Regulatory Review, Review of Accounting and Cost Allocation Requirements, FCC 99–106 and Biennial Regulatory Review, Review of ARMIS Reporting Requirements, FCC 99–107 we require the LEC conduit owner to keep this data as required for the formula because we require LECs to use it in the rate calculation. This data will be available at ARMIS Report 43–02 and we will use this data in our formulas. Until ARMIS reports for LECs include this required data after 2001, we will continue to use the proration method to calculate the conduit portion of accumulated deferred taxes for use in the formula to calculate the net linear cost of conduit.

b. *Net Conduit Investment (Electric Utility-Owned Conduit).* 68. Net Conduit Investment for electric utility-owned conduit is calculated as follows:

$$\text{Net Conduit Investment} = \text{Gross Conduit Investment (FERC Account 366)} - \text{Accumulated Depreciation (Conduit)} - \text{Accumulated Deferred Taxes (Conduit)}$$

69. For electric utilities, Gross Conduit Investment is reflected in FERC Part 101 Account 366. Accumulated Depreciation (Conduit) represents the share of FERC Account 108 (Accumulated provision for depreciation of electric utility plant (Major only)—a composite account that is required to be maintained on a subsidiary basis) that corresponds to Account 366. Accumulated Deferred Income Taxes for electric utilities represents the share of FERC Accounts 190, 281, 282, 283 that correspond to Account 366.

70. Upon review, we found no new information presented that would persuade us to abandon the use of system-wide data in the conduit context, as it is used in the pole context. No viable alternate suggestion has been offered and we continue to find that the use of system-wide data is the most efficient and reasonable methodology.

F. FERC and ARMIS Accounts Used in the Formulas

1. Electric Utility Accumulated Deferred Income Taxes Poles (Correction)

71. In the Fee Order, we stated the following formula to determine the net cost of a bare pole for electric utilities:

$$\text{Net Cost of a Bare Pole (Electric)} = 0.85 \times \frac{\text{Account 364} - \text{Accumulated Depreciation (Poles)} - \text{Accumulated Deferred Income Taxes (Poles)}}{\text{Number of Poles}}$$

We stated that the Accumulated Deferred Income Taxes represents the share of composite FERC Account 190 (Accumulated deferred income taxes) that corresponds to Account 364. In error, we neglected to include FERC Accounts 281, 282, and 283 along with Account 190. We now correct this typographical error so that Accumulated Deferred Income Taxes represents the share of composite FERC Accounts 190, 281, 282 and 283 that corresponds to Account 364.

2. Carrying Charge Accounts (LECs)

72. The carrying charge rate reflects those costs incurred by the utility in owning and maintaining pole attachment infrastructure regardless of the presence of attachments. The elements of the carrying charge rate are: administrative, maintenance, depreciation, taxes and cost of capital (rate of return). To calculate the carrying charge rate, we developed formulas that relate each element to a utility owner's net investment. The carrying charge rate factor of the Cable Formula is calculated as follows:

$$\text{Carrying Charge Rate} = \text{Administrative} + \text{Maintenance} + \text{Depreciation} + \text{Taxes} + \text{Return}$$

73. In May 1986, the Commission adopted a new uniform system of accounts for all FCC regulated telephone companies. The Commission's Annual Report Form M was revised on April 27, 1989 to reflect the new accounting system in Part 32 that replaced the accounting system in Part 31, effective January 1, 1988. The Pole Attachment Order provided formulas for determining a maximum just and reasonable pole attachment rate with regulatory accounts identified. The formula for LECs used Part 31 accounts until after adoption of the New USOA-Part 32 Adoption, when the Common Carrier Bureau responded to a request for clarification of what Part 32 accounts would be used in place of the Part 31 accounts specified in the Pole Attachment Order. That guidance was given the understanding that an exact tracking of expenses from Part 31 accounts to Part 32 accounts was not possible. In the Fee Order, we clarified the Part 32 accounts to be used in the Cable Formula for LECs utilities.

74. In the Fee Order, we adopted the following formula to determine the administrative element of the carrying charge rate of the Cable Formula for LEC pole owners:

$$\text{Administrative Element} = \frac{\text{Administrative and General (Accounts 6710 + 6720)}}{\text{Gross Plant Investment (Account 2001)} - \text{Accumulated Depreciation (Account 3100)} - \text{Accumulated Deferred Taxes, Plant (Accounts 4100 \& 4340)}}$$

75. The Fee Order did not attempt to establish different accounts to be used in the administrative elements of the carrying charges. The Fee Order merely reconciled the accounts formerly listed in Part 31 to their counterpart accounts in Part 32. This resulted in the identification of Accounts 6710 and 6720 to be included in the administrative element of the carrying charges.

76. We reviewed and considered the record before us regarding the accounts to be used for the administrative element expenses for LECs. We do not believe Congress intended us to discover and aggregate all de minimis expenses which might have some intangible nexus to pole attachments. On the contrary, we believe Congress gave us a clear mandate not to engage in full-scale ratemaking exercises every time we have a pole attachment compliant before us. We have chosen not to disaggregate the major accounts selected for inclusion in our calculations in order to eliminate expenses not directly attributable to administrative costs with a nexus to pole attachments, such as corporate strategic planning. On reconsideration, we decline to draw in more expenses to the administrative element because we already apply a comprehensive set of expenses in conformance with the statutory directive to allocate a percentage of operating expenses attributable to pole attachments.

3. Carrying Charge Accounts (Electric)

77. Account 593 (maintenance of overhead lines (Major only)) includes all the cost of labor, materials used and expenses incurred in the maintenance of overhead distribution line facilities, the book cost of which is includible in Account 364 (poles, towers and fixtures), Account 365 (overhead conductors and devices), and Account 369 (services). In our calculation we include the net investment for all three accounts to determine the portion of Account 593 attributable to Account 364. We have been provided no additional evidence to rebut the description of Account 590 or that ''direct field supervision of specific jobs shall be charged to the appropriate maintenance account,'' in this case Account 593. Fee Order petitioners do not persuade us that there is any significant expense related to poles included in Account 590.

78. This same reasoning applies to Account 594 in the conduit context. Account 594 (maintenance of underground lines (Major only)) includes the cost of labor, materials used and expenses incurred in the maintenance of underground distribution line facilities, the book cost of which is includible in Account 366 (underground conduit), Account 367 (underground conductors and devices), and Account 369 (Services). All expenses associated with Account 366, the account used to determine conduit investment, are reported in Account 594

and no additional accounts should be included as maintenance expenses.

79. Accounts 580, 583, 584, and 588 are operational accounts to which electric utilities report expenses relating to the utility's core regulated business services, and not pole or conduit expenses. Account 598 is the miscellaneous account related generally to maintenance of equipment on customer premises and is not associated with pole or conduit expenses. We will not include any portion of Accounts 580, 583, 584, 588 or 598 in the calculation of the maintenance element of the carrying charge rate for pole or conduit because the costs or expenses reported to these accounts do not reflect a sufficient nexus to the operating expenses and actual capital costs of the utility attributable to the pole or conduit attachment. The pertinent maintenance expenses are reported in Accounts 593 (poles) and 594 (conduit) and we include those in the calculation.

4. Investment Accounts (Electric)

80. We calculate net pole or conduit investment for two purposes in the formula. First, we calculate net investment to identify the portion of net investment that is allocable to the physical attachment. We then apply the rate of return against that portion so that the utility is fully compensated for the capital investment that is being used by the attacher. The only account pertinent to that calculation is the pole or conduit investment account.

81. We measure the capital investment that is used by determining the percentage of physical space occupied by the attachment. For electric utility poles, we use Account 364 (poles, towers and fixtures). Those costs are fully captured in Account 364. The accounts suggested by petitioners include capital expenditures which support the utility's core business function and are not related to the pole cost. To the extent that an attacher wished to place a separate structure (pole, box, etc.) on utility property, we would examine any rate issue on a case by case basis.

82. We do not believe that the Pole Attachment Act envisions a drawn out ratemaking process to determine whether a lightning arrester, whose only function is to protect a piece of equipment which supports the utility's core business function of power distribution, indirectly benefits other attachers on the pole. Neither do we propose a complex ratemaking process to remove every possible cost included in Account 364 that does not benefit the pole attacher.

83. Account 366 (underground conduit), which we include in the investment calculation, includes the cost installed of underground conduit and tunnels used for housing distribution cables or wires. All items associated with the construction of the conduit are included in this account.

84. Based on our extensive review of the record and the description of the accounts, we affirm that only FERC accounts to be included in the investment calculation are Accounts 364 for pole investment and Account 366 for conduit investment. Petitioners failed to provide any new information and their reiteration of the same arguments fail to persuade us to include additional accounts in our calculation of the pole or conduit investment. As we have stated above, any unusual requests involving access to land or rights of way other than for a pole attachment or conduit attachment will be considered on a case by case basis. Our inclusion of unrelated expenses in certain accounts and our exclusion of possible minor expenses in other accounts provides a balanced overall allocation of costs while avoiding a prolonged and contentious ratemaking process.

IV. Final Regulatory Flexibility Certification

85. As required by the Regulatory Flexibility Act (''REA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in both the Fee Order Notice and Telecom Order Notice and a Final Regulatory Flexibility Analysis (''FRFA'') was incorporated in both the Fee Order and Telecom Order. The Commission sought written public comment on the proposals in the Fee Order Notice and Telecom Order Notice, including comment on the IRFAs. No comments were received in response to the IRFA in either the Fee Order Notice or Telecom Order Notice, nor did we receive any petitions for reconsideration of the Fee Order FRFA or Telecom Order FRFA. The RFA requires that an RFA analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.''

86. The RFA generally defines a ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term small business concern under the Small Business Act. A ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). As we described in the FRFA analyses in the Fee Order and Telecom Order, we estimate that there are small business entities that might be affected by those orders.

87. In this *Order on Reconsideration,* we affirm most of our prior conclusions in the Fee Order and Telecom Order. We have, among other things, amended certain requirements of §§ 1.1401–1.1418 of our rules. These amendments serve to simplify our formulas for calculating pole attachment rates. Specifically, we provide a simplified equation of our formula for telecommunications attachers; we simplify the geographic categories for determining average numbers of attaching entities; and we allow parties to a pole attachment proceeding to substitute presumptive numbers of attaching entities in the formula in order to avoid the expense of establishing numbers based on a survey or compilation of actual data. We also provide a simpler methodology for calculating rates when the net pole investment is negative or zero. These changes do not impose additional compliance burdens on small entities nor do they alter the number or type of small entities possibly affected by the rules published in the Fee Order and Telecom Order. The changes may, in fact, reduce the burden on small entities. Therefore, we certify, pursuant to Section 605(b) of the RFA, that the rules adopted herein will not have a significant economic impact on a substantial number of small entities.

88. Report to Congress: The Commission will send a copy of this *Order on Reconsideration,* including this FRFA certification, in a report to be sent to Congress pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A). A copy of this *Order on Reconsideration* (or summary thereof) and this FRFA certification will be published in the **Federal Register**, see 5 U.S.C. 605, will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act of 1995 Analysis

89. The requirements adopted in this *Order on Reconsideration* have been analyzed with respect to the Paperwork Reduction Act of 1995 (the ''1995 Act'') and found to impose no new or modified information collection requirements on the public.

VI. Ordering Clauses

90. Pursuant to section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405 and section 1.106 of the Commission's rules, 47 CFR 1.106, the petitions for reconsideration and/or clarification are denied in part and granted in part.

91. Pursuant to sections 1, 4(i), 224 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 224 and 303(r), the Commission's rules are hereby amended as set forth in the Rule Changes.

92. The Commission's rules, as amended in the Rule Changes, will become effective July 30, 2001.

93, The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Order on Reconsideration,* including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedures, Cable television, Communications common carriers, Conduit, Pole attachments, Poles, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

2. § 1.1402 is amended by revising paragraph (m) to read as follows:

§ 1.1402 Definitions.

* * * * *

(m) The term *attaching entity* includes cable system operators, telecommunications carriers, incumbent and other local exchange carriers, utilities, governmental entities and other entities with a physical attachment to the pole, duct, conduit or right of way. It does not include governmental entities with only seasonal attachments to the pole.

* * * * *

3. § 1.1409 is amended by removing paragraph (e)(4) and revising paragraphs (e)(1), (e)(2), (e)(3) and the first sentence of paragraph (f) to read as follows:

§ 1.1409 Commission consideration of the complaint.

* * * * *

(e) * * *

(1) The following formula shall apply to attachments to poles by cable operators providing cable services. This formula shall also apply to attachments to poles by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services until February 8, 2001:

$$\text{Maximum Rate} = \text{Space Factor} \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

$$\text{Where Space Factor} = \frac{\text{Space Occupied by Attachment}}{\text{Total Usable Space}}$$

(2) Subject to paragraph (f) of this section the following formula shall apply to attachments to poles by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services beginning February 8, 2001:

$$\text{Maximum Rate} = \text{Space Factor} \times \text{Net Cost of a Bare Pole} \times \left[\begin{array}{c}\text{Carrying}\\ \text{Charge}\\ \text{Rate}\end{array}\right]$$

$$\text{Where Space Factor} = \left[\frac{\left(\begin{array}{c}\text{Space}\\ \text{Occupied}\end{array}\right) + \left(\frac{2}{3} \times \frac{\text{Unusable Space}}{\text{No. of Attaching Entities}}\right)}{\text{Pole Height}}\right]$$

(3) The following formula shall apply to attachments to conduit by cable operators and telecommunications carriers:

$$\underset{\text{Linear ft./m.}}{\text{Maximum Rate per}} = \underbrace{\left[\frac{1}{\text{Number of Ducts}} \times \frac{1\ \text{Duct}}{\text{No. of Inner Ducts}}\right]}_{\text{(Percentage of Conduit Capacity)}} \times \underbrace{\left[\frac{\text{No. of Ducts}}{} \times \frac{\text{Net Conduit Investment}}{\text{System Duct Length (ft./m.)}}\right]}_{\text{(Net Linear Cost of a Conduit)}} \times \begin{array}{c}\text{Carrying}\\ \text{Charge}\\ \text{Rate}\end{array}$$

simplified as:

$$\underset{\text{Per Linear ft./m.}}{\text{Maximum Rate}} = \frac{1\ \text{Duct}}{\text{No. of Inner Ducts}} \times \frac{\text{Net Conduit Investment}}{\text{System Duct Length (ft./m.)}} \times \begin{array}{c}\text{Carrying}\\ \text{Charge}\\ \text{Rate}\end{array}$$

If no inner-duct is installed the fraction, ''1 Duct divided by the No. of Inner-Ducts'' is presumed to be ½.

(f) Paragraph (e)(2) of this section shall become effective February 8, 2001 (i.e., five years after the effective date of the Telecommunications Act of 1996).

* * *

* * * * *

4. § 1.1417 is amended by revising paragraphs (a), (b), (c), and the introductory text of paragraph (d) to read as follows:

§ 1.1417 Allocation of unusable space costs.

(a) With respect to the formula referenced in § 1.1409(e)(2), a utility shall apportion the cost of providing unusable space on a pole so that such apportionment equals two-thirds of the costs of providing unusable space that would be allocated to such entity under an equal apportionment of such costs among all attaching entities.

(b) All attaching entities attached to the pole shall be counted for purposes of apportioning the cost of unusable space.

(c) Utilities may use the following rebuttable presumptive averages when calculating the number of attaching entities with respect to the formula referenced in § 1.1409(e)(2). For non-urbanized service areas (under 50,000 population), a presumptive average number of attaching entities of three (3). For urbanized service areas (50,000 or higher population), a presumptive average number of attaching entities of five (5). If any part of the utility's service area within the state has a designation of urbanized (50,000 or higher population) by the Bureau of Census, United States Department of Commerce, then all of that service area shall be designated as urbanized for purposes of determining the presumptive average number of attaching entities.

(d) A utility may establish its own presumptive average number of attaching entities for its urbanized and non-urbanized service area as follows:

* * *

* * * * *

5. § 1.1418 is revised to read as follows:

§ 1.1418 Use of presumptions in calculating the space factor.

With respect to the formulas referenced in § 1.1409(e)(1) and § 1.1409(e)(2), the space occupied by an attachment is presumed to be one (1) foot. The amount of usable space is presumed to be 13.5 feet. The amount of unusable space is presumed to be 24 feet. The pole height is presumed to be 37.5 feet. These presumptions may be rebutted by either party.

[FR Doc. 01–16038 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 54

[CC Docket Nos. 96–45 and 00–256; FCC 01–157]

Federal-State Joint Board on Universal Service; Multi-Association Group Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of the amendments to our rules for providing high-cost universal service support to rural telephone companies for the next five years based upon the proposals made by the Rural Task Force. We believe these modifications will strike a fair and reasonable balance among the universal service principles and goals enumerated in the Telecommunications Act. The Fourteenth Report and Order and Twenty-Second Order on Reconsideration in CC Docket No. 96–45, and the Report and Order in CC Docket No. 00–256 was published in the **Federal Register** on June 5, 2001. Some of the rules contained information collection requirements.

DATES: Sections 36.605(c)(2), 36.611, 54.305(f), the amendments to §§ 54.307(b), 54.313(b) and (c), 54.314, and 54.315 published at 66 FR 30080, June 5, 2001, were approved by the Office of Management and Budget (OMB) on June 19, 2001 and became effective on June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Genaro Fullano, Paul Garnett, or Greg Guice, Attorney, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: On May 23, 2001, the Commission released a Fourteenth Report and Order, Twenty-Second Order on Reconsideration in CC Docket No. 96–45, and Report and order in CC Docket No. 00–256 (Order), 66 FR 30080, June 5, 2001, that took action in response to the Rural Task Force's recommended reforms to rural high-cost universal service support and the proposals made by the Multi-Association Group relating to this universal service support mechanism. Specifically, the revised rules will provide certainty and stability for rural carriers for the next five years, enabling them to continue to provide supported services at affordable rates to American consumers. The Commission believes these modifications will preserve and advance universal service, consistent with the goals and principles set forth in section 254 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and encourage competition in high-cost areas, consistent with the competitive goal of the 1996 Act. A summary of the Order was published in the **Federal Register**. See 66 FR 30080, June 5, 2001. Some of the rules contained information collection requirements that required OMB approval. On June 19, 2001, OMB approved the information collections. See OMB No. 3060–0986. The rule amendments adopted by the Commission in the Order took effect on June 19, 2001. This publication satisfies the statement in the Order that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

List of Subjects

47 CFR Part 36

Jurisdictional separations, Reporting and recordkeeping requirements, Telecommunications, Telephone.

47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16421 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 00–96; FCC 00–417]

Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues/ Retransmission Consent Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission published a document in the **Federal Register** of January 23, 2001, which implements certain aspects of the Satellite Home

Viewer Improvement Act of 1999. Specifically, the document implements regulations regarding the carriage of local television stations in markets where satellite carriers offer local television service to their subscribers. The document should have stated that certain provisions of the rule contained information collection requirements that require approval by the Office of Management and Budget (''OMB'') and that these provisions were not immediately effective. This document corrects the effective date of the January 23, 2001 final rule.

FOR FURTHER INFORMATION CONTACT: Eloise Gore of the Consumer Protection and Competition Division, Cable Services Bureau at (202) 418–7200, TTY (202) 418–7172, or via Internet at egore@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document adopting satellite broadcast signal carriage rules, which require satellite carriers to carry local television stations in markets where the carriers offer local television service to their subscribers, in the **Federal Register** of January 23, 2001 (66 FR 7410). In rule FR Doc. 01–1186, published on January 23, 2001 (66 FR 7410) make the following correction:

1. On page 7410, in the first column, correct the ''Dates'' caption to read as follows:

DATES: The rule in this document is effective January 23, 2001, except §§ 76.66(c)(3), (c)(5), (d), and (m), which contain information collection requirements that have not been approved by the Office of Management and Budget (''OMB''). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of §§ 76.66(c)(3), (c)(5), (d), and (m). Written comments by the public on the new and/or modified information collections are due March 26, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16516 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket Nos. 00–96 and 99–363; FCC 00–417]

Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues/ Retransmission Consent Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of certain sections of the Commission's broadcast signal carriage rule, 47 CFR 76.66, which requires satellite carriers, by January 1, 2002, to carry all local television stations seeking carriage in any market in which the carriers provide local-into-local service. Certain sections of the rule contained information collection requirements that required the approval of the Office of Management and Budget (''OMB'') before they could become effective. Those sections of the broadcast signal carriage rule have been approved by OMB and become effective on June 29, 2001.

DATES: The amendments to 47 CFR 76.66(c)(3), (c)(5), (d), and (m), published at 66 FR 7410 (Jan. 23, 2001), become effective on June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Eloise Gore of the Consumer Protection and Competition Division, Cable Services Bureau at (202) 418–7200, TTY (202) 418–7172, or via Internet at egore@fcc.gov.

SUPPLEMENTARY INFORMATION: On November 29, 2000, the Commission adopted a Report and Order, in CS Docket Nos. 00–96 and 99–363, that implements section 338 of the Communications Act of 1934, adopted as part of the Satellite Home Viewer Improvement Act of 1999 (''SHVIA''). A summary of the Report and Order was published in the **Federal Register** at 66 FR 7410 (Jan. 23, 2001). The Order adopted a rule, 47 CFR 76.66 (Satellite Broadcast Signal Carriage rule), requiring satellite carriers, by January 1, 2002, to carry all local television stations seeking carriage in any market in which they provide local-into-local service. The rule covers a wide range of topics including: carriage obligations and definitions, market definitions, delivery of a good quality signal, duplicating signals, channel positioning, content to be carried, material degradation, compensation for carriage, and remedies for carriage violations. Sections 76.66(c)(3), (c)(5), (d), and (m) of the rule, however, contained information collection requirements that required OMB approval before they could become effective. OMB approved the information collection requirements on June 7, 2001. *See* OMB No. 3060–0980. Accordingly, §§ 76.66(c)(3), (c)(5), (d), and (m) of the rule become effective on June 29, 2001. This document constitutes publication of the effective date of those sections.

List of Subjects in 47 CFR Part 76

Cable television, Multichannel video and cable television service.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16517 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000501119–0119–01; I.D. 061201B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure of the Commercial Fishery from Horse Mountain to Point Arena, CA

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

ACTION: Closure; request for comments.

SUMMARY: NMFS announces that the commercial fishery for all salmon (except coho) in the area from Horse Mountain to Point Arena, CA, was closed on May 21, 2001, at 2359 hours local time (l.t.). The Northwest Regional Administrator of NMFS (Regional Administrator) determined that the quota of 3,000 chinook salmon had been reached. This action is necessary to conform to the 2001 management measures.

DATES: Closure effective 2359 hours l.t., May 21, 2001. Comments will be accepted through July 16, 2001.

ADDRESSES: Comments on this action may be mailed to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; fax 206–526–6376; or Rebecca Lent, Regional Administrator,

Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4132; fax 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206–526–6140, Northwest Region, NMFS, NOAA; or Dan Viele, 562–980–4030 Southwest Region, NMFS, NOAA.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR 660.409 (a)(1) state that, when a quota for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by notification issued under 50 CFR 660.411 (a)(2), close the fishery for all salmon species in the portion of the fishery management area to which the quota applies, as of the date the quota is projected to be reached.

In the 2001 management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon (except coho) in the area from Horse Mountain to Point Arena, CA, would open on May 1 through earlier of May 31 or a 3,000–chinook quota.

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council and the California Department of Fish and Game. The best available information on May 21, 2001, indicated that the catch and effort data, as well as projections, supported closure of the commercial fishery in this area at 2359 hours l.t., May 21, 2001. The State of California will manage the fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior to 2359 hours l.t on May 21, 2001, by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

Because of the need for immediate action to close the fishery upon achievement of the quota, NMFS has determined that good cause exists for this document to be issued without affording a prior opportunity for public comment. This document does not apply to other fisheries that may be operating in other areas.

Classification

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

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

Dated: June 26, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–16467 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 126
Friday, June 29, 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

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00–068–2]

Cold Treatment for Fresh Fruits; Port of Corpus Christi, TX; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: We are correcting an error in the preamble portion of a proposed rule to add the maritime port of Corpus Christi, TX, to the list of ports that are designated as approved locations for cold treatment of imported fruit. The proposed rule was published in the **Federal Register** on June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Donna L. West, Import Specialist, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION: On June 1, 2001, we published in the **Federal Register** (66 FR 29735–29739, Docket No. 00–068–1) a proposed rule to add the maritime port of Corpus Christi, TX, to the list of ports that are designated as approved locations for cold treatment of imported fruit.

In the preamble portion of that proposed rule, in the section titled **FOR FURTHER INFORMATION CONTACT**, we provided an incorrect phone number. The correct phone number for the person listed under **FOR FURTHER INFORMATION CONTACT** is (301) 734–6799. This document corrects that error.

Correction

In FR Doc. 01–13758, published on June 1, 2001 (66 FR 29735–29739), make the following correction: On page 29735, in the second column, in the section titled **FOR FURTHER INFORMATION CONTACT**, correct ''(301) 734–5007'' to read ''(301) 734–6799''.

Done in Washington, DC, this 25th day of June 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–16400 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 610

RIN: 0578–AA29

Conservation of Private Grazing Land

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: Subtitle H, Section 386 of the Federal Agriculture Improvement and Reform Act (FAIRA) of 1996 authorizes the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources. The proposed rule sets forth a policy to implement amend the conservation technical assistance regulations as they relate to private grazing land conservation assistance.

DATES: Comments must be received by August 28, 2001.

ADDRESSES: Send comments by mail to Conservation Operations Division, NRCS, P.O. Box 2890, Washington, DC 20013–2890 or by e-mail: mark.berkland@usda.gov; attn: Conservation of Private Grazing Land. This rule may also be accessed via Internet. Users can access the NRCS **Federal Register** homepage and submit comments to the website http://www.nrcs.usda.gov. From the menu, select ''Farm Bill.''

FOR FURTHER INFORMATION CONTACT: Mark W. Berkland, Director, Conservation Operations Division, NRCS, P.O. Box 2890, Washington, D.C. 20013–2890; telephone: (202) 720–1845; fax: (202) 720–4265; submit e-mail: mark.berkland@usda.gov, Attention: Conservation of Private Grazing Land.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. Pursuant to Sec. 6(a)(3) of Executive Order 12866, NRCS conducted an economic analysis of the potential impacts associated with this proposed rule. Copies of this economic analysis may be obtained from Mitch Flanagan, Conservation Operations Division, NRCS; telephone: (202) 690–5988; fax (202) 720–4265; e-mail: mitch.flanagan@usda.gov, Attention: Conservation of Private Grazing Land.

Regulatory Flexibility Act

Therefore, the Regulatory Flexibility Act is not applicable to this proposed rule. The Department of Agriculture (USDA) is not required by 5 U.S.C. 553 or any other provisions of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

National Environmental Policy Act

The Conservation of Private Grazing Land (CPGL) program does not consist of financial assistance nor does it provide NRCS with the authority or opportunity to control the actions of private landowners and managers. The CPGL program provides NRCS with the authority to make recommendations to landowners and managers about techniques to improve the quality of their grazing lands. The landowners and managers are responsible for determining which actions to take. There is no specific Federal action that would affect the human environment; therefore, there is no basis on which to conduct a meaningful analysis of environmental effects. In addition, neither the CPGL Program, nor this regulation, result in any irretrievable commitment of resources.

Paperwork Reduction Act

No substantive changes have been made to this rule which will affect the record-keeping requirements and estimated burdens previously reviewed and approved under OMB control number 0578–0013.

Unfunded Mandates Reform Act of 1995

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, Pub. L.

104–4, the effects of this rulemaking action on State, local, and tribal governments have been assessed. The action does not compel with the expenditure of $100 million or more by any State, local, or tribal governments, or anyone in the private sector. Therefore, a statement under Section 202 of the Unfunded Mandates Reform Act of 1995 is not required.

Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994

USDA classified this proposed rule as ''not major'' under Section 304 of the Department of Agriculture Reorganization Act of 1994, Pub. L. 103–354. Therefore, a risk assessment is not required.

Purpose and Scope

Subtitle H, Section 386 of the FAIRA of 1996, 16 U.S.C. 2005b, sets forth policy and authority by providing assistance with the conservation of private grazing land. This proposed rule sets forth policy for NRCS to implement the new authority. Once this rule is final, NRCS will use existing funding, and/or any additional funds available, to provide assistance to grazing land owners for activities authorized by the FAIRA.

NRCS's CPGL program will expand the agency's long-standing technical assistance program. It states in 7 CFR part 610 that the NRCS mission promotes the quality of all agricultural lands. The lands included are grazing land, pastureland, rangeland, forestland, and cropland. Consequently, the long-term sustainability of the resource base is achieved with special attention to water quality, fish and wildlife habitat, wetlands, and unique natural areas.

Private grazing land constitutes nearly one-half of the non-Federal land of the United States. This land is basic to the environmental, social, and economic stability of rural areas. Private grazing land includes private, State-owned, tribally owned, and any other non-Federally owned land managed to produce livestock and/or wildlife. Grazing land is found in every State and constitutes the single largest watershed cover type in the United States. Healthy grazing land is the foundation of many communities and is a cornerstone of environmental quality and the core of healthy communities. Grazing land contributes significantly to the quality and quantity of water in the watershed.

Nearly 70 percent of the United States, excluding Alaska, holds private ownership. Almost 50 percent are in agricultural lands. The responsibility for stewardship of these lands lies in the hands of about 4.7 million individuals. Over 25 percent of these individuals own or manage grazing land. Thus, the care of 50 percent of the United States is provided by less than two percent of U.S. citizens. NRCS is currently providing annual technical assistance to approximately 45,000 grazing landowners and managers.

The use of technical assistance is voluntary. The assistance will allow grazing landowners and managers to implement their conservation planning decisions on private grazing land to maintain and improve grazing land resources.

NRCS's long-standing technical assistance program also provides assistance to private grazing landowners and managers in relation to soil and water conservation issues. NRCS also provides assistance to individuals pertaining to other resource concerns such as sustaining forage and grazing plants, conserving and improving wildlife habitat, improving and conserving fish habitat and the aquatic system. Nevertheless, this assistance is available under the auspices of soil and water conservation. Under the original authority, NRCS was only authorized to provide assistance to individuals pertaining to soil and water conservation.

The conservation agenda continues to expand as a result of greater scientific understanding of ecosystems. The agenda also expands the increasing number of policy actions, as well as Federal, State, and local laws and policies on environmental quality. These policy actions place new requirements on landowners and land users, thus increasing the demand for conservation technical assistance. Many of today's grazing landowners have difficulty staying abreast of environmental regulations, in addition to the new and emerging technologies impacting grazing land resources. Due to the complexity of resource issues surrounding grazing lands and the large landmass they manage, many private individuals prefer conservation technical assistance. Each of the grazing landowner's and manager's actions are important because they affect a particular piece of land. They also affect neighboring lands as well as the health of the larger ecosystems and watersheds in which they occur.

Since 1935, NRCS has provided technical assistance to landowners and managers to address soil erosion and water quality problems, including owners and managers of pasture and rangeland. Section 386 of FAIRA expands current technical assistance authorities to include:

- Using and improving energy-efficient ways to produce food and fiber;
- Improving the dependability and consistency in water supplies;
- Improving and conserving fish habitat and aquatic systems;
- Protecting and improving water quality;
- Conserving and improving habitat for wildlife;
- Sustaining forage and grazing plants;
- Using plants to sequester greenhouse gases;
- Enhancing recreational activities;
- Maintaining or reducing weed, noxious weed, and brush encroachment;
- Enhancing long-term economic opportunities;
- Providing opportunities for improved nutrient management from the land application of animal manure and other byproduct nutrient sources;
- Improving the quality of animals produced on these lands; and
- Producing food and fiber from lands that will not support cultivated crop production.

Technical assistance in the past has provided assistance for these authorities when the primary purpose was for addressing soil and water conservation issues. With this rule, technical assistance will be provided to individuals when soil and water conservation issues are not the primary resource concern. However, in applying this authority, conservation technical assistance is available for wildlife habitat improvement, animal health, forage quality improvement, air quality improvement, and other natural resource issues beyond soil and water conservation. Congress authorized assistance for these additional purposes by realizing that there are competing demands on private land grazing resources. Therefore, these lands can be enhanced by offering technical assistance to individuals, which will provide benefits to all citizens of the United States.

There are approximately 280 million acres of rangeland and 75 million acres of pastureland in need of conservation treatment. It is estimated that 17 percent of all of these acres have soil-related and water-related resource concerns that could be addressed by NRCS's existing technical assistance program. This leaves 83 percent (for a total of 355 million acres) in need of conservation treatment not directly related to soil and water conservation. There are resource concerns related to grazing management, farmland protection, wetlands and wildlife issues, air quality, livestock management, nutrient and pesticide management, and other

resource concerns. Thus, NRCS has the authority to provide technical assistance to private grazing landowners and managers to address all resource concerns beyond soil and water conservation.

What happens on the land remains critical to economic and environmental well being, even if we never set foot on grazing land. Grazing land produces much of our food and water supplies and provides wildlife habitat and allows many recreational opportunities. There are many types of products derived from animals that are raised on grazing lands. Household products include furniture, clothes, soap, insulation, deodorants, and paints. Pharmaceutical products include blood plasma and medical sutures. Manufacturing products include hydraulic fluid, airplane lubricants, machine oils, car polish, and textiles.

Technical Assistance Furnished

NRCS provides technical assistance to land users and others who are responsible for making decisions related to land use, conservation treatment, and resource management. Technical assistance furnished by NRCS consists of program assistance, planning assistance, the application of conservation practices, and assistance in the technical phases of USDA cost-share programs.

NRCS will work with the local conservation district to prioritize a request to ensure that technical assistance is provided in a fair and equitable manner.

Planning assistance includes the evaluation and inventory of soil, water, animal, plant, air, and other resource data needed for land use, environmental, and conservation treatment decisions. NRCS assists land users in developing conservation plans for farms, ranches, and other land units. The land user's decisions are recorded in the plan based on their conservation objectives. These plans document an orderly installation of conservation practices, which ultimately make up a conservation system.

Application assistance is provided to help land users apply and maintain planned conservation work. NRCS assistance for applying the conservation practices and systems may include:

- Design, layout, and evaluation of conservation practices;
- Development of management alternatives and cultural practices needed to establish and maintain vegetation; and
- Other conservation practices needed to protect or enhance natural resources.

NRCS may provide assistance on the following:

- Maintaining and improving private grazing land and multiple value which depend upon private grazing land. For example, a grazing management plan would be beneficial to domestic livestock, in providing additional ground cover to reduce water runoff and increase water infiltration. Thus reducing the risk of flooding.
- Ensuring the long-term sustainability of private grazing land resources. The cyclical economic patterns in the grazing industry affect how intensively grazing land resources are used. The Nutrition Balance Analyzer is a technology design used in order to help managers make effective decisions about nutrition management of their livestock. It is estimated that a manager saves from $10–$32 per animal by improving the production efficiency from use of this technology;
- Implementing new grazing land management technologies. Technologies impacting grazing land, as in other industries, are always changing. Technical assistance provided to an individual assist in identifying and implementing new technologies to help improve the environmental, economic, and/or social challenges of the private grazing landowner or manager. These new and improved technologies may include new fencing materials, livestock watering facilities, chemicals to control invasive weeds, livestock health products, grazing management practices, fertilizer technologies, geographic information systems, and other computerized decision support systems;
- Managing resources on private grazing land through conservation planning, including, but not limited to, grazing management, nutrient management, weed and invasive species control, and providing recreational opportunities, water quality and quantity, aquatic and wildlife habitat, and aesthetics on private grazing land. With technical assistance, the producer may adjust management decisions as new information becomes available;
- Harvesting, processing, and marketing private grazing land resources. Technical assistance may be provided to help an individual develop specialty meats, leather, feathers, wool, and mohair products, or other products that are nontraditional;
- Identifying opportunities and diversifying private grazing land enterprises. Many operations have an opportunity to diversify their operation with technical assistance by establishing recreational opportunities that include hunting, fishing, kayaking, canoeing, hiking, biking, picnicking, camping, bird watching, nature photography, or farm and ranch vacations as additional enterprises.

When an individual implements a management decision as a result of technical assistance there is an impact on the natural resources (soil, water, plant, animal, and air). The social and economic resources of an individual and community are also affected. The interrelationship between natural resources and an individual management decisions make it difficult to identify all the impacts. Every individual action is important, not just because it affects that particular piece of land, but because it affects the neighboring land and health of the larger ecosystem.

For example, if a producer decides to implement a practice to control brush, it will have an impact on forage production that will change the grazing capacity of wildlife and domestic animals. It will also impact the nutrient cycle, impact the soil resource, change the water cycle, and change the diversity of the plant community. Implementing the brush management decision will affect the marketable product which will directly impact the individual economic situation, as well as impacting the local community.

The resources, goals, and objectives vary with each individual. Technical assistance helps landowners understand the land and the tools available to manage their land. Conservation solutions developed and implemented based themselves upon the specific resources and needs of an individual as a result of technical assistance.

Private grazing landowners and managers use the technical assistance for planning and implementing resource conservation plans on grazing land. The objectives of planning grazing lands are to assist landowners and managers to understand the basic ecological principles of plant/herbivore interaction, management implications to their land (soil, water, air, plants, and animals) and develop a plan that meets the needs of the resources and management objectives.

Conservation plans for grazing land include decisions for managing the plant community to conserve or enhance the soil, water, air, plant, and animal resources. The major objective of grazing land is the design and establishment of a grazing management plan. When combining the appropriate conservation practices, the plan sustains the resources to meet landowners' or managers' objectives. Landowners or managers make decisions to implement;

thus, applying the necessary conservation practices.

Currently, NRCS has a congressional $18 million earmark in the conservation operations budget to address grazing issues. These dollars provide technical assistance to private landowners and operators to address soil and water conservation issues on grazing land under the current authority. Once this rule is finalized, NRCS will use this funding, and/or any additional funds, to provide assistance to grazing landowners for activities as authorized by FAIRA.

Interdisciplinary and Educational Assistance

Providing technical assistance to private grazing land is challenging due to the complexity of grazing land. NRCS provides a multidisciplinary work force, including, but not limited to, range management specialists, forage agronomists, grazing land specialists, soil scientists, engineers, biologists, economists, technicians, and others. These technical specialists have the capability of providing technical assistance as a method of integrating ecological, economic, and social factors. The assistance also maintains and enhances the quality of the environment to meet current and future needs of grazing landowners and managers.

The multidisciplinary NRCS workforce is the strength of the agency. Success depends on the technical expertise and ability to work effectively with grazing landowners and managers. NRCS strives to keep personnel trained in grazing land management, state-of-the-art technologies, and new scientific knowledge to ensure they have the technical expertise to provide technical assistance to grazing landowners and managers.

NRCS works with the Cooperative State Research, Education, and Extension Service; the Agricultural Research Service; universities; and others, to provide information and educational activities for owners and managers of private grazing land. Activities may include, but are not limited to, developing technical publications, conducting demonstrations, and conducting tours.

The economic benefits vary between every individual operation. The net financial benefits of increased forage production will vary among producers, depending upon the cost of implementing grazing land practices. Costs vary from a few dollars to several hundred dollars per acre, depending on the individual situation. If minimum adjustments are needed, the cost for implementing adjustments will minimize. However, if major changes are needed (such as brush control, fence installation, fertilizer, and watering facilities), the costs are significantly higher. Furthermore, the results vary due to the climatic differences and other resource differences between grazing land operations. Gaining benefits from proper management may take a few months to several years.

The agency believes that providing voluntary technical assistance to private grazing landowners and operators will also result in public benefits. These benefits include an overall improved quality of life from reduced soil erosion and sedimentation, improved water quality, increased wildlife habitat, and other resource improvements. The benefits also include maintaining a productive Nation and provide economic stability.

List of Subjects in 7 CFR Part 610

Soil conservation, Technical assistance, Water resources.

Accordingly, it is proposed that Part 610, Title 7 of the Code of Federal Regulations be amended as follows:

PART 610—TECHNICAL ASSISTANCE

1. The authority citation for Part 610 continues to read as follows:

Authority: 16 U.S.C. 590a–f, 590q, 2005b, 3861, 3862.

2. By adding a new Subpart D to read as follows:

Subpart D—Conservation of Private Grazing Land

Sec.

Subpart D—Conservation of Private Grazing Land

§ 610.31 Purpose and scope.

(a) This subpart sets forth the policies for the Conservation of Private Grazing Land (CPGL) program, as authorized by Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127, April 4, 1996) 16 U.S.C. 2005b. Under the CPGL program, NRCS will provide technical assistance to landowners and managers who request that assistance. The purpose of the CPGL program is to provide technical assistance to conserve or enhance grazing land resources to meet ecological, economic, and social demands of private grazing landowners and managers.

(b) The NRCS Chief may implement the CPGL program in any of the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa. NRCS provides assistance in cooperation with conservation districts or directly to a landowner or operator.

§ 610.32 Technical assistance furnished.

(a) The technical assistance to private grazing landowners and managers plans and implements resource conservation plans on grazing land. The objectives of planning on grazing land are to assist landowners and managers to understand the basic ecological principles associated with managing their land's resources (soil, water, air, plants, and animals). By implementing a plan that meets the needs of the resources and their management objectives, these main objectives can be met. NRCS may provide assistance, at the request of the private grazing landowner or manager by:

(1) Maintaining and improving private grazing land and the multiple value and uses that depend on private grazing land;

(2) Ensuring the long-term sustainability of private grazing land resources;

(3) Implementing new grazing land management technologies;

(4) Managing resources on private grazing land through conservation planning, including, but not limited to, grazing management, nutrient management, weed and invasive species control, recreational opportunities, water quality and quantity, aquatic and wildlife habitat, and aesthetics on private grazing land;

(5) Harvesting, processing, and marketing private grazing land resources;

(6) Identifying opportunities and diversifying private grazing land enterprises.

(b) Refer to 7 CFR 610.4 on other items relating to technical assistance.

(c) To receive technical assistance, a landowner or manager may contact NRCS or the local conservation district to seek assistance to solve identified natural resource problems or opportunities. Participation in this program is voluntary.

Signed in Washington, DC, on June 18, 2001.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 01–15949 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–16–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG75

List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® –24P and –52B Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations revising the Standardized NUHOMS® –24P and –52B cask system listing within the ''List of Approved Spent Fuel Storage Casks'' to include Amendment No. 3 to the Certificate of Compliance. Amendment No. 3 would modify the present cask system design to permit a licensee to add the –61BT dry storage canister (DSC), the storage portion of a dual purpose cask design intended to both store and transport spent fuel. The Technical Specifications would be revised to add additional fuel parameters associated with the use of the –61BT DSC. Additional administrative changes would be made to the conditions of the CoC. However, the NRC is disapproving a portion of the applicant's request pertaining to storage of failed fuel.

DATES: Comments on the proposed rule must be received on or before July 30, 2001.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking website at *http://ruleforum.llnl.gov.* You may also provide comments via this website by uploading comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed CoC and preliminary safety evaluation report (SER) can be found under ADAMS Accession No. ML010720508. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–47237 or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Gordon Gundersen, telephone (301) 415–6195, e-mail, GEG1@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Procedural Background

This rule is limited to the changes contained in Amendment 3 to CoC No. 1004 and does not include other aspects of the Standardized NUHOMS® –24P and –52B cask system design. The NRC is using the ''direct final rule procedure'' to promulgate this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. This amendment is not considered to be a significant amendment by the NRC staff.

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently with a direct final rule. The direct final rule will become effective on September 12, 2001. However, if the NRC receives significant adverse comments on the direct final rule by July 30, 2001, the NRC will publish a document to withdraw the direct final rule. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action if the direct final rule is withdrawn.

List of Subjects In 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d—48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance (CoC) 1004 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1004.

Initial Certificate Effective Date: January 23, 1995.

Amendment Number 1 Effective Date: April 27, 2000.

Amendment Number 2 Effective Date: September 5, 2000.

Amendment Number 3 Effective Date: September 12, 2001.

SAR Submitted by: Transnuclear West, Inc.

SAR Title: Final Safety Analysis Report for the Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel.

Docket Number: 72–1004.

Certificate Expiration Date: January 23, 2015.

Model Number: Standardized NUHOMS® –24P, NUHOMS® –52B, and NUHOMS® –61BT.

* * * * *

Dated at Rockville, Maryland, this 15th day of June, 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01–16391 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–420–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A 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 SF340A series airplanes. This proposal would require replacement of the air recirculation fans in the flight compartment and the passenger compartment. These fans may be replaced with upgraded fans with new brushes having insulation on the brush leads or they may be replaced with modified fans, having new, brushless motors. This action is prompted by mandatory continuing airworthiness information by a foreign civil airworthiness authority. This action is necessary to prevent incidents of smoke or a burning smell in the cabin during flight, caused by incorrect brush insulation in the motors of the air recirculation fans in the flight compartment and the passenger compartment. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 30, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–420–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–420–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: Gary Lium, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 980545–4056; telephone (425) 227–1112; 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–420–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2000-NM–420-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 SF340A series airplanes. The LFV advises that incorrect brush insulation, used in the motors of the air recirculation fans for the flight compartment and the passenger compartment, has produced smoke or a burning smell in the cabin on a number of occasions. Such incorrect brush insulation could result in additional incidents of smoke or a burning smell in the cabin during flight.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 340–21–039, dated August 23, 2000, which describes procedures for removing the air recirculation fans and replacing them with upgraded air recirculation fans with new brushes having insulation on the brush leads. The LFV classified

this service bulletin as mandatory and issued Swedish airworthiness directive 1–160, dated August 24, 2000, in order to assure the continued airworthiness of these airplanes in Sweden.

In addition, Saab has issued Service Bulletin 340–21–018, Revision 02, dated June 21, 2000, which describes procedures for removing the air recirculation fans, modifying them by removing the motors and installing new, brushless motors. The LFV has not classified this service bulletin as mandatory but indicates that it may be performed to satisfy the requirements of Swedish airworthiness directive 1–160, dated August 24, 2000.

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 action specified in either of the two service bulletins described previously.

Cost Impact

There are approximately 35 Model SAAB SF340A series airplanes of U.S. registry. The FAA estimates that it would take approximately 4 work hours per airplane to accomplish the proposed replacement of the two air recirculation fans having part number (P/N) C209–690C with two upgraded air recirculation fans having P/N C209–690D, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed replacement is estimated to be $240 per airplane.

The FAA estimates that it would take approximately 2 work hours per airplane to accomplish the proposed optional modification of the two air recirculation fans by installing new, brushless motors, and that the average labor rate is $60 per work hour. The cost of a kit containing two brushless motors is estimated to be $38,000. Based on these figures, the cost impact of the proposed modification is estimated to be $38,120 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 2000–NM–420–AD.

Applicability: Model SAAB SF340A, serial numbers –004 through 1–08, 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 incidents of smoke or a burning smell in the cabin during flight, caused by incorrect brush insulation in the motors of the air recirculation fans in the flight compartment and the passenger compartment, accomplish the following:

Replacement

(a) Within 1,000 flight hours after the effective date of this AD: Perform either paragraph (a)(1) or (a)(2) of this AD.

(1) Remove the two air recirculation fans having part number (P/N) C209–690C and replace them with two upgraded air recirculation fans having P/N C209–690D, in accordance with the Accomplishment Instructions of Saab Service Bulletin 340–21–039, dated August 23, 2000, OR,

(2) Remove the two air recirculation fans and replace them with modified air recirculation fans with brushless motors having P/N 9302882–002, in accordance with the Accomplishment Instructions of Saab Service Bulletin 340–21–018, Revision 02, dated June 21, 2000.

Spares

(b) As of the effective date of this AD, no air recirculation fans having P/N C209–690C may be installed on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 Swedish airworthiness directive 1–160, dated August 24, 2000.

Issued in Renton, Washington, on June 22, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16381 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–20–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD); applicable to certain Boeing Model 737–600, –700, and –800 series airplanes; that currently requires repetitive inspections of certain elevator hinge plates, and corrective action, if necessary. That AD also provides for an optional replacement of the elevator hinge plates with new, improved hinge plates, which would end the repetitive inspections. This action proposes to require accomplishment of the previously optional replacement of the elevator hinge plates with new, improved hinge plates, as terminating action for the repetitive inspections. This action is necessary to prevent fatigue cracking of the elevator hinge plates, which could lead to the loss of the attachment of the elevator to the horizontal stabilizer, and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 13, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–20–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–20–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181.

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–20–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–20–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On March 15, 2001, the FAA issued AD 2001–06–08, amendment 39–12155 (66 FR 16116, March 23, 2001); applicable to certain Boeing Model 737–600, –700, and –800 series airplanes; to require repetitive inspections of certain elevator hinge plates, and corrective action, if necessary. That AD also provides for an optional replacement of the elevator hinge plates with new, improved hinge plates, which would end the repetitive inspections. That action was prompted by a report that—during flight testing of Boeing Model 737–600, –700, and –800 series airplanes—the elevator hinge plates at elevator hinges 3, 4, 5, 6, 7, and 8 experienced higher-than-expected loads due to buffeting by the spoiler. The requirements of that AD are intended to detect and correct fatigue cracking of the elevator hinge plates, which could lead to the loss of the attachment of the elevator to the horizontal stabilizer, and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

In the preamble to AD 2001–06–08, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered to require the replacement of the elevator hinge plates with new parts, which was provided as optional in AD 2001–06–08, and which would terminate the repetitive inspections currently required by that AD. The FAA now has determined that further rulemaking action is indeed necessary,

and this proposed AD follows from that determination.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2001–06–08 to continue to require repetitive inspections of certain elevator hinge plates, and corrective action, if necessary. The proposed AD would add a new requirement for replacement of the elevator hinge plates with new, improved hinge plates, which would end the repetitive inspections. Except as discussed below, the actions would be required to be accomplished in accordance with Boeing Service Bulletin 737–55–1067, dated October 19, 2000, which was described in AD 2001–06–08.

Difference Between This Proposed AD and the Service Bulletin

Although the service bulletin specifies to contact Boeing for wear limits during replacement of elevator hinge plates, this AD requires that such wear limits be obtained from the Manager, Seattle Aircraft Certification Office (ACO), FAA, or a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

Cost Impact

There are approximately 84 airplanes of the affected design in the worldwide fleet. The FAA estimates that 39 airplanes of U.S. registry would be affected by this proposed AD.

The inspections that are currently required by AD 2001–06–08 take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $9,360, or $240 per airplane, per inspection cycle.

The new replacement that is proposed in this AD action would take approximately 44 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $13,116 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $614,484, or $15,756 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 removing amendment 39–12155 (66 FR 16116, March 23, 2001), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2001–NM–20–AD. Supersedes AD 2001–06–08, Amendment 39–12155.

Applicability: Model 737–600, –700, and –800 series airplanes; line numbers 1 through 84 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the elevator hinge plates, which could lead to the loss of the attachment of the elevator to the horizontal stabilizer, and consequent reduced controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 2001–06–08

Inspections and Corrective Actions

(a) Prior to the accumulation of 7,000 total flight cycles or within 90 days after April 9, 2001 (the effective date of AD 2001–06–08), whichever occurs later, perform high frequency eddy current and detailed visual inspections of the hinge plate at elevator hinge 4, and a detailed visual inspection of the elevator hinge plate lugs (three locations) at elevator hinges 3, 5, 6, 7, and 8. Do these inspections per Part I of the Accomplishment Instructions of Boeing Service Bulletin 737–55–1067, dated October 19, 2000. Repeat the inspections thereafter no later than every 4,000 flight cycles, per the service bulletin, until paragraph (b) of this AD has been accomplished. If any cracking or unusual wear (i.e., elongated holes, loose or missing nuts or bolts, or missing primer or finish) is found during any inspection per this paragraph, before further flight, replace the affected hinge plate with a new, improved hinge plate, and modify the elevator upper skin, the upper and lower hinge covers, and the upper and lower closure panels, as applicable, per the service bulletin, except as provided by paragraph (c) of this AD. Such replacement and modification ends the repetitive inspections for the replaced hinge plate.

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.''

New Requirements of This AD

Replacement of Hinge Plates

(b) Before the accumulation of 15,000 total flight cycles, or within 5 years since the airplane's date of manufacture, whichever occurs first: Replace the elevator hinge plates at hinges 3, 4, 5, 6, 7, and 8, with new, improved hinge plates; per Part II of the Accomplishment Instructions of Boeing Service Bulletin 737–55–1067, dated October 19, 2000, except as provided by paragraph (c) of this AD. The replacement includes modification of the elevator upper skin, the upper and lower hinge covers, and the upper and lower closure panels, as applicable. Doing this replacement ends the repetitive inspections required by this AD.

Exception to Service Bulletin Instructions: Wear Limits

(c) During the replacement of elevator hinge plates per paragraph (a) or (b) of this AD, where Boeing Service Bulletin 737–55–1067, dated October 19, 2000, specifies to contact Boeing for wear limits, before further flight, contact the Manager, Seattle Aircraft Certification Office (ACO), FAA, or a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For wear limits to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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 Renton, Washington, on June 22, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16382 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–114–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, Model MD–88 Airplanes, and Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–81–82–83, and–87 series airplanes, Model MD–88 airplanes, and Model MD–90–30 series airplanes, that currently requires a revision to the applicable Airplane Flight Manual (AFM) to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. That AD also provides for an optional terminating action for the applicable AFM revision. For certain airplanes, this action would require accomplishment of the previously optional terminating action. The actions specified by the proposed AD are intended to prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway.

DATES: Comments must be received by August 13, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–114–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–114–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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; 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 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–114–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–114–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On April 5, 2001, the FAA issued AD 2001–07–10, amendment 39–12176 (66 FR 18870, April 12, 2001), applicable to certain McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, Model MD–88 airplanes, and Model MD–90–30 series airplanes, to require a revision to the applicable Airplane Flight Manual (AFM) to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. That AD also provides for an optional terminating action for the applicable AFM revision. That action was prompted by reports indicating that the wiring of the weight-on-wheels spoiler lockout mechanism system provides insufficient current/voltage to provide full operational capability of deployment of the ground spoilers (inboard and outboard) during ground operation. The requirements of that AD are intended to prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway.

Actions Since Issuance of Previous Rule

In the preamble to AD 2001–07–10, the FAA indicated that certain actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered to require the terminating action (i.e., installing spoiler support bracket assemblies and relays, and revising the spoiler lockout relay wiring) for the applicable AFM revision on McDonnell Douglas Model MD–90–30 series airplanes. We have now determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Since the issuance of AD 2001–07–10, the FAA has reviewed and approved Appendix 3E, Section 4, of MD–90 Airplane Flight Manual (AFM) MDC–91K0930, dated March 14, 2001, for incorporation into the Performance Section of the FAA-approved AFM. The procedures described in Section 4 provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. Paragraph (b) of AD 2001–07–10, which is retained in this proposed AD, requires an AFM revision similar to that described in Section 4 of MD–90 AFM MDC–91K0930. We find that, in the interim until the terminating action can be done, either revision (discussed above) to the Performance Section of the MD–90 AFM can be accomplished. Therefore, we have added this provision to paragraph (b) of this proposed AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2001–07–10 to continue to require a revision to the applicable Airplane Flight Manual (AFM) to provide the flightcrew with the appropriate landing distance and flap positions, if applicable, for wet or icy runways. For certain airplanes, this proposed AD also would continue to provide for an optional terminating action (i.e., installing spoiler support bracket assemblies and relays, and revising the spoiler lockout relay wiring) for the applicable AFM revision. For certain other airplanes, this proposed AD also would require accomplishment of the previously optional terminating action, which would terminate the requirement for the applicable AFM revision. The terminating actions would be required to be accomplished in accordance with the applicable Boeing service bulletin as described in the preamble of AD 2001–07–10, and listed in the following table:

TABLE.—APPLICABLE SERVICE BULLETINS

Alert service bulletin	Revision level	Date	Model
MD80–27A359	Original or 01	January 29, 2001, March 26, 2001	DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes.
MD90–27A031	Original or 01	January 29, 2001, March 26, 2001	MD–90–30 series airplanes.

Cost Impact

There are approximately 224 Model DC–9–81, –82, –83, and –87 series airplanes, Model MD–88 airplanes, and Model MD–90–30 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 67 airplanes of U.S. registry would be affected by this proposed AD.

The AFM revisions that are currently required by AD 2001–07–10, and retained in this proposed AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $4,020, or $60 per airplane.

For certain airplanes, the new terminating action that is proposed in this AD action would take approximately 22 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators of Model MD–90–30 series airplanes is estimated to be $1,320 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed 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.

Should an operator of Model DC–9–81, –82, –83, and –87 series airplanes, and Model MD–88 airplanes elect to accomplish the optional terminating action that would be provided by this AD action, it would take approximately

22 work hours to accomplish it, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. Based on these figures, the cost impact of the optional terminating action would be $1,320 per airplane.

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 removing amendment 39–12176 (66 FR 18870, April 12, 2001), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2001–NM–114–AD. Supersedes AD 2001–07–10, Amendment 39–12176.

Applicability: Models identified in Table 1 of this AD, certificated in any category; excluding those airplanes on which the modification specified in the applicable service bulletin listed in Table 1 of this AD has been done. Table 1 is as follows:

TABLE 1.—APPLICABILITY

Model	As Listed In
DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes. ..	Boeing Alert Service Bulletin MD80–27A359, Revision 01, dated March 26, 2001.
MD–90–30 series airplanes.	Boeing Alert Service Bulletin MD90–27A031, Revision 01, dated March 26, 2001.

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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the flightcrew from performing a scheduled landing on a runway of potentially insufficient length due to failure of the weight-on-wheels spoiler lockout mechanism system and possible inactivation of the autospoiler actuator, which could result in the airplane overrunning the end of the runway during landing on a wet or icy runway, accomplish the following:

Restatement of Requirements of AD 2001–07–10

Airplane Flight Manual Revisions

(a) For Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes: Within 48 clock hours after April 27, 2001 (the effective date AD 2001–07–10, amendment 39–12176), revise the Performance Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be done by inserting a copy of this AD in the AFM.

''In-flight Spoiler Lockout Mechanism Installed and Activated, and Automatic Ground Spoiler System Operated.

When the in-flight spoiler lockout mechanism is installed and activated, the wet or icy runway landing field length, which is determined from the appropriate Landing Field Length and Speed Chart, must be increased by 1,720 feet under either of the following conditions:

a. The weight-on-wheels unlocking feature is not installed; or

b. The weight-on-wheels unlocking feature is installed, but inoperative.

When the in-flight spoiler lockout mechanism is deactivated, the above landing field length is not required.''

(b) For Model MD–90–30 series airplanes: Within 48 clock hours after April 27, 2001, do the actions specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) Revise the Performance Section of the FAA-approved AFM to include the following statement. This may be done by inserting a copy of this AD in the AFM.

''Landing Field Length for A Wet or Icy Runway.

Increase landing field length, which is determined from the Basic Manual, by 1,800 feet (549 meters) for a wet or icy runway with 28-degree and 40-degree flaps.

There is no landing field length penalty for a dry runway.

In-flight spoiler lockout mechanism may NOT be deactivated, as indicated in the Master Minimum Equipment List (MMEL).''

(2) Revise the Performance Section of the FAA-approved AFM by inserting a copy of Appendix 3E, Section 4, of MD–90 AFM MDC–91K0930, dated March 14, 2001, into the AFM.

Note 2: The MD–90 Master Minimum Equipment List (MMEL), system and sequence number 65–02, and the second proviso of system and sequence number 65–03, currently specifies that, for 10 days, the in-flight spoiler lockout mechanism system may be deactivated. Where differences exist between the current specification of the MMEL and the requirements of this AFM limitation, the AFM limitation prevails.

Optional Terminating Modifications

(c) For Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes: Accomplishment of the actions specified in paragraphs (c)(1) and (c)(2) of this AD, per Boeing Alert Service Bulletin MD80–27A359, dated January 29, 2001, or Revision 01, dated March 26, 2001, terminates the AFM revision requirements of paragraph (a) of this AD. After doing those actions, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(1) Install the spoiler support bracket assemblies and relays; and

(2) Revise the spoiler lockout relay wiring.

New Actions Required by This AD

Terminating Modification for Model MD–90–30 Series Airplanes

(d) For Model MD–90–30 series airplanes: Within 18 months after the effective date of this AD, do the actions specified in paragraphs (c)(1) and (c)(2) of this AD, per Boeing Alert Service Bulletin MD90–27A031, dated January 29, 2001, or Revision 01, dated March 26, 2001. Accomplishment of those actions terminates the AFM revision requirements of paragraph (b) of this AD. After doing those actions, the AFM revision required by paragraph (b) of this AD may be removed from the AFM.

Alternative Methods of Compliance

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

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

Special Flight Permits

(f) Special flight permits may be issued in accordance with §§ 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 Renton, Washington, on June 22, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–16383 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH118–1a; FRL–7005–5]

Conditional Approval Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is proposing conditional approval of the Ohio Environmental Protection Agency's (OEPA) SIP for Prevention of Significant Deterioration (PSD) provisions for attainment areas.

Ohio submitted a request for a SIP-approved PSD program on March 1, 1996. The request was supplemented on April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998. Ohio Administrative Code (OAC) sections 3745–31–11 to 3745–31–20 contain the permitting provisions for areas attaining the national ambient air quality standards (NAAQS). The general provisions applying to both attainment and nonattainment areas are found in OAC sections 3745–31–01 to 3745–31–10.

DATES: Comments must be received on or before July 30, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: Permits and Grants Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Genevieve Damico at (312) 353–4761 before visiting the Region 5 office.

Written comments should be sent to: Pamela Blakley, Chief, Permits and Grants Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Genevieve Damico, Environmental Engineer, Permits and Grants Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4761.

SUPPLEMENTARY INFORMATION: This supplemental information section is organized as follows:

A. What Is the Purpose of This Document?

We are soliciting public comments on the proposal for conditional approval of Ohio's request for its Prevention of Significant Deterioration (PSD) program to be approved into the SIP. We will consider these comments before we take final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

B. Who Is Affected by This Action?

Because the fully approved PSD program will be similar to the PSD program that OEPA already operates under delegated authority, air pollution sources will generally not be affected by this action. However, once the program is fully approved, persons wishing to appeal PSD permits will have to file their appeals with OEPA under the SIP-approved program, rather than with USEPA's Environmental Appeals Board as they have been doing under the delegated PSD program.

C. What Is the History of Ohio's PSD Program?

OEPA submitted its first permitting SIP to USEPA on January 31, 1972, and submitted replacement regulations on June 6, 1973. These regulations provided requirements, such as best available technology, that were meant to be uniformly applied throughout the state.

The Clean Air Act Amendments of 1977 required states to go further than uniformly applied regulations. The Amendments provided for the designation of areas within a state as ''attainment'' or ''nonattainment.'' An ''attainment'' area meets the NAAQS. A ''nonattainment'' area does not meet the NAAQS.

OEPA requested delegation of the PSD attainment permitting program on February 8, 1980, and received delegation on January 29, 1981.

OEPA submitted a request for approval of Ohio Administrative code (OAC) sections 3745–31–01 to 3745–31–20 into the SIP on March 1, 1996. Ohio subsequently submitted revisions dated March 1, 1996, April 16, 1997, September 5, 1997, December 4, 1997, and April 21, 1998. OEPA's PSD program has since remained in delegated status. The subsequent requests for SIP-approval of Ohio's regulations allow us to grant conditional approval to the program for reasons described below.

D. How Are OEPA's PSD Rules Structured?

Part C of Title I of the Clean Air Act (CAA) requires a SIP for PSD rules for attainment areas. 40 CFR 51.165 and 51.166 contain the requirements for a PSD permitting program. OEPA submitted this SIP in the form of OAC sections 3745–31–11 to 3745–31–20. OEPA also submitted general provisions applying to both attainment and nonattainment areas in the form of OAC sections 3745–31–01 to 3745–31–10.

E. Why Are We Granting a Conditional Approval?

We are proposing to grant conditional approval to Ohio's PSD rules, OAC sections 3745–31–01 to 3745–31–20. These rules, for the most part, fulfill part C of Title I of the CAA by incorporating the critical provisions at 40 CFR 51.165 and 51.166 for ambient air increment consumption, area designation and redesignation restrictions, best available control technology, impact analysis, and air quality modeling. OAC sections 3745–31–01(OOO) does not, however, include a 25 tons per year significance level for particulate matter, or a 50 ton per year significance level for municipal solid waste landfill emissions, as required by 40 CFR 51.166(b)(23)(i). Furthermore, total reduced sulfur and reduce sulfur compounds are incorrectly defined to exclude hydrogen sulfide. Therefore, the definition of significant as required by 40 CFR 51.166(b)(23)(i) is not complete. In a December 5, 2000, letter, OEPA has committed to correct the definition of significance in OAC 3745–31. Because OAC sections 3745–31–01 through 3745–31–20 meet all requirements of 40 CFR 51.165 and 51.166 with this exception, and OEPA has committed to correct these deficiencies, we believe it is appropriate to grant conditional approval. When Ohio demonstrates that the deficiencies identified above are cured, USEPA can grant final approval to these rules.

USEPA is currently reviewing OEPA's implementation of the delegated PSD program in response to a petition submitted by D. David Altman on behalf of Ohio Citizen Action, the Ohio Environmental Council, Rivers Unlimited, and the Ohio Sierra Club. Any concerns that USEPA finds as a result of this review will be addressed through the process of responding to the petition. Today's proposed conditional approval only addresses whether or not specific provisions of Ohio's administrative code meet the federal criteria for a PSD program, as set forth in 40 CFR part 51, and does not address any issues regarding how the code is being applied or enforced by Ohio. We believe the OAC revisions meet the criteria for approval with the exceptions listed above, and are therefore proposing to conditionally approve them. No particular findings or conclusions in or from the USEPA petition review should be inferred from today's proposed conditional approval.

F. How Will 51.166(b)(23)(i) Be Implemented Under This Action?

Although Ohio will have a SIP-approved PSD program, until this conditional approval becomes final OEPA will continue to be delegated the authority under § 51.166(b)(23)(i) of the federal PSD regulations to permit sources of significant particulate matter, municipal solid waste landfill emissions, and total reduced sulfur and reduce sulfur compounds. The delegation will continue until such time as the identified deficiencies are corrected and full approval is granted (or unless USEPA otherwise addresses the delegation after the review of Ohio's implementation of the PSD program pursuant to the petition discussed above).

G. How Can This Conditional Approval Become Fully Approved?

OEPA will have one year from the time that the conditional approval is final to submit the necessary changes to its rules to correct the deficiencies identified in this notice. If OEPA does not submit approvable changes within the one year timeframe, USEPA will disapprove Ohio's PSD program.

USEPA Action

In this rulemaking action, we propose conditional approval of OEPA's March 1, 1996 request, as amended by OEPA's April 16, 1997 request, for additions and revisions to OAC sections 3745–31–01 to 3745–31–10, and OAC sections 3745–31–11 to 3745–31–20 because the request meets all of the requirements of 40 CFR 51.165 and 51.166 with the exception of a 25 ton per year significance level for particulate matter; a 50 ton per year significance level for municipal solid waste landfill emissions as required by 40 CFR 51.166(b)(23)(i); and because total reduced sulfur and reduce sulfur compounds are incorrectly defined to exclude hydrogen sulfide. OEPA has also committed to correct the definition of significance in OAC 3745–31.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed 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 proposed 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 proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this proposed 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 proposed 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 proposed 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, USEPA'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), USEPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for USEPA, 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 proposed rule, USEPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. USEPA 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 8, 2001.

Norman Neidergang,

Acting Regional Administrator, Region 5.

[FR Doc. 01–16437 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ105–0040; FRL–7005–4]

Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Area; PM–10

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve under the Clean Air Act (CAA or Act), as a revision to the Arizona State Implementation Plan (SIP), a general permit rule that provides for the expeditious implementation of best management practices (BMPs) to reduce particulate matter (PM–10) from agricultural sources in the Maricopa County (Phoenix) PM–10 nonattainment area. EPA is proposing to approve the general permit rule as meeting the ''reasonably available control measure'' (RACM) requirements of the Act.

DATES: Written comments will be accepted until July 30, 2001.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: John Ungvarsky, EPA Region 9, 75 Hawthorne Street (AIR2), San Francisco, CA 94105 or ungvarsky.john@epa.gov.

A copy of docket, containing material relevant to EPA's proposed action, is available for review at: EPA Region 9, Air Division, 75 Hawthorne Street, San Francisco, CA 94105. Interested persons may make an appointment with John Ungvarsky to inspect the docket at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

A copy of docket is also available to review at the Arizona Department of Environmental Quality, Library, 3033 N. Central Avenue, Phoenix, Arizona 85012. (602) 207–2217.

*Electronic Availability.*This document is also available as an electronic file on EPA's Region 9 Web Page at http://www.epa.gov/region09/air.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky at (415) 744–1286 or ungvarsky.john@epa.gov.

SUPPLEMENTARY INFORMATION

I. Background

A. Air Quality Status

Portions of Maricopa County [1] are designated nonattainment for the PM–10 national ambient air quality standards (NAAQS) [2] and were originally classified as ''moderate'' pursuant to section 188(a) of the CAA. 56 FR 11101 (March 15, 1991). On May 10, 1996, EPA reclassified the Maricopa County PM–10 nonattainment area to ''serious'' under CAA section 188(b)(2). 61 FR 21372. Having been reclassified, Phoenix is required to meet the serious area requirements in CAA section 189(b).

While the Phoenix PM–10 nonattainment area is currently classified as serious, today's proposed action relates only to the moderate area statutory requirements for RACM. However, as discussed further below, Arizona developed state legislation and a general permit rule applicable to agricultural sources of PM–10 when the area had already been reclassified to serious. Therefore the State's focus was on the serious area statutory requirements for ''best available control measures'' (BACM). RACM, as will be seen, is generally considered to be a subset of BACM. As a result, in order to evaluate whether the general permit rule meets the RACM requirements for the purpose of this rulemaking, it was necessary for EPA to refer to portions of the State's serious area state implementation plan (SIP) submittals. Thus, while the Agency is not proposing action at this time on those submittals as they relate to the Act's serious area statutory requirements, those requirements and the State's submittals developed to meet them are discussed here. The relevant portions of the State's serious area submittals are cited below and are included in the docket for this proposed action.

B. CAA Planning Requirements and EPA Guidance

The air quality planning requirements for PM–10 nonattainment areas are set out in subparts 1 and 4 of title I of the Clean Air Act. Those states containing initial moderate PM–10 nonattainment areas were required to submit, among other things, by November 15, 1991 provisions to assure that RACM (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993. CAA sections 172(c)(1) and 189(a)(1)(C). Since that deadline has passed, EPA has concluded that the required RACM/RACT must be implemented ''as soon as possible.'' *Delaney* v. *EPA,* 898 F.2d 687, 691 (9th Cir. 1990). EPA has interpreted this requirement to be ''as soon as practicable.'' See 55 FR 41204, 41210 (October 1, 1990) and 63 FR 28898, 28900 (May 27, 1998).

EPA has issued a ''General Preamble'' [3] describing EPA's preliminary views on how the Agency intends to review SIPs and SIP revisions submitted under title I of the Act, including those state submittals containing moderate PM–10 nonattainment area SIP provisions. The methodology for determining RACM/RACT is described in detail in the General Preamble. 57 FR 13498, 13540–13541. In short and as pertinent here, EPA suggests starting to define RACM with the list of available control measures for fugitive dust in Appendix C1 to the General Preamble and adding to this list any additional control measures proposed and documented in public comments. Any measures that apply to emission sources of PM–10 and that are de minimis and any measures that are unreasonable for technology reasons or because of the cost of the control in the area can then be culled from the list. In addition, potential RACM may be culled from the list if a measure cannot be implemented on a schedule that would advance the date

[1] ''Maricopa,'' ''Maricopa County'' and ''Phoenix'' are used interchangeably throughout this proposal to refer to the nonattainment area.

[2] There are two PM–10 NAAQS, a 24-hour standard and an annual standard. 40 CFR 50.6. EPA promulgated these NAAQS on July 1, 1987 (52 FR 24672), replacing standards for total suspended particulate with new standards applying only to particulate matter up to 10 microns in diameter (PM–10). At that time, EPA established two PM–10 standards. The annual PM–10 standard is attained when the expected annual arithmetic average of the 24-hour samples for a period of one year does not exceed 50 micrograms per cubic meter ($\mu g/m^3$). The 24-hour PM–10 standard of 150 $\mu g/m^3$ is attained if samples taken for 24-hour periods have no more than one expected exceedance per year, averaged over 3 years. See 40 CFR 50.6 and 40 CFR part 50, appendix K.

[3] See ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' (General Preamble) 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992).

for attainment in the area. 57 13498, 13560; 57 FR 18070, 18072 (April 28, 1992).

PM–10 nonattainment areas reclassified as serious under section 188(b)(2) of the CAA are required to submit, within 18 months of the area's reclassification, SIP revisions providing for the implementation of BACM no later than four years from the date of reclassification. The SIP must also provide for attainment of the PM–10 NAAQS by December 31, 2001. See CAA sections 188(c)(2) and 189(b). If certain conditions are met, EPA may extend this attainment deadline to no later than December 31, 2006. One of these conditions is that the serious area plan must include the ''most stringent measures'' (MSM) included in the plan of any state or achieved in practice in any state that can feasibly be implemented in the area. CAA section 188(e).

On August 16, 1994, EPA issued an Addendum to the General Preamble that describes the Agency's preliminary views on the CAA provisions for serious area PM–10 nonattainment SIPs. 59 FR 41998. The Addendum provides that for moderate PM–10 areas reclassified as serious, the RACM requirements are carried over and elevated to a higher level of stringency, i.e., BACM. 59 FR 41998, 42009.

Moderate and serious area plans are also required to meet the generally applicable SIP requirements for reasonable notice and public hearing under section 110(a)(2), necessary assurances that the implementing agencies have adequate personnel, funding and authority under section 110(a)(2)(E)(i) and 40 CFR 51.280; and the description of enforcement methods as required by 40 CFR 51.111, and EPA guidance implementing these provisions.

C. Recent History of PM–10 Planning in the Phoenix Area

On August 3, 1998, EPA promulgated under the authority of CAA section 110(c)(1) a federal implementation plan (FIP) to address the CAA's moderate area PM–10 requirements for the Phoenix PM–10 nonattainment area. 63 FR 41326 (August 3, 1998). EPA's PM–10 FIP for the Phoenix area was the result of over six years of planning and litigation regarding the control of PM–10 emissions in the Phoenix area. For a detailed discussion of that history, the reader is referred to EPA's proposed rulemaking for the FIP at 63 FR 15920, 15924–15926 (April 1, 1998).

In the FIP, EPA promulgated, among other things, a demonstration that RACM will be implemented in the Phoenix area as soon as practicable. As part of its RACM demonstration, EPA promulgated an enforceable commitment, codified at 40 CFR 52.127, to ensure that RACM for agricultural sources would be expeditiously adopted and implemented. See 63 FR 41326, 41350.

In May 1998, Arizona Governor Hull signed into law Senate Bill 1427 (SB 1427) which revised title 49 of the Arizona Revised Statutes (ARS) by adding section 49–457. This legislation established an Agricultural Best Management Practices (BMP) Committee[4] that was required to adopt by rule by June 10, 2000, an agricultural general permit specifying BMPs for regulated agricultural activities[5] to reduce PM–10 emissions in the Maricopa PM–10 nonattainment area. ARS 49–457.A–F. Subsection M of ARS 49–457 provided for the initiation of BMP implementation through the commencement of an education program by June 10, 2000.

On September 4, 1998, the State submitted ARS 49–457 to EPA for inclusion in the Arizona SIP as meeting the RACM requirements of CAA section 189(a)(1)(C) and requested that the Agency approve that legislation in place of the FIP commitment in 40 CFR 52.127. On June 29, 1999, EPA approved ARS 49–457 as meeting the RACM requirements of the CAA and withdrew the FIP commitment. 64 FR 34726.

Pursuant to section 189(b)(2), on February 16, 2000, the State submitted as a revision to the PM–10 SIP the ''Revised Maricopa Association of Governments (MAG) 1999 Serious Area Particulate Plan for PM–10 for the Maricopa County Nonattainment Area'' (1999 serious area plan). Among other things, this plan provides for attainment of both the annual and 24-hour PM–10 NAAQS by December 31, 2006 and relies on ARS 49–457 for the purpose of addressing the CAA's BACM and MSM requirements for agricultural sources.

On April 13, 2000, EPA proposed to approve the 1999 serious area plan as it relates to the annual PM–10 standard and to grant the State's request to extend the attainment date for the annual standard to December 31, 2006. 65 FR 19964. EPA took no action on the serious area plan's provisions for the 24-hour standard because the attainment demonstration relies on BMPs that had not yet been quantified by the State. 65 FR at 19970.

II. Arizona's Agricultural General Permit

As directed by ARS 49–457, the Agricultural BMP Committee adopted the agricultural general permit and associated definitions, effective May 12, 2000, at Arizona Administrative Code (AAC) R18–2–610, ''Definitions for R18–2–611,'' and 611, ''Agricultural PM–10 General Permit; Maricopa PM10 Nonattainment Area'' (collectively, general permit rule). On July 11, 2000, the State submitted AAC R18–2–610 and 611 to EPA as a revision to the Arizona SIP.[6]

In addition to fulfilling the commitment in ARS 49–457 approved by EPA as part of the moderate area PM–10 plan, this submittal was intended to partially satisfy the CAA's serious area PM–10 requirements; the State indicated that documentation for the remaining portions of the serious area SIP revision package would be submitted at a later date.[7] On April 26, 2001, the State submitted this additional documentation as part of a draft revision to the 1999 serious area plan and requested parallel processing, a procedure adopted by EPA to expedite review of a state plan. See 40 CFR part 51, appendix V, section 2.3.1. The State formally submitted the final revision to EPA on June 13, 2001. This submittal includes an attainment demonstration for the 24-hour standard, BACM and MSM demonstrations, description of the public education initiative for the general permit, and a demonstration that the CAA section 110 general requirements have been met.[8]

[4] The Committee is composed of five local farmers, the Director of the Arizona Department of Environmental Quality (ADEQ), the Director of the Arizona Department of Agriculture, the State Conservationist for the United States Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) state office, the Dean of the University of Arizona's College of Agriculture, and a soil scientist from the University of Arizona.

[5] Subsection N.1 of ARS 49–457 defines ''agricultural general permit'' to mean: ''best management practices that: (a) reduce PM–10 particulate emissions from tillage practices and from harvesting on a commercial farm.[;] (b) reduce PM–10 particulate emissions from those areas of a commercial farm that are not normally in crop production. [;] (c) reduce PM–10 particulate emissions from those areas of a commercial farm that are normally in crop production including prior to plant emergence and when the land is not in crop production.''

''Regulated agricultural activities'' are defined as ''commercial farming practices that may produce PM–10 particulate emissions within the Maricopa PM–10 particulate nonattainment area.'' ARS 49–457.N.4.

[6] This submittal was deemed complete by operation of law on January 11, 2001 pursuant to CAA section 110(k)(1)(B).

[7] ''Maricopa County, PM_{10} State Implementation Plan Revision: Agricultural Best Management Practices,'' Richard W. Tobin II, ADEQ, to Felicia Marcus, EPA, July 11, 2000.

[8] ''Submittal of State Implementation Plan revision for the Agricultural Best Management

Continued

In this action, EPA is proposing only to approve the general permit rule as meeting the CAA's RACM requirements. For this purpose, the Agency reviewed the portions of the June 13, 2001 submittal relating to the BACM and MSM demonstrations, public education initiative and CAA section 110 requirements. EPA will formally evaluate the general permit rule in relation to the BACM and MSM requirements in the context of a future rulemaking on the 1999 serious area plan.

AAC R18–2–611 includes thirty-four BMPs identified by the BMP Committee as feasible, effective, and common sense practices that will reduce PM–10 emissions while minimizing negative economic impacts on local agriculture.

A BMP is defined in AAC R18–2–610 as ''a technique verified by scientific research, that on a case-by-case basis is practical, economically feasible and effective in reducing PM–10 particulate emissions from a regulated agricultural activity.''

AAC R18–2–611 requires a commercial farmer [9] to implement by December 31, 2001 at least one BMP to control PM–10 for three categories of emission sources: tillage and harvest, non-cropland, and cropland.[10]

To reduce PM–10 emissions during tillage and harvest activities, a commercial farmer shall implement at least one of following BMPs: Chemical irrigation; combining tractor operations; equipment modification; limited activity during high-wind event; multi-year crop; planting based on soil moisture; reduced harvest activity; reduced tillage system; tillage based on soil moisture; or timing of tillage operation.

To reduce PM–10 emissions from non-cropland, a commercial farmer shall implement at least one of following BMPs: access restriction; aggregate cover; artificial wind barrier; critical area planting; manure application; reduced vehicle speed; synthetic particulate suppressant; track-out control system; tree, shrub, or windbreak planting; or watering.

To reduce PM–10 emissions from cropland, a commercial farmer shall implement at least one of following BMPs: artificial wind barrier; cover crop; cross-wind ridges; cross-wind strip-cropping; cross-wind vegetative strips; manure application; mulching; multi-year crop; permanent cover; planting based on soil moisture; residue management; sequential cropping; surface roughening; or tree, shrub, or windbreak planting.

A commercial farmer is required to maintain a record demonstrating compliance with the general permit. A commercial farmer not in compliance with the general permit is subject to a series of compliance actions described in ARS 49–457.I–K.

The BMP Committee began implementing the general permit rule in June 2000 by means of an extensive educational outreach program informing growers about the BMPs. In addition, the BMP Committee developed a Guide to Agricultural PM–10 Best Management Practices [11] to provide information and guidance on how to effectively implement BMPs. The guide represents a significant step in helping growers reduce PM–10 emissions from farmlands located within the Maricopa County PM–10 nonattainment area.

The BMP Committee developed an Agricultural BMP General Permit Education Program to inform and educate the public and growers about the forthcoming general permit. As of July 2000 nine public presentations had been given in addition to the twenty-two public meetings held by the BMP Committee.[12] Informational public workshops for growers were held on February 20, 2001 and March 1, 2001.[13] The workshops focused on the purpose of the rule, the individual BMPs, recordkeeping requirements, and compliance options. In addition, ADEQ plans to hold an annual workshop to educate growers, inspectors, and interested stakeholders.

In addition to the guide referenced above, the BMP Committee developed a brochure to inform the public and growers about PM–10 and the BMPs.[14]

III. SIP Approval Criteria

Once a SIP submittal is deemed complete, EPA must next determine if the submittal is approvable as a revision to the SIP. EPA must first determine whether the general permit rule meets the RACM requirements of CAA section 189(a)(1)(C) and EPA guidance interpreting that provision. EPA must also determine that the rule meets the general SIP requirements described in section I.B. above.

Finally, in order for EPA to approve the SIP revision, EPA must determine that the SIP submittal complies with CAA section 110(l). Section 110(l) states that the ''Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress * * * or any other applicable requirement of [the Clean Air] Act.''

IV. Evaluation of the Agricultural General Permit Rule

A. RACM Requirements

CAA section 189(a)(1)(C), as interpreted by EPA under the current circumstances, requires that a moderate area plan provide for the implementation of RACM as soon as practicable. Arizona's requirements regarding the timing of the implementation of the BMPs are contained in ARS 49–457. Since EPA has already approved this legislation as meeting the ''as expeditiously as practicable'' test and the general permit rule was adopted in compliance with the statute, EPA need not revisit the timing issue in this rulemaking. See 64 FR 34726.[15]

Therefore EPA need only determine whether the BMPs in the general permit rule meet the level of control required by CAA section 189(a)(1)(C). As discussed above, for this evaluation, EPA looked to the State's BACM and MSM analyses in the June 13, 2001 submittal.[16]

In September 1998, the Agricultural BMP Committee was established for the purpose of developing an agricultural general permit specifying BMPs.[17] The

program in the Maricopa County, PM_{10} Nonattainment Area'' from Jacqueline E. Schafer, ADEQ, to Laura Yoshii, EPA, June 13, 2001.

[9] R18–2–610 defines commercial farmer ''an individual, entity, or joint operation in general control of 10 or more continuous acres of land used for agricultural purposes within the boundary of the Maricopa County PM10 nonattainment area.''

[10] R18–2–610 defines tillage and harvest as ''any mechanical practice that physically disturbs cropland or crops on a commercial farm.'' R18–2–610 defines non-cropland as ''any commercial farm land that: is no longer used for agricultural production; is no longer suitable for production of crops; is subject to a restrictive easement of contract that prohibits use for the production of crops; or includes a private farm road, ditch, ditch bank, equipment yard, storage yard, or well head.'' R18–2–610 defines cropland as ''land on a commercial farm that: is within the time frame of final harvest to plant emergence; has been tilled in a prior year and is suitable for crop production, but is currently fallow; is a turn-row.''

[11] ''Guide to Agricultural PM–10 Best Management Practices, Maricopa County, Arizona PM–10 Nonattainment Area,'' Governor's Agricultural BMP Committee, First edition, February, 2001.

[12] See Enclosure 3, ''Final Revised Background Information,'' BACM—Recommendations from Governor's Agricultural BMP Committee, pages 31–33 of June 13, 2001, Submittal of State Implementation Plan revision for the Agricultural Best Management Practices program in the Maricopa Count PM–10 Nonattainment Area.

[13] Ibid.

[14] ''How Agriculture is Improving Maricopa County's Air Quality,'' Governor's Agricultural BMP Committee, March, 2001.

[15] ACC R18–2–611 reiterates the compliance deadlines contained in ARS 49–457.

[16] See reference in footnote 8.

[17] See reference in footnote 12, pages 9–26.

established an Ad-hoc Technical Group to develop a comprehensive list of potential BMPs for regulated sources in the Maricopa nonattainment area. Participants included the USDA NRCS, USDA Agricultural Research Service, University of Arizona College of Agriculture, ADEQ, University of Arizona College of Agriculture and Cooperative Extension, Western Growers Association, Arizona Cotton Growers Association, Arizona Farm Bureau Federation, and EPA.

The Ad-hoc Technical Group reviewed available dust control regulations, literature, and technical documents, and developed a list of conservation practices potentially suitable to agricultural sources in the Maricopa County nonattainment area. The information sources evaluated are listed in Table 1.

TABLE 1.—INFORMATION SOURCES USED TO DEVELOP A LIST OF CONSERVATION PRACTICES WITH POTENTIAL APPLICABILITY IN MARICOPA COUNTY

NRCS Field Office Technical Guide.
South Coast Air Quality Management District Rule 403 (fugitive dust) Agricultural Handbook.
San Joaquin Valley Unified Air Pollution Control District 1997 PM–10 Attainment Demonstration Plan.
University of Arizona Cooperative Extension Mojave Valley research project.
University of Washington Columbia Plateau research project.
ENSR Report: Evaluation of Fugitive Dust Control in the Maricopa County PM–10 Nonattainment Area. March 1997. Document Number 0493–015–500.
Particulate Control Measure Feasibility Study: Volumes I and II. Prepared for the Maricopa Association of Governments by Sierra Research. January 1997.

From a review of these information sources, 65 potential practices for further consideration were selected.[18] These 65 measures represented a broad spectrum of potential BMPs, many of which related to conservation practices used in the western United States that had never been evaluated in the context of reducing PM–10. This list represented a list of potential practices to be considered in determining what measures are actually available for implementation in the Phoenix area.

The Agricultural BMP Committee thoroughly reviewed the potential practices presented by the Ad-hoc Technical Group and identified 34 [19] of the 65 BMPs to include in the general permit rule that the Committee deemed to be feasible, effective and common sense practices for the Phoenix area which also minimized potential negative impacts on local agriculture.

Of the 31 potential BMPs eliminated, the majority were dropped because they either duplicated another BMP or did not reduce PM–10. Other reasons for elimination included the impracticability of a BMP for the Maricopa County Area, lack of cost effectiveness, or infeasibility of implementation.[20] Examples of how potential BMPs were eliminated for these reasons are provided below:

(1) *No identifiable relation to PM–10 emission reductions.* For example, the original list of potential BMPs developed by the Ad-hoc Technical Committee included a potential BMP for Tree/Shrub Pruning. Although the Tree/Shrub Pruning might qualify as a BMP for some agricultural activities, it would not reduce PM–10. Therefore, the Tree/Shrub Pruning was dropped.

(2) *Duplication.* Many similar BMPs were combined into a single BMP. For example, the original list of potential BMPs included numerous practices that relate to creating a barrier (i.e., Tree/shrub establishment, windbreak/shelterbelt establishment, windbreak/shelterbelt renovation, hedgerow plating, herbaceous wind barriers) to reduce the impact of wind on disturbed soils. These practices were combined into a single BMP: tree, shrub, or windbreak planting.

(3) *Impracticability to Maricopa County farming or implementation infeasibility.* Some of the potential BMPs were determined to be impractical or infeasible. For example, the original list included Wildlife Upland Habitat Management. This conservation practice is intended to create, maintain, or enhance habitat suitable to sustaining desired kinds of upland wildlife.[21] Although evaluated as a potential BMP, it was determined to be impracticable for Maricopa County given that the agricultural sources in question are not located in an area suitable for upland wildlife.

The general permit rule, as finally adopted by the BMP Committee in May 2000, requires that commercial farmers implement at least one BMP for the Tillage and Harvest, Cropland, and Non-cropland categories by December 31, 2001. Because of the variety, complexity, and uniqueness of farming operations, the BMP Committee concluded that farmers need a variety of BMPs to choose from in order to tailor PM–10 controls to their individual circumstances. Further, the BMP Committee acknowledged that there is a limited amount of scientific information available concerning the emission reduction and cost effectiveness of some BMPs, especially in relation to Maricopa County. The BMP Committee balanced these limitations with the common sense recognition that the BMPs would reduce wind erosion and the entrainment of agricultural soils, thereby reducing PM–10. Given the limited scientific information available and the myriad factors that affect farming operations, the BMP Committee concluded that requiring more than one BMP could not be considered technically justified and could cause an unnecessary economic burden to farmers. Instead, the BMP Committee and ADEQ committed to monitor the effectiveness of the BMPs and adjust the program, if needed, in the future.

There are only two PM–10 nonattainment areas in the nation that are currently requiring agricultural sources to reduce PM–10 emissions. The South Coast Air Quality Management District (SCAQMD), which includes the agricultural areas of western Riverside County and the Coachella Valley, is implementing Rules 403 and 403.1 to reduce PM–10 emissions from agricultural sources. The Arizona general permit rule represents the only other measure in the country that requires the implementation of BMPs to reduce PM–10. Because agricultural sources vary by factors such as regional climate, soil type, growing season, crop type, water availability, and relation to urban centers, agricultural PM–10 strategies must be based on local factors. Therefore, while the Committee surveyed measures adopted in other geographic areas, they are of limited utility in determining what measures are available for Maricopa County area. In order to justify additional requirements for farming operations in the area beyond those in the general permit rule, a significant influx of money and additional research would be needed.

The development of the general permit rule was a multi-year endeavor involving an array of experts in agricultural practices. As noted, Arizona is one of the few areas where regulation of PM–10 emissions from the agricultural sector has even been attempted. Based on the available

[18] See reference in footnote 12, pages 15–16.

[19] The BMP Committee divided the 34 BMPs by applicability to the three source categories: 10 BMPs were applicable to the Tillage and Harvest category; 10 BMPs were applicable to the Non-Cropland category; and 14 BMPs were applicable to the Cropland category.

[20] See reference in footnote 12, pages 17–18.

[21] USDA Natural Resources Conservation Service, Arizona; Conservation Practice Summary; Air Quality (cropland—irrigated), FOTG Section IV, November, 1998.

information, EPA believes that the general permit rule represents a comprehensive, sensible approach that meets, and in fact far exceeds, the RACM requirements of CAA section 189(a)(1)(C) and EPA guidance interpreting those requirements.

B. General SIP Requirements

EPA has concluded that the State's June 13, 2001 submittal provides the necessary assurances of adequate personnel and funding required by CAA section 110(a)(2)(E)(i) and 40 CFR 51.280 to carry out the general permit program.[22] ADEQ intends to fund the program through resources currently allocated to the State's existing general permit and compliance program. Based on historical data, ADEQ anticipates a decreasing agricultural source population and, therefore, does not see the need for increased funding to administer the program.

For the general permit program, ADEQ intends to inspect commercial farms every two to three years. In addition, ADEQ intends to develop in 2002 a compliance initiative that selects a geographic area within the nonattainment area for inspections. Based on the results, other initiatives may be developed. Moreover, ADEQ's Air Compliance Section will respond to agricultural related complaints within five working days. ADEQ will also develop a process whereby air inspectors from other agencies will notify ADEQ if they observe an alleged violation or receive a complaint, and an ADEQ inspector will conduct a timely investigation.

EPA has also concluded that the general permit rule, as informed by ARS 49–457 and the State's June 13, 2001 submittal, meets the requirements of 40 CFR 51.111. This provision requires a description of enforcement methods, including procedures for monitoring compliance (discussed above), procedures for handling violations, and designation of agency responsibility for enforcement of implementation. ARS 49–457.I, J, and K and AAC R18–2–611.K and L give ADEQ specific authority to address noncompliance with the general permit rule and includes the steps the department will take to enforce the rule. ADEQ's Air Compliance Section routinely updates its database to include general information regarding complaints and enforcement actions which can be utilized in future years to determine rule effectiveness.

[22] See reference in footnote 8, pages 33–35.

C. CAA Section 110(l)

In its rulemaking on ARS 49–457, EPA concluded that approval of the State legislation and withdrawal of the FIP commitment would not interfere with the attainment, reasonable further progress and RACM requirements of the CAA. 63 FR 71815, 71817. Since the general permit rule strengthens the SIP by providing specific BMPs in place of the commitment to adopt BMPs in ARS 49–457, EPA's proposed approval meets the requirements of CAA section 110(l).

V. Proposed Actions

EPA has evaluated ACC R18–2–610 and 611 and has determined that these rules are consistent with the CAA and EPA policy. Therefore, EPA is proposing to approve ACC R18–2–610 and 611 under section 110(k)(3) of the CAA as meeting the requirements of sections 110(a) and 189(a)(1)(C).

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

VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed 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 proposed 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 proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed 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 CS 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 proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. 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 proposed 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter.

Dated: June 22, 2001.

Keith Takata,

Acting Regional Administrator, Region IX.

[FR Doc. 01–16439 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–U

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: Extension of comment period.

SUMMARY: In response to public requests, the Coast Guard is extending the comment period on its notice of proposed rulemaking (NPRM) on Vessel Documentation: Lease-Financing for Vessels Engaged in the Coastwise Trade. Extending the comment period gives the public more time to submit comments and recommendations on the issues raised in our NPRM. These proposed rules 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 on the NPRM must reach the Coast Guard on or before September 4, 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 the rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located 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 electronically access the public docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on viewing, or submitting material to, the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329. For information on the NPRM provisions contact Patricia Williams, Deputy Director, National Vessel Documentation Center (NVDC), Coast Guard, telephone 304–271–2506.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to submit written data, views, or arguments. If you submit comments, you should include your name and address, identify the NPRM [USCG–2001–8825; published in the **Federal Register** on May 2, 2001 (66 FR 21902)] and the specific section or question in the document to which your comments apply, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change the proposed rules in view of the comments.

Dated: June 26, 2001.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–16554 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 54

[CC Docket Nos. 96–45 and 00–256, FCC 01–157]

Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: In this document, the Commission declines, at this time, to adopt the Rural Task Force's proposal to freeze per-line support in rural carrier study areas in which a competitive eligible telecommunications carrier is providing service; however, the Commission recognizes that excessive fund growth may occur during this five-year plan. To develop the record on this issue more fully, the Commission invites interested parties to propose possible alternative measures that may be appropriate to address this issue. The Commission also invites commenters to address the likelihood that such measures may be necessary to prevent excessive fund growth during the five-year period.

DATES: Comments are due on or before July 30, 2001. Reply comments are due on or before August 28, 2001. Written comments by the public on the proposed information collections discussed in this Further Notice of Proposed Rulemaking are due on or before July 30, 2001. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before August 28, 2001.

ADDRESSES: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet to Edward.Springer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Genaro Fullano, Paul Garnett, or Greg Guice, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking

(FNPRM) in CC Docket No. 96–45 released on May 23, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554. This FNPRM contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act

The FNPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection(s) contained in this FNPRM, as required by the PRA, Public Law 104–13. Public and agency comments on the proposed information collections discussed in this FNPRM are due on or before July 30, 2001. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before August 28, 2001.

Comments should address: (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 estimates; (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.

OMB Control Number: None.

Title: Proposed Alternatives for the Rural Task Force's Proposal to Freeze High Cost Loop Support Upon Competitive Entry in Rural Carrier Study Areas (FNPRM).

Form No.: None.

Type of Review: Proposed New Collections.

Respondents: Business or other for-profit.

Title	No. of respondents	Est. time per response (hrs)	Total annual burden
Reporting of Working Loops at Cost-Zone Level	9	20	720

Total Annual Burden: 720.

Cost to Respondents: $0.

Needs and Uses: In addition to information already required by § 54.307 of the Commission's rules, competitive eligible telecommunications carriers serving loops in the service area of a rural incumbent local exchange carrier, as that term is defined by § 54.5 of the Commission's rules, would be required to separately report the number of captured and new loops in the service area disaggregated by cost zone if disaggregation zones have been established within the service area pursuant to § 54.315 of the Commission's rules. The frequency of reporting also may be impacted by conclusions reached in this proceeding. For purposes of this Paperwork Reduction Act analysis, we assume that competitive eligible telecommunications carriers would continue to be required to submit such data on a quarterly basis. Such reporting would be a modification to the current reporting requirement. The goal of this proposal is to ensure that per-line high-cost. The Commission also intends to consider alternatives that do not involve additional reporting requirements.

Synopsis of FNPRM

I. Further Notice of Proposed Rulemaking

A. Background

1. As discussed in greater detail in the companion Order, 66 FR 30080, June 5, 2001, we decline at this time to adopt the Rural Task Force's proposal to freeze high-cost loop support on a per-line basis in rural carrier study areas where a competitive eligible telecommunications carrier initiates service. The purpose of the proposal was to prevent excessive growth in the universal service fund as a result of the entrance of competitive eligible telecommunications carriers in rural carrier study areas over the life of the five-year plan we adopt here. As discussed in the companion Order, support provided to competitive eligible telecommunications carriers is not subject to the overall cap on the high-cost loop fund. During the five-year period, excessive growth in the fund is thus possible if incumbent carriers lose many lines to competitive eligible telecommunications carriers, or if competitive eligible telecommunications carriers add a significant number of lines. The first scenario raises particular fund growth concerns because as an incumbent ''loses'' lines to a competitive eligible telecommunications carrier, the incumbent must recover its fixed costs from fewer lines, thus increasing its per-line costs. With higher per-line costs, the incumbent would receive greater per-line support, which would also be available to the competitive eligible telecommunications carrier for each of the lines that it serves. Thus, a substantial loss of an incumbent's lines to a competitive eligible telecommunications carrier could result in excessive fund growth.

2. We base our decision not to adopt the Rural Task Force's proposal at this time on several concerns. First, the proposal may be of limited benefit in serving its intended purpose and may, in some instances, contribute to fund growth by freezing support at higher levels than would be warranted in the future. Second, the likelihood of a competitive eligible telecommunications carrier capturing a substantial percentage of lines from the incumbent during the five-year period is speculative. Third, the indexed cap on the high-cost loop fund will operate as a check on excessive fund growth to a certain extent. Fourth, we are concerned that the proposal may have the unintended consequence of discouraging efficient investment in rural infrastructure. Fifth, the proposal may hinder the competitive entry in rural study areas by creating an additional incentive for incumbents to oppose the designation of eligible telecommunications carriers in rural study areas. Finally, we are concerned that the proposal would require complex and administratively burdensome regulations to implement.

B. Issues for Comment

3. Although we decline, at this time, to adopt the Rural Task Force's proposal to freeze per-line support in rural carrier study areas in which a competitive eligible telecommunications carrier is providing service, we recognize that

excessive fund growth may occur during this five-year plan. We note that the indexed cap on high-cost loop support would not check this growth fully, because support received by competitive carriers currently is not included within the cap. To develop the record on this issue more fully, we invite interested parties to propose possible alternative measures that may be appropriate to address this issue. We also invite commenters to address the likelihood that such measures may be necessary to prevent excessive fund growth during the five-year period.

4. One possible approach suggested by commenters would be to freeze support only when a competitive carrier serves a specific percentage of the total lines within a study area. Under this approach, the Commission would adopt a threshold percentage of lines lost for triggering the freeze. As discussed, however, a simple threshold requirement would fail to target study areas where the excessive fund growth is most likely to occur, because it could not distinguish captured from new subscriber lines. With regard to any proposal to freeze support, commenters should address whether support should be frozen for the study area, the competitor's service area, or the incumbent's specific disaggregation zone. We also invite commenters to propose other alternatives. Commenters should address the administrative feasibility of any such proposals, and whether they are consistent with the principles of encouraging investment in rural infrastructure and promoting competitive entry.

5. Although we are not convinced of the likelihood of excessive fund growth due to competitive entry in high-cost areas during the life of this five-year plan, we intend to resolve the issues raised in this FNPRM expeditiously after we have developed the record more fully. In the meantime, as discussed, we intend to closely monitor the impact of competitive entry in rural carrier study areas to ensure that excessive fund growth does not occur, consistent with our obligation in section 254 to maintain a specific, predictable, and sufficient universal service fund.

II. Procedural Matters

A. Initial Regulatory Flexibility Analysis

6. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this *FNPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines, and should have a separate and distinct heading designating them as responses to the IRFA. The Commission will send a copy of the *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the SBA. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

1. Need for and Objectives of the Proposed Rules

7. In the Order accompanying this *FNPRM,* we modify the rural high-cost mechanism. While we declined to adopt the Rural Task Force's proposal to freeze per-line support in rural carrier study areas in which a competitive eligible telecommunications carrier is providing service, we recognized that excessive fund growth may occur during the five-year duration of the interim plan. We noted that the indexed cap on high-cost loop support would not check this growth fully, because support received by competitive carriers is not included within the cap. To develop the record on this issue more fully, we issue this *FNPRM* and invite interested parties to propose possible alternative measures that may be appropriate to address this issue. We also invite commenters to address the likelihood that such measures may be necessary to prevent excessive fund growth during the five-year period.

8. Although we are not convinced of the likelihood of excessive fund growth due to competitive entry in high-cost areas during the life of this five-year plan, we intend to resolve the issues raised in this *FNPRM* expeditiously after we have developed the record more fully.

2. Legal Basis

9. The legal basis as proposed for this *FNPRM* is contained in sections 4(i), 4(j), 201–205, 254, and 403 of the Communications Act of 1934 (as amended by the Telecommunications Act of 1996).

3. Description and Estimate of Small Entities to Which Rules Will Apply

10. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. Under the Small Business Act, a ''small business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).

11. We have included small incumbent local exchange carriers in this RFA analysis. As noted, a ''small business'' under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

12. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends Report* data, 1,335 incumbent carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of local exchange carriers that would qualify as small business concerns under the SBA's definition. Of the 1,335 incumbent carriers, 13 entities are price cap carriers that are not subject to these rules. Consequently, we estimate that fewer than 1,322 providers of local exchange service are small entities or small incumbent local exchange carriers that may be affected.

13. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends Report* data, 349 CAPs/

competitive local exchange carriers and 60 other local exchange carriers reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are less than 349 small entity CAPs and 60 other local exchange carriers that may be affected.

14. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent *Telecommunications Industry Revenue* data, 806 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 808 small cellular service carriers that may be affected.

15. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined ''small entity'' for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining ''small entity'' in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

16. *Rural Radiotelephone Service.* The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS). We will use the SBA's definition applicable to radiotelephone companies, *i.e.,* an entity employing no more than 1,500 persons. There are approximately 1,000 licensees in the Rural Radiotelephone Service, and we estimate that almost all of them qualify as small entities under the SBA's definition.

17. *Specialized Mobile Radio (SMR).* The Commission awards bidding credits in auctions for geographic area 800 MHz and 900 MHz SMR licenses to firms that had revenues of no more than $15 million in each of the three previous calendar years. In the context of both the 800 MHz and 900 MHz SMR, a definition of ''small entity'' has been approved by the SBA.

18. These fees apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. We assume, for purposes of this FRFA, that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

19. For geographic area licenses in the 900 MHz SMR band, there are 60 who qualified as small entities. For the 800 MHz SMR's, 38 are small or very small entities.

20. *Fixed Microwave Services.* Microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. At present, there are approximately 22,015 common carrier fixed licensees and 61,670 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this IRFA, we utilize the SBA's definition applicable to radiotelephone companies—*i.e.,* an entity with no more than 1,500 persons. We estimate, for this purpose, that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

21. *39 GHz Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to 39 GHz licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. For purposes of the 39 GHz license auction, the Commission defined ''small entity'' as an entity that has average gross revenues of less than $40 million in the three previous calendar years, and ''very small entity'' as an entity that has average gross revenues of not more that $15 million for the preceding three calendar years. The Commission has granted licenses to 29 service providers in the 39 GHz service. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of 39 GHz licensees that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are no more than 29 39 GHz small business providers that may be affected.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

22. In the Order accompanying this *FNPRM,* the Commission revised the reporting frequency of line count data in study areas where competitive entry has occurred. Prior to the Order's adoption, rural carriers were required to submit line count data annually. The Commission determined that the more frequent reporting requirement was

necessary to ensure that only one carrier receives support for each line served and to monitor the concerns expressed by the Rural Task Force with regard to the potential impact of competitive entry in rural carrier study areas. The line count data submitted by carriers on a quarterly basis under the Order should be sufficient for the Commission to implement any change it may adopt pursuant to this *FNPRM*; however, the issues of frequency of reporting and timing of submission may need to be revisited for implementation purposes.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

24. Here, we have declined at this time to freeze per-line support in rural carriers' study areas in which a competitive eligible telecommunications carrier is providing service. Had we adopted the alternative of the freeze, we would, we believe, have also needed to adopt, *e.g.*, complex and administratively burdensome implementing regulations. By seeking additional comments on this issue, including comment from small entities regarding significant alternatives, we hope to identify alternatives that would include simpler reporting or other compliance requirements. Thus, the *FNPRM* under consideration herein seeks to determine possible alternative measures that may be appropriate to address the issue of excessive fund growth that may result from competitive entry in rural study areas. We invite comment on how any alternatives proposed would be likely to affect small businesses.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

25. None.

B. Ex Parte

26. This is a non-restricted *FNPRM* and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules.

C. Comment Filing Procedures

27. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before July 30, 2001, and reply comments on or before August 28, 2001. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

28. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply. Parties should also send three paper copies of their filings to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20037.

III. Ordering Clauses

29. Pursuant to the authority contained in sections 4(i), 4(j), 201–205, 254, and 403 of the Communications Act of 1934, as amended, this Further Notice of Proposed Rulemaking in CC Docket No. 96–45 is adopted.

30. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Further Notice of Proposed Rulemaking in CC Docket No. 96–45, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 36

Jurisdictional separations, Reporting and recordkeeping requirements, Telecommunications, Telephone.

47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16371 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 66, No. 126
Friday, June 29, 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

Animal and Plant Health Inspection Service

[Docket No. 01–045–1]

Notice of Request for Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate a new information collection activity to support the National Animal Health Monitoring System's national Sheep 2001 study. The objectives of the study, which will be conducted in 22 States, are to estimate the regional and national prevalence of specific diseases of sheep, conduct genomic testing for genetic factors that may be related to health conditions in sheep, describe baseline health and management practices employed by sheep producers, evaluate nutritional practices by region, and describe the frequency of health-related management practices.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 28, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–045–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–045–1.

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

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

FOR FURTHER INFORMATION CONTACT: For information on the national Sheep 2001 study, contact Ms. Marj Swanson, Management Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 555 S. Howes, Fort Collins, CO 80521; (970) 490–7978. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHISInformation Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION: Title: National Animal Health Monitoring System, Sheep 2001.

OMB Number: 0579–XXXX.

Type of Request: Approval of new information collection.

Abstract: The United States Department of Agriculture is responsible for protecting the health of our Nation's livestock and poultry populations by preventing the introduction and interstate spread of contagious, infectious, or communicable diseases of livestock and poultry and for eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) operates the National Animal Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock and poultry diseases. Information from the studies conducted by NAHMS is disseminated to and used by livestock and poultry producers, consumers, animal health officials, private veterinary practitioners, animal industry groups, policy makers, public health officials, media, educational institutions, and others to improve the productivity and competitiveness of U.S. agriculture.

NAHMS' national studies have evolved into a collaborative industry and government initiative to help improve product quality and to determine the most effective means of producing animal and poultry products. APHIS is the only agency responsible for collecting national data on animal and poultry health. Participation in any NAHMS study is voluntary, and all data are confidential.

NAHMS will initiate the first national data collection for sheep through a national study, Sheep 2001. The study will take place in the following 22 States, which represent 88.8 percent of the U.S. sheep population according to the 1997 Census of Agriculture: Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Montana, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

NAHMS personnel have completed a needs assessment, which was a collaborative effort with producers, industry, extension specialists, Federal and State personnel, and university researchers. The information gathered through this effort was used to determine the objectives of the study, i.e.: (1) Estimating the regional and national prevalence of specific diseases of sheep, such as Johne's disease, ovine progressive pneumonia, intestinal parasites, and some of the major causes of ovine abortion, such as *Toxoplasma gondii,* Chlamydia, and Campylobacter (Note: *Toxoplasma gondii* is one of the three major causes of sheep abortion in the United States. There are known risk factors for infection that could be measured and serve as recommendations to producers to avoid infection risks.); (2) conducting genomic testing to correlate certain genetic traits with possible health conditions in sheep, including measuring possible risk factors associated with the occurrence of scrapie infection; (3) describing baseline management practices used by sheep producers and evaluating their potential impact on selected health problems of sheep and potential productivity losses; (4) evaluating nutritional supplementation practices by sheep producers, variations in practices by region, and the impact on sheep health; and (5) describing the frequency of health-related management practices, including animal movement

and identification, feeding practices, biosecurity procedures, use of veterinary services, source of health information, and vaccination and treatment practices.

We are asking the Office of Management and Budget (OMB) to approve the information collection activity for the national Sheep 2001 study.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning these information collection activities. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.82564 hours per response.

Respondents: Industry personnel, private veterinary practitioners, company and independent producers, academicians, State veterinary medical officers, State public health officials, and other interested parties involved with animal health and management practices in the United States.

Estimated annual number of respondents: 10,731.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 10,731.

Estimated total annual burden on respondents: 8,860 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 25th day of June 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–16401 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Foreign Agricultural Service (FAS) intends to request an extension for a currently approved information collection procedure for Sugar Import Licensing Programs described in 7 CFR part 1530.

DATES: Comments should be received on or before August 28, 2001 to be assured of consideration.

ADDRESSES: Mail or deliver comments to Richard J. Blabey, Director, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1021, 1400 Independence Ave. SW, Washington, DC 20250–1021.

FOR FURTHER INFORMATION CONTACT: Richard J. Blabey, at the address above, or telephone at (202) 720–2916 or e-mail at Blabey@fas.usda.gov.

SUPPLEMENTARY INFORMATION: *Title:* The Reinforced Sugar Re-Export Program, The Sugar Containing Products Re-Export Program, and the Polyhydric Alcohol Program.

OMB Number: 0551–0015.

Expiration Date of Approval: August 31, 2001.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary objective of the Sugar Import Licensing Program is to permit entry of raw cane sugar exempt from the sugar tariff-rate quota for re-export in refined form or in a sugar containing product or for the production of certain polyhydric alcohols. These programs are in use by as many as 400 licensees currently eligible to participate. Under 7 CFR part 1530, licensees are required to submit the following: (1) ''Application for a license'' information required for participation as outlined in sections 1530.104; (2) ''Regular reporting'' of import, export, transfer, or use for charges and credits to licenses under section 1530.109; and (3) ''miscellaneous submission'' of bonds or letters of credit under section 1530.107, appeals to determinations by the licensing authority under section 1530.12, or requests to the licensing authority for waivers under section 1530.113. In addition, each participant must maintain records on all programs reports as set forth in section 1530.110. The information collected is used by the licensing authority to manage, plan, evaluate and account for program activities. The reports and records are required to ensure the proper operation of these programs.

Estimate of Burden: (1) ''application for a license'' would require 20 hours per response; (2) ''regular reporting'' would require between 10 and 15 minutes per transaction. The number of transactions per respondent will vary; (3) ''miscellaneous submission'' would require between 1 or 2 hours per bond or letter of credit, 2 to 10 hours per waiver request, and 10 to 100 hours per appeal.

Respondents: Sugar refiners, manufacturers of sugar containing products and producers of polyhydric alcohol.

Estimated Number of Respondents: 250.

Estimated Number of Responses per Respondent: New/Renew License: 1; Regular reporting: 75 transactions, average; Miscellaneous: Bonds/letters of credit: 50; Waiver requests: 20; Appeals: 0.

Estimated Total Burden Hours on Respondents: 8,230 hours.

Copies of this information collection can be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720–2568.

Request for Comments: The public is invited to submit comments and suggestions to the above address regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information. Comments on issues covered by the Paperwork Reduction Act are most useful to OMB if received within 30 days of publication of the Notice and Request for Comments, but should be submitted no later than 60 days from the date of this publication to be assured of consideration. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also be a matter of public record. Persons with disabilities who

require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

Signed at Washington, DC, on June 25, 2001.

Mary T. Chambliss,

Acting General Manager, Foreign Agricultural Service.

[FR Doc. 01–16444 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Task Force on Agricultural Air Quality will meet to continue discussing critical air quality issues in relation to agriculture. There will be emphasis on obtaining a greater understanding about the relationship between agricultural production and air quality. These meetings are open to the public.

DATES: The meetings will be Wednesday, July 18, 2001, and Thursday, July 19, 2001, from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Natural Resources Conservation Service, at the address below, on or before July 12, 2001.

ADDRESSES: The meetings will be held at the Adam's Mark Hotel, 1550 Court Place, Denver, Colorado 80202; telephone: (303) 893–3333, in the Silver room. Written material and requests to make oral presentations should be sent to George Bluhm; University of California; Land, Air, and Water Resources; 151 Hoagland Hall, Davis, California 95616–6827.

FOR FURTHER INFORMATION CONTACT: Questions or comments should be directed to George Bluhm, Designated Federal Official, telephone: (530) 752–1018; fax: (530) 752–1552; e-mail: bluhm@crocker.ucdavis.edu.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agendas for the July 18th and 19th meeting produced after this **Federal Register** Notice is published, may be found on the World Wide Web at http://www.nhq.nrcs.usda.gov/faca/aaqtf.html.

Draft Agenda of the July 18 and 19 Meeting

Welcome to Denver, Colorado
Colorado State Official
Approve minutes of the Washington, DC, March 27–28, 2001, AAQTF meeting.
EPA Update
National Academy of Sciences Scientific Assessment request
Status of the Agricultural Burning policy
Status of the Voluntary Compliance policy
Status of the CERCLA/EPCRA recommendation
Subcommittee business
Research Priorities and Oversight Subcommittee
ARS Agricultural Air Quality Research efforts
CSREES Agricultural Air Quality efforts / Initiative for Future Agriculture and Food Systems
Emissions Factors Subcommittee

Discussion: An Emission Factor, What is it? Who creates it? How is it changed?

Emission Factor Survey
Title V Permit Subcommittee
Title V Deferral Recommendation
Concentrated Animal Feeding Operation Subcommittee
Action Plan
Priority for Actions
Voluntary/Incentive Based Program Subcommittee
Agricultural Burning Subcommittee
New Topics
Aerobic and Anaerobic Bioremediation for Treating Animal Waste
Biomass to Energy Panel
E-diesel, diesel reformulated
Carbon Sequestration
Next Meeting, time/place
Public Input (Time will be reserved before lunch and at the close of each daily session to receive public comment. Individual presentations will be limited to 5 minutes)

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may present oral presentations during the meeting. Persons wishing to make oral presentations should notify George Bluhm no later than July 12, 2001. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting that person should submit 25 copies to George Bluhm no later than July 12, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting please feel free to contact George Bluhm.

USDA prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternate means for communication of program information (braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720–2000 (voice and TDD).

To file a complaint of discrimination to USDA, write Director, Office of Civil Rights, Room 326–W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250–9410, or call (202) 720–5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Signed at Washington, DC, on June 15, 2001.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 01–16376 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Funds Availability (NOFA) Inviting Applications for the Value-Added Agricultural Product Market Development Grant Program (VADG) (Independent Producers)

AGENCY: Rural Business-Cooperative Service (RBS), USDA.

ACTION: Notice of extension of application deadline and clarification of previous notice.

SUMMARY: The Rural Business-Cooperative Service (RBS) extends the second round (June 27, 2001) deadline for submitting applications for grant funds to help independent producers enter into value-added activities under section 231(a) of the Agriculture Risk Protection Act of 2000 announced in a notice of funds availability (NOFA) published March 6, 2001, at 66 FR 13490. This action is also taken to provide additional information that clarifies the definition of independent

producers. This extension will allow eligible entities additional time to submit applications.

DATES: The second round deadline for submitting applications under the notice published March 6, 2001, is extended to 4:00 p.m. eastern time on July 27, 2001. The application deadline is firm as to date and hour. The agency will not consider any application received after the deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Facsimile (FAX), e-mail, and postage due applications will not be accepted.

ADDRESSES: Send proposals and other required materials to Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, Stop 3252, Room 4204, 1400 Independence Avenue SW, Washington, D.C. 20250–3252.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Rural Business-Cooperative Service, USDA, STOP 3252, 1400 Independence Ave., SW, Washington, DC 20250–3252, Telephone (202) 690–0368, Facsimile (202) 690–2723; E-mail: thomas.stafford@usda.gov. You may also obtain information from the RBS website at: www.rurdev.usda.gov/rbs/coops/vadg.htm.

SUPPLEMENTARY INFORMATION:

Background and Discussion of Extension of Application Deadline

RBS published a Notice of Funding Availability (NOFA) on March 6, 2001, at 66 FR 13490 with application deadlines of April 23, 2001, (first round) and June 27, 2001, (second round). Because of a variety of reasons, it took longer than expected to select grant recipients from the first round. As a result, RBS is extending the deadline of the second round to allow first round applicants sufficient time to revise their applications if they wish to do so. Upon reviewing the applications received, RBS has determined that the NOFA was ambiguous regarding the definition of independent producers which is used to determine applicant eligibility. Applicants interpreted this provision in different ways.

To clarify this issue, applicants are hereby advised that independent producers are the producers of raw agricultural products including those products form aquaculture, fish harvesting, and wood lot enterprises. Independent producers can be an individual producer, an association of producers such as a cooperative or LLC or a producer-owned corporation. If the applicant is an association of producers or a producer-owned corporation, it must be 100 percent producer owned and controlled. Controlled is defined as have voting rights in conducting the affairs of the association or corporation. There cannot be any non-producer owners. Independent producers also may not produce the agricultural produce under contract or joint ownership with any organization other than their own.

To ensure that all applicants are treated fairly, applicants who submitted an application under the notice published March 6, 2001, will be provided with a copy of this Notice. Applicants who wish to adjust their applications based on this additional must resubmit their application by the extension deadline published in this Notice. Finally, this extension will allow all eligible entities additional time to submit their application.

Dated: June 26, 2001.

William F. Hagy III,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 01–16536 Filed 6–28–01; 8:45 am]

BILLING CODE 3410–XY–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 30, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each commodity or service will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following commodities and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Custom Planners & Accessory Kit

7510–00–NIB–0565
7510–00–NIB–0566
7510–00–NIB–0567
7510–00–NIB–0568
7510–00–NIB–0569
7510–00–NIB–0570
7510–00–NIB–0571
7510–00–NIB–0572
7510–00–NIB–0573
7510–00–NIB–0574
7510–00–NIB–0575
7510–00–NIB–0576
7510–00–NIB–0577
7510–00–NIB–0578

NPA: The Chicago Lighthouse for People who are Blind or Visually Impaired Chicago, Illinois

Government Agency: GSA/Office Supplies and Paper Products Commodity Center, New York

Cap, Cold Weather

8415–01–099–7843
8415–01–099–7844

8415–01–099–7845
8415–01–099–7846
8415–01–099–7847
8415–01–099–7848

(Remaining 50% of the Government Requirement)
NPA: National Center for Employment of the Disabled, El Paso, Texas
Government Agency: Defense Supply Center-Philadelphia, Philadelphia, Pennsylvania

Tape, Electronic Data

7045–01–357–9939
NPA: North Central Sight Services, Inc., Williamsport, Pennsylvania
Government Agency: Defense Supply Center-Philadelphia, Philadelphia, Pennsylvania

Wipes, Alcohol, TX806 Isopropyl

7045–01–321–7456
NPA: North Central Sight Services, Inc., Williamsport, Pennsylvania
Government Agency: Defense Supply Center-Philadelphia, Philadelphia, Pennsylvania

Services

Administrative Services

Social Security Administration, Sam Nunn Federal Building, Atlanta, Georgia
NPA: Nobis Enterprises, Inc., Marietta, Georgia
Government Agency: Social Security Administration, Atlanta, Georgia

Janitorial/Custodial

VA Medical Center—Outbuildings, #2, 3, 4, 5, 6, 7, 12, 19 and T2, Louisville, Kentucky
NPA: C.G.M. Services, Inc., Louisville, Kentucky
Government Agency: Department of Veterans Affairs, Louisville, Kentucky

Janitorial/Custodial

Aberdeen Proving Ground, Building 4600, Aberdeen, Maryland
NPA: The Chimes, Inc., Baltimore, Maryland
Government Agency: Department of the Army, Aberdeen Proving Ground, Maryland

Janitorial/Custodial

U.S. Department of Agriculture, The Animal and Plant Health Inspection Service, Gulfport, Mississippi
NPA: Mississippi Goodworks, Inc., Gulfport, Mississippi
Government Agency: U.S. Department of Agriculture, Gulfport, Mississippi

Janitorial/Custodial

U.S. Border Patrol Sector Headquarters, Ramey, Puerto Rico
NPA: The Corporate Source, Inc., New York, New York
Government Agency: Department of Justice, INS, Burlington, Vermont

Janitorial/Custodial

At the following Exchanges
Norfolk Naval Base, Norfolk, Virginia
Norfolk Naval Shipyard, Portsmouth, Virginia
Oceana Naval Air Station, Virginia Beach, Virginia
Dam Neck Fleet Combat Training Center Atlantic, Virginia Beach, Virginia
Little Creek Naval Amphibious Base, Norfolk, Virginia
NPA: Community Alternatives, Inc., Virginia Beach, Virginia
Government Agency: Navy Exchange Service Command (NEXCOM), Virginia Beach, Virginia

Janitorial/Custodial

U.S. Army Reserve Center, 4828 West Silver Spring Drive, Milwaukee, Wisconsin
NPA: Milwaukee Center for Independence, Inc., Milwaukee, Wisconsin
Government Agency: 88th Regional Command, Fort Snelling, Minnesota

Laundry Service

Fort Lee, Virginia
NPA: Louise W. Eggleston Center, Inc., Norfolk, Virginia
Government Agency: Department of the Army, Fort Lee, Virginia

Mailroom and Records Management Services

Langley Air Force Base, Virginia
NPA: Association for Retarded Citizens of the Peninsula, Inc., Hampton, Virginia
Government Agency: Department of the Air Force, Langley Air Force Base, Virginia

Operation of Self Service Supply Store

General Services Administration
Sam Nunn Federal Center, Atlanta, Georgia
NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina
Government Agency: General Services Administration, Atlanta, Georgia

Warehousing

U.S. Army Logistics Management College (ALMC), Fort Lee, Virginia
NPA: Richmond Area Association for Retarded Citizens, Richmond, Virginia
Government Agency: U.S. Army Logistics Management College, Fort Lee, Virginia

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following services are proposed for deletion from the Procurement List:

Services

Janitorial/Custodial

U.S. Army Reserve Center, 2800 Crestline Road, Fort Worth, Texas

Janitorial/Custodial

U.S. Army Reserve Center, 2513–15 Gravel Road, Fort Worth, Texas

Louis R. Bartalot,

Director, Program Analysis and Evaluation.

[FR Doc. 01–16461 Filed 6–28–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: July 30, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On April 13, April 20 and May 11, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 19136, 20234 and 24100) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Pallet, Wood
3990–00–NSH–0073
Belt, Military Police, Black Leather
8465–00–924–7943
8465–00–924–7944
8465–00–924–7945
8465–00–924–7946
8465–00–924–7947
8465–00–924–7948
8465–00–924–7949

Services

Employment Placement Services

Defense Logistics Agency, National Human Resource Offices, (HRO) Locations-Columbus, Ohio; Richmond, Virginia; Battle Creek, Michigan; Philadelphia, Pennsylvania; New Cumberland, Pennsylvania, Fort Belvoir, Virginia

Janitorial/Custodial

U.S. Federal Building, Courthouse and Post Office, Pierre, South Dakota

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodities are hereby deleted from the Procurement List:

Commodities

SuperDisk Drive

7025–01–454–8199

Apron, Laboratory

8415–00–715–0450

Louis R. Bartalot,

Director, Program Analysis and Evaluation.

[FR Doc. 01–16462 Filed 6–28–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on July 25 & 26, 2001, 9 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Pennsylvania Avenue and Constitution Avenue, NW., Washington, DC. The ISTAC advises the Office of the Assistance Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Agenda

July 25

Public Session

1. Opening remarks and introductions.

2. Comments or presentations from the public.

3. Discussion on clean-up proposals for Category 3B (Electronics: test, inspection, and production equipment).

4. Discussion on advancing computer performance with architectural designs and resources management techniques.

5. Election of Committee officers.

Closed Session

6. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

July 26

Public Session

7. Discussion on clusters and aggregation of computing elements and export controls.

8. Tutorial on NUMA technology and classification of products based on NUMA.

Closed Session

9. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the ISTAC. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the ISTAC suggests that public presentation materials or comments be forwarded before the meeting to the address listed below: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14th St., & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 10, 1999, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of this Committee and of any Subcommittees of thereof dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of this Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information or copies of the minutes call Lee Ann Carpenter, 202–482–2583.

Dated: June 25, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–16369 Filed 1–28–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–830]

Coumarin From the People's Republic of China: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On March 8, 2001, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on coumarin from the People's Republic of China (66 FR 13881). The review covers the period February 1, 1999 through January 31, 2000, and two firms: Netchem Inc. (Netchem), a Canadian reseller, and Jiangsu Native Produce Import & Export Corporation (Jiangsu), a Chinese exporter.

We gave interested parties an opportunity to comment on our preliminary results. No interested parties have filed comments on the preliminary results and no request for a hearing has been received by the Department. Therefore, we have not changed the results from those presented in the preliminary results of review, and we will instruct the U.S. Customs Service to assess antidumping duties on suspended entries for Netchem and Jiangsu at the rate determined in the preliminary results (*see* ''Final Results of Review'' section below).

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Abdelali Elouaradia, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0197 or (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On March 8, 2001, the Department published the preliminary results of the administrative review of the antidumping duty order on coumarin. *See Coumarin From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review,* 66 FR 13881 (March 8, 2001) (*Preliminary Results*). This review covers imports of subject merchandise from Netchem, a Canadian reseller, and Jiangsu, a Chinese exporter. The period of review (POR) for both companies is February 1, 1999 through January 31, 2000. As noted above, the Department did not receive any comments from interested parties. The Department is conducting this review in accordance with section 751 of the Act.

Scope of the Antidumping Duty Order

The product covered by this order is coumarin. Coumarin is an aroma chemical with the chemical formula C sub9 H sub6 O sub2 that is also known by other names, including 2H-1-benzopyran-2-one, 1,2-benzopyrone, cis-o-coumaric acid lactone, coumarinic anhydride, 2-Oxo-1,2-benzopyran, 5,6-benzo-alpha-pyrone, ortho-hydroxyc innamic acid lactone, cis-ortho-coumaric acid anhydride, and tonka bean camphor. All forms and variations of coumarin are included within the scope of the order, such as coumarin in crystal, flake, or powder form, and ''crude'' or unrefined coumarin (*i.e.,* prior to purification or crystallization). Excluded from the scope of this order are ethylcoumarins (C sub11 H sub10 O sub2) and methylcoumarins (C sub10 H sub8 O sub2). Coumarin is classifiable under subheading 2932.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market economy (NME) countries a single rate, unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in an NME country under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588, 20589 (May 6, 1991), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585, 22586–2587 (May 2, 1994). Because Netchem is a Canadian reseller, a separate rate analysis is neither requested nor relevant for purposes of this review. Because Jiangsu failed to cooperate, the Department is not granting a separate rate to Jiangsu.

Period of Review

The review period is February 1, 1999 through January 31, 2000.

Use of Adverse Facts Available

As discussed in the *Preliminary Results,* we preliminarily determined that the application of total adverse facts available with respect to Netchem and Jiangsu was appropriate. Both Netchem and Jiangsu failed to cooperate by not acting to the best of their ability. No parties have commented on this determination, and no new facts have been submitted which would cause the Department to revisit this decision. Therefore, for the reasons set out in the *Preliminary Results,* (*see* 66 FR 13881, 13882–13884), we have continued to apply total adverse facts available to Netchem and Jiangsu for the purposes of this final results notice.

Final Results of Review

The Department has not altered its determination from the preliminary results to use the rate of 160.80 percent as the adverse facts available for the period February 1, 1999 through January 31, 2000 for all firms which have not demonstrated that they are entitled to a separate, company-specific rate, and for Netchem.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on each entry of that importer during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of coumarin from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed companies will be 160.80 percent; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be

the PRC-wide rate, 160.80 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: June 22, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–16454 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Howard Smith at (202) 482–4474 or (202) 482–5193, respectively; AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On February 28, 2000, the Department published a notice of initiation of administrative review of the antidumping duty order on potassium permanganate from the People's Republic of China, covering the period January 1, 1999 through December 31, 1999 (65 FR 10466). On February 27, 2001, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on potassium permanganate from the People's Republic of China. *See Potassium Permanganate From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 66 FR 12461 (February 27, 2001).

Extension of Time Limit For Final Determination

We determine that it is not practicable to complete the final results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the final results until no later than August 26, 2001. *See* Decision Memorandum from Holly A. Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: June 25, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 01–16453 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–841]

Structural Steel Beams From Korea: Final Results of Changed Circumstances Review

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

ACTION: Notice of final results of changed circumstances review.

SUMMARY: On March 21, 2001, the Department of Commerce (''Department'') published the preliminary results of its changed circumstances review examining whether Inchon Iron & Steel Co., Ltd. (''Inchon'') is the successor-in-interest to the merger of Inchon Iron & Steel Co. Ltd. and Kangwon Industries, Ltd. (''Kangwon''). *See Structural Steel Beams from Korea, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review,* 66 FR 15834 (March 21, 2001) (''Preliminary Results''). We gave interested parties 21 days to comment on our preliminary results. However, no interested parties have provided comments and no request for a hearing has been received by the Department. We have not changed our results from those presented in the preliminary results of the review.

As a result of this review, the Department finds that Inchon is the successor-in-interest to the merger of Inchon and Kangwon, and thus, Inchon should retain the deposit rate assigned to Inchon by the Department for all entries of subject merchandise produced or exported by the post-merger entity.

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Stephen Shin, Office of CVD/AD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to

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

Background

The Department published in the **Federal Register** on August 18, 2000 an antidumping duty order on structural steel beams from Korea. *See Structural Steel Beams from Korea: Notice of Antidumping Duty Order* 65 FR 50502 (August 18, 2000). In an August 30, 2000 letter to the Department, petitioners in the above case requested that the Department conduct a changed circumstances review pursuant to section 751(b) of the Act to determine whether Inchon should properly be considered the successor firm to the pre-merger Inchon and Kangwon, and if, as such, Inchon should maintain the cash deposit rate assigned to Inchon in the investigation. *See Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from Korea,* 65 FR 41437 (July 5, 2000) (as amended 65 FR 50501 (August 18, 2000)). We published a notice of initiation of a changed circumstances review on September 15, 2000 to determine whether Inchon is the successor to the merger of Inchon and Kangwon. *See Initiation of Changed Circumstances Antidumping Duty Administrative Review: Structural Steel Beams from Korea,* 65 FR 55944. The Department issued questionnaires on September 29, 2000 and December 1, 2000 and received responses on November 6, 2000 and December 15, 2000. As provided in section 782(i) of the Act, from January 17–19, 2001, the Department conducted an on-site verification of the information on the record. *See* January 29, 2001 Verification Report at 1. (A public version is located in Room B–099 of the main Department building.) On March 21, 2001, the Department published in the **Federal Register** the preliminary results of its antidumping duty changed circumstance review. As noted above, the Department did not receive comments from interested parties.

The Department is conducting the changed circumstances review in accordance with 19 CFR 353.22(f).

Scope of Review

The products covered by this review are doubly-symmetric shapes, whether hot-or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide-flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S'' or ''I'' shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of this investigation: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.6000. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Successorship

On the basis of the record developed in this proceeding, we determine that Inchon is the successor-in-interest to the merger of Inchon and Kangwon for the purposes of determining antidumping duty liability. For a complete discussion of the basis for this decision, see the ''Preliminary Results.''

Final Results of Changed Circumstances Antidumping Duty Administrative Review

The Department determines Inchon is the successor to the merger of Inchon and Kangwon, and thus, Inchon shall retain the antidumping duty deposit rate assigned to Inchon by the Department in the investigation. We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 19 CFR 351.221(c)(3)(i).

Dated: June 18, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–16452 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or by E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001 *et seq.*) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmit by E-mail at oetca@ita.doc.gov. Information submitted by any person is exempt from disclosure under the Freedom of

Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 01–00003.'' A summary of the application follows.

Summary of the Application

Applicant: Sun Valley Rice Co., L.L.C. (''Sun Valley''), 7050 Eddy Road, Arbuckle, California 95912.

Contact: Michael V. LaGrande, President.

Telephone: (530) 476–3000.

Application No.: 01–00003.

Sun Valley's previous application, No. 01–00002, was published for comments on June 13, 2001 (66 FR 31894).

The applicant withdrew application on June 13, 2001, and this new application was subsequently filed.

Date Deemed Submitted: June 21, 2001.

Export Trade

1. *Products*

California rice and rice products (rough rice, brown rice, milled rice, undermilled or unpolished rice, coated rice, oiled rice, rice bran, rice polish, head rice, broken rice, second head rice, brewers rice, screenings, rice flour, and rice hulls).

2. *Services*

All services related to the export of Products.

3. *Technology Rights*

All intellectual property rights associated with Products or Services, including, but not limited to: patents, trademarks, service marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and sui generis forms of protection for databases and computer programs.

4. *Export Trade Facilitation Services (as they Relate to the Export of Products, Services and Technology Rights)*

Export Trade Facilitation Services, including, but not limited to: consulting and trade strategy; sales and marketing; export brokerage; foreign marketing and analysis; foreign market development; overseas advertising and promotion; product research and design based on foreign buyer and consumer preferences; documentation and services related to compliance with customs requirements; joint ventures; inspection and quality control; transportation; shipping and export management; export licensing; insurance and financing; billing of foreign buyers; collection (letters of credit and other financial instruments); provision of overseas sales and distribution facilities and overseas sales staff; legal; accounting and tax assistance; management information systems development and application; trade show exhibitions; professional services in the area of government relations and assistance with state and federal export assistance programs, such as the Export Enhancement and Market Promotion programs.

Export Markets

The Export Markets include all parts of the world except the United States, (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

In connection with sales of Products for export, Sun Valley, on a transaction-by-transaction basis, may:

(a) Exchange information with suppliers or other entities individually regarding availability of and prices for Products for export, and inventories and near-term production and delivery schedules for purposes of determining the availability of Products for purchase and export and coordinating export of Products with its distributors and customers in the Export Markets;

(b) Confer with suppliers about the possibility of offers to and purchases by Sun Valley for a specific export sales opportunity;

(c) Solicit suppliers to offer/sell Products through the certified activities of Sun Valley;

(d) Solicit orders from potential foreign distributors and purchasers for sale of Products in Export Markets;

(e) Prepare and submit offers of Products to potential foreign distributors, purchasers or other entities for sale in Export Markets;

(f) Establish the price and quantity of Products for sale in Export Markets and set other terms for any other sale;

(g) Negotiate and enter into agreements for sale of Products in Export Markets;

(h) Enter into agreements to purchase Products from one or more suppliers to fulfill specific sale obligations, which may be agreements whereby suppliers agree to deal exclusively with Sun Valley for sale of the Products in a particular Export Market or Markets and/or whereby Sun Valley agrees to purchase exclusively any particular supplier's (or suppliers'') Products for resale in the Export Market;

(i) Assign sales of Products to, and/or divide export orders among, suppliers or other persons based on orders, Export Market, territories, customers, or on any other basis Sun Valley deems fit;

(j) Broker and take title to the Product;

(k) Enter into agreements with one or more Export Trade Intermediaries or export trade purchasers for the purchase of Products, which may be agreements whereby Sun Valley agrees to deal exclusively with an entity or customer in a particular Export Market, and/or by which that customer or intermediary agrees to deal exclusively with Sun Valley and/or agrees not to purchase from Sun Valley's competitors in any Export Market, unless so authorized;

(l) Apply for and utilize applicable export assistance and incentive programs which are available within government and private sectors;

(m) Provide Export Trade Facilitation Services including, but not limited to, arranging and coordinating delivery of Product to port of export; arranging for inland and/or ocean transportation; allocating Products to vessel; arranging for storage space at port; arrange for warehousing, stevedoring, wharfage, handling, inspection, fumigation, quality control, freight forwarding, insurance, and documentation; invoicing foreign buyer; collecting payment for product; and arranging for payment of applicable commissions and fees;

(n) Refuse to purchase Product or provide information regarding export sales of Product to any supplier(s) or other entities for any reason Sun Valley deems fit;

(o) Refuse to sell Product, to quote prices for Product, to provide information regarding Product, or to market or sell Product to any customers or distributors in the Export Markets, or in any countries or geographical areas in the Export Markets; and

(p) Meet with suppliers or other entities periodically to discuss general matters specific to exporting (not related to price and supply arrangements between Sun Valley and the individual suppliers) such as relevant facts concerning the Export Markets (e.g., demand conditions, transportation costs and prices in the Export Markets), or the possibility of joint marketing, bidding or selling arrangements in the Export Markets.

Definition

Export Intermediary means a person who acts as distributor, sales representative, sales or marketing agent, or broker, or who performs similar

functions including providing or arranging for the provision of Export Trade Facilitation Services.

Dated: June 26, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading, Company Affairs.

[FR Doc. 01–16455 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Hearings on the Draft Environment Impact Statement and Draft Management Plan for the Proposed San Francisco Bay National Estuarine Research Reserve in California

AGENCY: The Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

ACTION: Public hearing notice.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement and Draft Management Plan (DEIS/DMP) prepared on the proposed designation of the San Francisco Bay National Estuarine Research Reserve in California. The DEIS/DMP addresses research, monitoring, education and resource protection needs for the proposed reserve.

The Estuarine Reserves Division will hold public hearings at 7:00 p.m. on July 9th, at Suisun City Hall, City Council Chambers, 701 Civic Center Blvd., Suisun, CA 94585, and 7:00 p.m. On July 11 2001 at the Romberg Tiburon Center, Bay Conference Center, San Francisco Bay Room, 3152 Paradise Drive, Tiburon, CA 94920.

The views of interested persons and organizations on the adequacy of the DEIS/DMP are solicited, and may be expressed orally and/or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of five (5) minutes. The time allotment may be extended before the hearing when the number of speakers can be determined. All comments received at the hearing will be considered in the preparation of the Final Environmental Impact Statement (FEIS) and Final Management Plan.

The comment period for the DEIS/DMP will end on August 17, 2001. All written comments received by this deadline will be considered in the preparation of the FEIS.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie McGilvray (301) 713–3155 extension 158, Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East West Highway, N/ORM2, Silver Spring, MD 20910. Copies of the Draft Environmental Impact Statement/Draft Management Plan are available upon request to the Estuarine Reserves Division.

(Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves)

Dated: June 8, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–16005 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060101B]

Small Takes of Marine Mammals Incidental to Specified Activities; Building Demolition Activities at Mugu Lagoon, California

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the Department of the Navy, Naval Base Ventura County (NBVC) for an authorization to take small numbers of marine mammals by harassment incidental to the demolition and removal of buildings located at the entrance of Mugu Lagoon in Point Mugu, CA. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize NBVC to incidentally take, by harassment, small numbers of harbor seals and other marine mammals in the above mentioned area during a 7-8 week period beginning in August 2001.

DATES: Comments and information must be received no later than July 30, 2001.

ADDRESSES: Comments on the application should be addressed to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application and a list of references used in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

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

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 10, 1996 (61 FR 15884), NMFS published an interim rule establishing, among other things, procedures for issuing incidental harassment authorizations (IHAs) under section 101(a)(5)(D) of the MMPA for activities in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to that document.

Summary of Request

On May 23, 2001, NMFS received an application from NBVC requesting an authorization for the harassment of small numbers of marine mammals incidental to the demolition and removal of approximately 12 buildings and associated infrastructures. The demolition site encompasses a total area of approximately 8 acres (3.2 hectares (ha)) at the entrance of Mugu Lagoon in Point Mugu, CA.

There will be two phases to the demolition activities. No explosives will be used during any phase of the project and demolition crews will work only during daylight periods. During the first phase, one building requiring specialized procedures will be demolished and the resulting material removed from the site. In addition, the first phase will involve the excavation and removal of sand and soil around another building. This first phase will take approximately 5 weeks to complete. Construction equipment to be used during the first phase will include: a 2000-gallon water truck; a John Deere 710 4-wheel-drive backhoe with a 2000-pound hydraulic concrete breaker attachment; a front end loader with a 3-cubic-yard bucket; and, standard half-ton work pickup and dump trucks. The second phase of the project will be the demolition and removal of the remaining structures using standard construction procedures and equipment. This second phase may last 3 weeks, but is more likely to be completed in 2 weeks. Specific construction equipment to be used during phase two will include: a 973 loader; a 450 Hitachi excavator; a 320 loader; a Case 621 loader; a 710 4-wheel-drive backhoe; a 545D skip loader; a 1000-gallon water truck; a dump truck; and, a Bobcat loader. A more detailed description of the work proposed for 2001 is contained in the application (The Environmental Company and LGL Ltd., 2001) which is available upon request (see **ADDRESSES**).

Description of Habitat and Marine Mammals Affected by the Activity

Mugu Lagoon is one of the largest salt marshes in southern California, encompassing approximately 350 acres (142 ha) of water and tidal flats. The beaches around the Mugu Lagoon entrance are used year-round by harbor seals (*Phoca vitulina*) for resting, molting, and breeding. The Navy reported a peak count of 361 adults in the Mugu Lagoon on June 6, 2000 (The Environmental Company and LGL Ltd., 2001). Two other pinniped species are known to occur infrequently in the area of the proposed activity during certain times of the year: northern elephant seals (*Mirounga angustirostris*) and California sea lions (*Zalophus californianus*). When present, these latter species haul out at the mouth of the lagoon and on Family Beach, located south of the demolition project area on the ocean side. Descriptions of the biology and local distribution of these species can be found in the application as well as other sources such as, Hanan (1996), Stewart and Yochem (1994, 1984), Forney *et al.* (2000), Koski *et al.* (1998), Barlow *et al.* (1993), Stewart and DeLong (1995), and Lowry *et al.* (1992). Please refer to those documents for information on these species.

Isolated observations of cetaceans have occurred in the Mugu Lagoon area. Two gray whale (*Eschrichtius robustus*) strandings have been recorded (one 20 years ago and one in the early 1980s). There is also one recorded observation of a gray whale moving in and out of the entrance to Mugu Lagoon (T. Keeney, NBVC Point Mugu Environmental Division, pers. comm., 2001). Sightings of Dall's porpoise (*Phocoenoides dalli*), bottlenose dolphin (*Tursiops truncatus*), common dolphin (*Delphinus delphis* or *D. capensis*), and pilot whale (*Globicephala macrorhynchus*) have been made within 3 nautical miles (nm) (5.6 kilometers (km)) of shore in the vicinity of Point Mugu (Koski *et al.*, 1998); however, none of these species would be expected to occur within the lagoon.

Potential Effects of Demolition Activities on Marine Mammals

Acoustic and visual stimuli generated by the use of heavy equipment during the demolition and removal activities, as well as the increased presence of personnel, may cause short-term disturbance to pinnipeds hauled out closest to the work area. This disturbance from acoustic and visual stimuli is the principal means of marine mammal taking associated with these activities. Based on the measured sounds of construction equipment, such as might be used during the Point Mugu demolition project, sound levels from all equipment (except the concrete breaker to be used during the first phase) drops to below 100 decibels, A-weighted (dBA) within 50 feet (ft)(15.2 meters (m)) of the source (CALTRANS, 2001).

Pinnipeds sometimes show startle reactions when exposed to sudden brief sounds. An acoustic stimulus with sudden onset (such as a sonic boom) may be analogous to a ''looming'' visual stimulus (Hayes and Saif, 1967), which may elicit flight away from the source (Berrens *et al.*, 1988). The onset of operations by a loud sound source, such as the concrete breaker during phase one, may elicit such a reaction. In addition, the movements of the large hydraulic arms of the backhoes or the Hitachi excavator may represent a ''looming'' visual stimulus to seals hauled out in close proximity. Seals exposed to such acoustic and visual stimuli may either exhibit a startle response or leave the haul-out site.

Harbor seals that haul out in Mugu Lagoon have clearly habituated to very loud airborne sounds at this location, as well as to the presence of humans and vehicle movement along the road that passes through the demolition area. For instance, biologists observed harbor seal haul-out sites in Mugu Lagoon during repeated overflights of a F-14a Tomcat jet aircraft in full afterburner as it performed touch-and-go maneuvers at nearby Mugu airfield. No more overt reactions than a momentary elevation of the hind flippers of a single juvenile seal were observed (The Environmental Company and LGL Ltd., 2001). Based on Air Force data, the received sound levels at the Mugu Lagoon haul-out sites under the jet's flight path could have reached a sound exposure level (SEL) of 117-121 dB re 20 micro-Pascal (Pa) during these maneuvers (from C. Malme, data in the USAF aircraft noise database). In areas where harbor seals are not exposed to regular aircraft noise or other acoustic stimuli, it should be noted that this type of reaction is not typical. For instance, Bowles and Stewart (1980) reported that harbor seals on San Miguel Island, CA reacted to low-altitude jet overflights with alert postures and often with rapid movement across the haul-out sites, especially when aircraft were visible.

For the purposes of their application, NBVC assumes that when behavioral patterns of pinnipeds are disrupted by the demolition activities, they will be taken by harassment. In general, if the received level of the noise stimulus exceeds both the background (ambient) noise level and the auditory threshold of the animals, and especially if the stimulus is novel to them, then there may be a behavioral response. The probability and degree of response will also depend on the season, the group composition of the pinnipeds, and the type of activity in which they are engaged. The Navy considers minor and brief responses, such as momentary startle or alert reactions not to be ''takes'' by harassment (The Environmental Group and LGL Ltd., 2001; see 64 FR 9925). However, when startle and alert reactions are accompanied by large-scale movements, such as stampedes into the water, this may have adverse effects on individuals and considered a ''take'' because of the potential for injury or death. As described here, harbor seals in the Mugu Lagoon are exposed to noise levels far greater than those expected during the demolition activities described in NBVC's application, and there is no evidence that noise-induced injury or deaths have occurred. The effects of the demolition activities are expected to be limited to short-term and localized

behavioral changes (The Environmental Group and LGL Ltd., 2001).

For a further discussion on the anticipated effects of the planned demolition activities on marine mammals in the area and their food sources, please refer to the application (The Environmental Company and LGL Ltd., 2001). Information in the application and referenced sources is preliminarily adopted by NMFS as the best information available on this subject.

Numbers of Marine Mammals Expected to Be Taken

NBVC estimates that the following numbers of marine mammals may be subject to Level B harassment, as defined in 50 CFR 216.3:

Species	Potential Harassment Takes 2001
Harbor Seals*	288
Northern Elephant Seal*	8
California Sea Lion*	12

* Some individual seals may be harassed more than once.

Possible Effects of Demolition Activities on Marine Mammal Habitat

NBVC anticipates no loss or modification to the habitat used by marine mammal populations that haul out within the Mugu Lagoon. Demolition activities will occur on shore above the highest tide mark, and the demolition contractor will ensure that building refuse will not enter the waters of the lagoon (New World Technology, 2001). The tidal patterns in the lagoon and structure of the nearby sandy haul-out areas will not be altered by these shore-based demolition activities.

The pinnipeds that may be present in Mugu Lagoon leave the lagoon area to feed in the open sea (T. Keeney, NBVC Point Mugu Environmental Division, pers. comm., 1998); therefore, it is not expected that the demolition activities will have any impact on the food or feeding success of these marine mammals.

Possible Effects of Demolition Activities on Subsistence Needs

There are no subsistence uses for these pinniped species in California waters, and thus there are no anticipated effects on subsistence needs.

Mitigation

No pinniped mortality and no significant long-term effect on the stocks of pinnipeds hauled out in the Mugu Lagoon are expected based on the relatively low levels of sound generated by the demolition equipment (i.e., 100 dBA within 50 ft (15.2 m) from the source) and the relatively short time period over which the project will take place (approximately 8 weeks). However, NBVC does expect that the demolition activities may cause disturbance reactions by some of the pinnipeds on the beaches. To reduce the potential for disturbance from visual and acoustic stimuli associated with the demolition project NBVC will undertake a variety of mitigation measures. In addition to these measures to be taken by NBVC, the construction contractor has developed detailed work plans for the project, which emphasize that special consideration is required to minimize disturbances to the resident harbor seal population (New World Technology, 2001). Mitigation measures will include:

(1) Prior to each day of demolition or removal activities, NBVC Point Mugu Environmental Division personnel will inspect the work site to ensure compliance with the construction contractor's work plan, and to assess the number and types of marine mammals that are occupying the lagoon. Depending on results of initial observations and subsequent planned activities, the NBVC personnel will decide each day whether marine mammal monitoring for the entire day is needed (see Monitoring section). Work will be suspended or conducted in another area in the event that a monitoring biologist or a member of the demolition crew sights a marine mammal hauled out in an area where there is a risk that the animal may come into physical contact with construction machinery or personnel.

(2) The demolition contractor will ensure that work areas are caution taped as a barricade against inadvertent entry of unauthorized personnel where physical barriers are not already present. Before start of the activities, demolition personnel will be advised of all marine mammal mitigation measures.

(3) Work outside of the fenced boundary on the lagoon side of the site will be minimized to the extent possible. Work within 100 feet (30.48 meters) of the lagoon will be done manually where possible (New World Technology, 2001).

(4) During excavations, tarps will be carefully placed over areas in such a way as to reduce ''flapping'' during installation by unfolding the tarps in sections as they are installed. The edges of the tarps will be held down and secured with sandbags and/or tent stakes to prevent movement of the tarp during windy conditions.

(5) To reduce sound levels in proximity to harbor seal haul-out sites, concrete slabs that form the bases of some buildings and the pools will be sectioned using concrete cutting saws, rather than the hydraulic concrete breaker, where possible.

Monitoring

As part of its application, NBVC provided a proposed monitoring plan for assessing impacts to marine mammals from demolition activities in Mugu Lagoon. This monitoring would be entirely land-based and is designed to determine if there are disturbance reactions, to determine the area over which reactions occur, and to characterize harbor seal reactions to demolition sounds.

The monitoring program would be via direct visual observation. NBVC proposes to conduct a minimum of twice-daily monitoring efforts for each day of the two phases of demolition, and conduct all-day monitoring when marine mammals are present or when new procedures or equipment are employed relative to previous project activities. Marine mammal monitors would record a variety of information including: (1) date and time, (2) weather, (3) tide state, (4) composition and locations of the haul-out groups of pinnipeds within the lagoon, (5) horizontal visibility (estimated by determining what the furthest visible object is relative to the interacting seals using known positions of local objects and accounting for obstructing terrain), and (6) occurrence, or planned occurrence, of any other military aircraft activity or other anthropogenic activities in or around the lagoon.

Through direct visual observation the number of seals hauled out and haul-out locations would be documented during the demolition. After each day's demolition activities, the marine mammal monitor would again inspect the work site and record information about the marine mammals within the lagoon. This monitoring plan would also provide data required to characterize the extent and nature of ''taking''.

As required by the MMPA, this monitoring plan will be subject to a review by technical experts prior to formal acceptance by NMFS.

Reporting

NBVC will provide an initial report to NMFS within 90 days after the demolition and removal activities cease. This report will provide dates and locations of demolition activities,

details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In the unanticipated event that any cases of pinniped mortality are judged to result from demolition activities, this will be reported to NMFS immediately.

Consultation

NBVC has not requested the take of any listed species. Therefore, NMFS has determined that a section 7 consultation under the Endangered Species Act is not required at this time.

National Environmental Policy Act (NEPA)

The Department of the Navy, following Council on Environmental Quality regulations (40 CFR 1500), has found that demolition and disposal involving buildings or structures neither on, nor eligible for, listing on the National Register of Historic Places and requiring removal of hazardous materials, are categorically excluded from further documentation under NEPA (32 CFR 775, Department of Navy Procedures for Implementing the National Environmental Policy Act). NBVC is preparing a Record of Categorical Exclusion for all phases of this demolition project.

Conclusions

NMFS has preliminarily determined that the short-term impact of conducting demolition and removal activities in Mugu Lagoon will result, at worst, in a temporary modification in behavior by harbor seals, and potentially northern elephant seals and California sea lions. While behavioral modifications may be made by these species to avoid the resultant acoustic and visual stimuli, previous observations of the responses of pinnipeds to loud military overflights and regular human activities near the Mugu Lagoon haul-out sites have not shown injury, mortality, or extended disturbance. Therefore, NMFS preliminarily concludes that the effects of the planned demolition activities will have no more than a negligible impact on pinnipeds.

Due to the localized nature of these activities, the number of potential takings by harassment are estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the mitigation measures mentioned in this document. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near Mugu Lagoon during the period of demolition activities.

Proposed Authorization

NMFS proposes to issue an IHA to NBVC for demolition activities to take place in Mugu Lagoon, CA during a 1-year period provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of harbor seals and potentially northern elephant seals and California sea lions; would have no more than a negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225.

Dated: June 25, 2001.

Wanda Cain,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–16468 Filed 6–28–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062201A]

Endangered Species; Permits

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

ACTION: Issuance of permits 1260, 1262 and 1135; Issuance of an amendment to scientific research/enhancement permit 1177.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued permit 1262 to Dr. Cindy Driscoll, of Maryland Department of Natural Resources; permit 1260 to Dr. Joseph Powers, of NMFS - Southeast Regional Office; permit 1133 to the Columbia River Research Laboratory of the U.S. Geological Survey at Cook, WA (USGS) and NMFS has issued an amendment to scientific research/enhancement permit 1177 to the U.S. Army Corps of Engineers, Portland District in Portland, OR (Corps).

ADDRESSES: The applications and related documents are available for review in the indicated office, by appointment:

For permits 1260, 1262: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

For permits 1177, 1135: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (phone: 503–230–5400, fax: 503–230–5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (phone:301-713-1401).

FOR FURTHER INFORMATION CONTACT: For permits 1260, 1262: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

For permit 1135: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: Robert.Koch@noaa.gov).

For permit 1177: Leslie Schaeffer, Portland, OR (phone: 503–230–5433, fax: 503–230–5435, e-mail: Leslie.Schaeffer@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 and evolutionarily significant units (ESU's) 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*)

Fish

Coho salmon (*Oncorhynchus kisutch*): threatened Southern Oregon/Northern California Coasts (SONCC).
Steelhead trout (*Oncorhynchus mykiss*): threatened lower Columbia River (LCR)

Permits and Modified Permits Issued

Permit 1260

Notice was published on August 31, 2000 (65 FR 52988), that Dr. Joseph Powers, of SERO applied for a scientific research permit (1260). The applicant has requested a 4–year permit to take listed sea turtles in the coastal waters of the Atlantic Ocean and Gulf of Mexico. The research conducted in these areas support the National Marine Fisheries Service sea turtle recovery program. Research activities include: directed in water research, aerial surveys, resource surveys, and fishery technology testing and implementation. Leatherback, loggerhead, green, hawksbill and Kemp's ridley sea turtles are the focus of the recovery efforts in the southeast region. Permit 1260 was issued on June 18, 2001, authorizing take of listed species. Permit 1260 expires April 1, 2004.

Permit 1262

Notice was published on August 17, 2000 (65 FR 50185), that Dr. Cindy Driscoll, of MD Department of Natural Resources applied for a scientific research permit (1262). The applicant has requested a 5–year permit to take 50 loggerhead, 30 Kemp's ridley, 10 leatherback, 5 green and 5 hawksbill turtles from the upper and middle Chesapeake Bay for scientific research purposes. Each turtle would be captured, handled, measured, weighed, tagged, and have biological samples (tissue and blood) collected and then released. Yearly sampling would occur from May to November. Permit 1262 was issued on June 19, 2001, authorizing take of listed species. Permit 1262 expires July 31, 2006.

Permit 1135

Notice was published on March 2, 1998 (63 FR 10198), that USGS applied for a scientific research permit (1135). Permit 1135 was issued to USGS on June 18, 2001. Permit 1135 authorizes USGS an annual take of adult and juvenile, threatened, LCR steelhead associated with research designed to provide information on the survival rates, growth rates, habitat use, population densities, fish health, and life history diversity of steelhead in the Wind River Basin of southern Washington. The research will provide information that will assist state, tribal, and Federal managers in their effort to restore LCR steelhead populations and their habitats in the Wind River Basin. ESA-listed adult and juvenile steelhead will be observed/harassed during snorkel surveys and during habitat surveys at selected sites in the Wind River Basin. ESA-listed juvenile steelhead will also be collected using a backpack electrofisher, anesthetized, sampled for biological data (length, weight, disease status) and tissues/scales, allowed to recover from the anesthesia, and released. Indirect mortalities associated with the research are authorized. In addition, ESA-listed juvenile steelhead will be taken lethally for pathological analyses. Permit 1135 expires on December 31, 2002.

Permit 1177

NMFS has issued an amendment to the Corps' scientific research/enhancement permit to extend the permit through June 30, 2003. The permit was due to expire on June 30, 2001. The permit authorizes take of adult and juvenile, threatened, SONCC coho salmon associated with scientific research and an adult fish trap-and-haul program at Elk Creek Dam on the Rogue River in OR. The purpose of the trap-and-haul program is to move returning ESA-listed adult fish above Elk Creek Dam, an impassable barrier for adult salmonids, so that the fish may use the habitat upstream of the dam for natural spawning. To determine the annual spawning success of the fish upstream of the dam, ESA-listed juvenile fish will be observed by snorkeling. In addition, ESA-listed adult fish carcasses will be examined for evidence of spawning and immediately returned to the stream. Permit 1177 expires on June 30, 2003.

Dated: June 22, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–16466 Filed 6–28–01; 8:45 am]
BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearing on the Draft Supplement to the 1997 Environmental Impact Statement for the Yuma Training Range Complex

AGENCY: Department of the Navy, DOD.

ACTION: Announcement of public hearing.

SUMMARY: Pursuant to the National Environmental Policy Act as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the Department of the Navy has prepared a Supplement to the 1997 Environmental Impact Statement for the Yuma Training Range Complex to evaluate the cumulative impacts on the Sonoran Pronghorn, an endangered species, of Marine Corps actions when added to other past, present and reasonably foreseeable future actions. Three public hearings will be held in order to collect public comments on the document as indicated below.

DATES: Public hearings will be held on the following dates and at the locations listed below.

1. Tuesday, July 10, 2001, in the Gila Vista Junior High School Cafeteria, 2245 Arizona Avenue, Yuma, AZ, 5:30 to 8:00 p.m.

2. Wednesday, July 11, 2001, in the Gila Bend High School Cafeteria, 308 North Martin, Gila Bend, AZ, 5:30 to 8:00 p.m.

3. Thursday, July 12, 2001, in the Northwest Neighborhood Center, 2160 North 6th Ave, Tucson, AZ, 5:30 to 8:00 p.m.

ADDRESSES: All written comments regarding the document should be received by July 30, 2001, and may be directed to Commander, Southwest Division, Naval Facilities Engineering Command, Code 5DPR.DT (Attn: Ms. Deb Theroux), 220 Pacific Highway, San Diego, CA, 92132–5190.

FOR FURTHER INFORMATION CONTACT: Ms. Deb Theroux, telephone (619) 532–1162, FAX (619) 522–1242.

SUPPLEMENTARY INFORMATION: The Marine Corps completed an

Environmental Impact Statement (EIS) in 1997 addressing its military aviation and associated ground training impacts on the Yuma Training Range Complex. This complex includes portions of the Barry M. Goldwater Range, AZ, which contains habitat for the Sonoran Pronghorn.

On February 12, 2001, the United States District Court for the District of Columbia found that the cumulative impact analysis in the 1997 Yuma Training Range Complex EIS was deficient in that it failed to provide sufficient analysis of cumulative impacts on the Sonoran Pronghorn in accordance with 40 CFR 1508.7. The Court remanded the matter to the Marine Corps for further consideration of such impacts.

Accordingly, the Department of the Navy is preparing a supplement to the EIS, in accordance with 40 CFR 1502.9(C), that will evaluate the cumulative impacts on the Sonoran Pronghorn of Marine Corps actions when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. The draft supplemental environmental impact statement analyzing these impacts was distributed to the public on June 8, 2001.

Three public hearings on the document will be held as discussed in the **DATES** section of this notice. The purpose of these hearings is for interested persons to review displays and ask questions regarding the cumulative effects analysis, and to provide comments on the draft supplemental environmental impact statement. Each hearing will be conducted in an open house format.

Dated: June 26, 2001.

Jane Brattain,

Acting Head, U.S. Marine Corps, Military Construction and Land Use Branch Facilities and Services Division Installations and Logistics Department Headquarters.

[FR Doc. 01–16448 Filed 6–28–01; 8:45 am]

BILLING CODE 3810–FF–M

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 July 30, 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: June 26, 2001.

John Tressler,

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

Office of Postsecondary Education

Type of Review: Reinstatement

Title: Performance Report for the Training Programs for Federal TRIO Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 25. Burden Hours: 113.

Abstract: Data assures that grantees have conducted the project for which funded, signals problems of implementation, and indicates extent and quality of performance. Reports are used in evaluating project's continuations, determining future funding levels and in assigning scores for future competition.

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 her 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. 01–16428 Filed 6–28–01; 8:45 am]

BILLING CODE 4001–01–P

DEPARTMENT OF ENERGY

Comment Period for Specific Individuals for the Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV

AGENCY: Department of Energy (DOE).

ACTION: Notice of comment period for specific individuals.

SUMMARY: On May 4, 2001, the U.S. Department of Energy (DOE) published a Notice of Availability (66 FR 22540) of its Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (Draft EIS) (DOE/EIS–0250D–S) and announced a 45-day public comment period ending June 25, 2001. In response to requests from the public, DOE extended the comment period to July 6, 2001 (66 FR 33534). DOE has discovered that some individuals had requested and received a copy of the Draft EIS, but were not sent the Supplement to the Draft EIS. DOE has now distributed the Supplement to those individuals, and will accept comments from those individuals transmitted or postmarked by August 13, 2001.

DATES: Comments from specific individuals who received a copy of the Supplement with a June 22, 2001 letter from DOE regarding this oversight are now due by August 13, 2001. DOE will consider all comments received from those individuals by that date in preparing the Final EIS. Comments received from those individuals after August 13, 2001 will be considered to the extent practicable.

ADDRESSES: Written comments and requests for further information on the Supplement to the Draft EIS, and requests for copies of the document (hard copy or CD–ROM) should be directed to: Dr. Jane Summerson, EIS Document Manager, M/S 010, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 30307, North Las Vegas, Nevada 89036–0307, Telephone 1–800–967–3477, Facsimile 1–800–967–0739.

Written comments via facsimiles should include the following identifier: ''Yucca Mountain Supplement to the Draft EIS.''

Written comments on or requests for copies of the document may also be submitted over the internet via the Yucca Mountain Project website at http://www.ymp.gov, under the listing ''Environmental Impact Statement.''

FOR FURTHER INFORMATION CONTACT: Dr. Jane Summerson, EIS Document Manager, M/S 010, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 30307, North Las Vegas, Nevada 89036–0307, Telephone 1–800–967–3477, Facsimile 1–800–967–0739.

For general information on the DOE NEPA process, contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone 202–586–4600, or leave a message at 1–800–472–2756.

Issued in Washington, DC, June 25, 2001.

Lake Barrett,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 01–16420 Filed 6–28–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Los Alamos Area Office, National Nuclear Security Administration; Notice of Floodplain Involvement for the Wildfire Hazard Reduction and Forest Health Improvement Program Projects at Los Alamos National Laboratory, Los Alamos, NM

AGENCY: National Nuclear Security Administration, Los Alamos Area Office, DOE.

ACTION: Notice of floodplain involvement.

SUMMARY: The National Nuclear Security Administration (NNSA) of the Los Alamos Area Office at the Department of Energy (DOE) plans to implement individual projects using mechanical and manual thinning methods to treat the forests at Los Alamos National Laboratory (LANL) in an effort to reduce fuel loading and wildfire hazards, and to improve the overall forest health. These ecosystem-based management program projects will be implemented over the next 18 to 36 months, or until completed, and will be followed by periodic maintenance projects to retain the desired end-state for wildfire risk reduction with enhancements to improve forest health. The projects will include construction of access roads and fuel breaks as treatment measures. Wood materials generated by the treatment measures will be either donated or salvaged; wood waste materials will primarily be disposed of through chipping and use on-site or by burning in pits with the use of an air curtain destructor. Implementation of these projects will include areas of forest located on mesa tops, along canyon sides, and in canyon bottoms, including floodplain areas (but excluding wetland areas), located within the Los Alamos National Laboratory (LANL) boundaries in Los Alamos and Santa Fe Counties, New Mexico. In accordance with 10 CFR part 1022, DOE will prepare a floodplain assessment and will perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain.

DATES: Comments are due to the address below no later than July 16, 2001.

ADDRESSES: Written comments should be addressed to: Elizabeth Withers, Department of Energy, National Nuclear Security Administration, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544, or submit them to the Mail Room at the above address between the hours of 8:00 am and 4:30 p.m., Monday through Friday. Written comments may also be sent electronically to: *ewithers@doeal.gov* or by facsimile to (505) 667–9998.

FOR FURTHER INFORMATION CONTACT: Everett Trollinger, Department of Energy, National Nuclear Security Administration, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544. Telephone (505) 667–0281, facsimile (505) 667–9998.

For Further Information on General DOE Floodplain Environmental Review Requirements, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42, Department of Energy, 100 Independence Avenue, S.W., Washington DC 20585–0119. Telephone (202) 586–4600 or (800) 472–2756, facsimile (202) 586–7031.

SUPPLEMENTARY INFORMATION: On August 9, 2000, the NNSA issued a Finding of No Significant Impact (FONSI) for the Proposed Action (the No Burn Alternative) together with the Final *Environmental Assessment for the Wildfire Hazard Reduction and Forest Health Improvement Program at Los Alamos National Laboratory, Los Alamos, New Mexico* (DOE/EA 1329). More recently, on May 29, 2001, the NNSA issued a FONSI for the Limited Burn Alternative (Waste Only) analyzed in DOE/EA 1329. The NNSA now plans on implementing the actions described in the Limited Burn Alternative of DOE/EA 1329 beginning in July 2001. Up to an estimated 10,000 acres (ac) (4,000 hectares (ha)), or about 35 percent of LANL, will be treated over the next 18 to 36 months or until completed. Implementation of program projects will include areas of forest located on mesa tops, along canyon sides, and in canyon bottoms, including floodplain areas (but excluding wetland areas), located within LANL boundaries in Los Alamos and Santa Fe Counties, New Mexico. The treatment of LANL forested areas will include the use of mechanical thinning and thinning with hand-held tools and equipment.

The program projects will be composed of a series of strategically planned projects implemented in three phases. The phases are as follows: Phase 1 (high priority strategic projects, primarily fuel breaks, in heavily forested urban interface areas to reduce the wildfire hazard to the pubic, LANL employees, and key facilities and infrastructure); Phase 2 (moderate priority, larger forest fuels reduction projects in heavily forested areas to reduce the general wildfire hazard and improve forest health); and Phase 3 (lower priority, larger forest fuels reduction projects in more moderately forested and remote areas to reduce

wildfire hazard in general and improve forest health). Each project as it is developed will follow certain planning steps that include formulating a plan of action that will identify and assess potential risks and environmental concerns and formulating a reasoned treatment plan. These plans will include facility and forest fire hazard assessment, identification of resource issues, coordination with neighboring land management agencies and land owners, development of end-state conditions, and formulation of treatment and environmental protection measures. Treatment measures will be identified for each project including the equipment and involved job performances, and types of treatment measures to be performed based on the forest and site conditions in the project area. Integral to treatment measures would be complementary measures to protect public health and welfare and to protect and enhance cultural and natural resources. Worker protection and health and safety measures, cultural resource protection measures, air quality protection measures, water quality protection measures, threatened and endangered species protection measures, as well as other biological resources protection measures would be employed on each project. Wood materials and wastes generated from the treatment activities would be disposed of as follows: wood materials will be donated or salvaged for use by the surrounding communities, or may be contracted for to offset program operational costs; wastes will be disposed of on-site by chipping and reuse as mulch, by burning within pits using air curtain destructor devices to enhance the burning process, or at on-site waste disposal facilities. Additionally, waste may be sent to off-site disposal facilities as well. Post-treatment assessments will be conducted for each project area that will include some or all of the following: end-state conditions assessment, fuel load inventories, ecological field studies, watershed assessment and monitoring, and data analysis and modeling. Maintenance measures would be implemented on project areas at least once every 5 years (or as necessary) to maintain the desired end-state conditions of the forests at LANL. These maintenance measures will include the type of treatment measures used to initially treat an area and may also include periodic mowing and the maintenance of access roads. NNSA may also consider the use of prescribed burning under very carefully controlled conditions in the future as a forest maintenance tool. However, at this time, DOE is still in the process of developing a complex-wide policy on prescribed burning and a moratorium on the use prescribed burning at DOE sites is in effect until the policy has been issued. NNSA will likely revisit this issue at a later time.

Additional information about wildfire hazard reduction projects can be found in the April 2001 document entitled Wildfire Hazard Reduction Project Plan (LA–UR–01–2017). Both DOE/EA 1329 and this plan are available by contacting Elizabeth Withers at (505) 667–8690, or writing to her at the previously identified Los Alamos Area Office address. These documents have also been placed electronically at: *http://lib-www.lanl.gov/pubs/Environment.htm* and in hard copy at the DOE Reading Rooms at: the Community Relations Office, Los Alamos National Laboratory, Los Alamos, NM 87545; and the Government Information Department, Zimmerman Library, University of New Mexico, Albuquerque, NM 87131–1466.

In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR Part 1022), NNSA will prepare a floodplain assessment for this proposed action, which will be made available by contacting Elizabeth Withers at the previously identified addresses, phone and facsimile numbers. It will available electronically at: *http://lib-www.lanl.gov/pubs/Environment.htm.* After DOE issues the assessment, a floodplain statement of findings will be published in the **Federal Register.**

Issued in Los Alamos, New Mexico on June 25, 2001.

David A. Gurul,

Area Manager, U.S. Department of Energy, National Nuclear Security Administration Los Alamos Area Office.

[FR Doc. 01–16451 Filed 6–28–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–242]

Application for Presidential Permit Maestros Group L.L.P.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: Maestros Group L.L.P. (Maestros) has applied for a Presidential permit to construct, operate, maintain, and connect a double-circuit electric transmission line across the U.S. border with Mexico.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 30, 2001.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On May 10, 2001, Maestros, an independent power producer, filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. Maestros proposes to construct a 500-megawatt (MW) combined-cycle, natural gas-fired powerplant in the vicinity of Nogales, Arizona, and a double-circuit 230,000 volt (230-kV) transmission line across the U.S. border to Nogales, Sònora, Mexico. In Mexico, Maestros plans to interconnect with the main power grid of Comision Federal de Electricidad, the national electric utility of Mexico, and to export the electrical output of the powerplant to Mexico. The generating facilities are proposed to be placed in service in late 2004; Maestros does not propose to be interconnected with the electric power system of the U.S. In a related activity, outside the jurisdiction of the DOE, Maestros proposes to construct a 100 MW natural gas-fired powerplant at the same site with the electrical output dedicated to the U.S. market.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to

provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on Maestros' proposed facilities.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Hugh Holub, Maestros Group L.L.C., 1881 N. Mastick Way, Suite 400, Nogales, AZ 85621.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: http://www.FE.DOE.GOV. Upon reaching the Fossil Energy Home page, select ''Electricity'' from the options menu, and then ''Pending Proceedings.''

Issued in Washington, DC, on June 21, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Systems, Office of Coal & Power Import/Export, Office of Fossil Energy.

[FR Doc. 01–16113 Filed 6–28–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2354–000]

Bangor Hydro-Electric Company; Notice of Filing

June 25, 2001.

Take notice that on June 15, 2001, pursuant to Section 2.11 of the Settlement Agreement filed on November 1, 2000, in Docket No. ER00–980–000, and accepted and modified by the Federal Energy Regulatory Commission (Commission) on February 26, 2001, Bangor-Hydro Electric Company (Bangor Hydro) submits this informational filing showing the implementation of Bangor Hydro's open access transmission tariff formula rate for the charges that became effective on June 1, 2001.

Copies of this filing were sent to Bangor Hydro's open access transmission tariff customers that have requested to receive a copy (Indeck Maine Energy, L.L.C.), the Commission Trial Staff, the Maine Public Utilities Commission, and the Maine Public Advocate.

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 and protests should be filed on or before July 6, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–16418 Filed 6–28–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–390–000]

Egan Hub Partners, L.P.; Notice of Request Under Blanket Authorization

June 25, 2001.

Take notice that on June 18, 2001, Egan Hub Partners, L.P. (Egan Hub), 5400 Westheimer Court, Houston, Texas 77056, filed a request with the Commission in Docket No. CP01–390–000, pursuant to Sections 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to construct and operate facilities under Egan Hub's blanket certificate, issued in Docket No. CP96–199–000, in Acadia and Evangeline Parishes, Louisiana to interconnect with the mainline systems of Texas Eastern Transmission, LP (Texas Eastern) and Florida Gas Transmission Company (Florida Gas), all as more fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Specifically, Egan Hub requests authorization to: (i) construct, own, operate, and maintain a new 21.34-mile, 24-inch diameter pipeline that will originate at the existing Egan Hub storage facilities in Acadia Parish, Louisiana and terminate at a proposed interconnect with Texas Eastern in Evangeline Parish; (ii) construct and own a new meter and regulator station and interconnect facilities at an interconnection with Texas Eastern in Evangeline Parish; and (iii) construct and own a new meter and regulator station and interconnect facilities at an interconnection with Florida Gas in Acadia Parish. The Texas Eastern M&R Station and Florida Gas M&R Station will be located on property owned by Egan Hub and will be operated and maintained by Texas Eastern and Florida Gas, respectively, pursuant to their Operation and Maintenance Agreements with Egan Hub. The

estimated cost of the proposed facilities is approximately $17.7 million.

Egan Hub states that its proposed project will not adversely affect the rates or service of its existing customers. Egan Hub is not proposing any change its currently authorized market based rate authority, and contends that the proposed project will not lead to Egan Hub exercising market power. Egan Hub also states that the proposed project will provide its customers increased transportation options and greater access to markets and supplies.

Any questions regarding the application may be directed to S.E. Tillman, Director of Regulatory Affairs, Egan Hub Partners, L.P., Post Office Box 1642, Houston, Texas 77251–1642, or telephone (713) 627–5113 or FAX (713) 627–5947.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–16417 Filed 6–28–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–119–000; Docket No. EL01–91–000]

GenHoldings I, LLC, Millennium Power Partners, L.P., Athens Generating Company, L.P., Covert Generating Company, LLC, Harquahala Generating Company, LLC, Athens Generating Company, L.P.; Notice of Filing

June 25, 2001.

Take notice that on June 15, 2001, Millennium Power Partners, L.P., Athens Generating Company, L.P. (Athens), Covert Generating Company, LLC, Harquahala Generating Company, LLC (collectively, the Subsidiaries), and GenHoldings I LLC (GenHoldings) filed with the Commission: (1) A request by the Subsidiaries and GenHoldings for Commission authorization under section 203 of the Federal Power Act (FPA) for an intra-corporate reorganization whereby the Subsidiaries will become indirect, wholly-owned subsidiaries of their newly-formed affiliate, GenHoldings; and (2) a request by Athens, on behalf of the Greene County Industrial Development Agency, for the Commission to find that it is not a ''public utility'' under section 201(f) of the FPA.

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 and protests should be filed on or before July 6, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–16373 Filed 6–28–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–389–000]

Transcontinental Gas Pipe Line Corporation; Notice of Application

June 25, 2001.

Take notice that on June 19, 2001, Transcontinental Gas Pipe Line Corporation (Transco), 2800 Post Oak Boulevard, P.O. Box 1396, Houston, Texas 77251–1396, filed in Docket No. CP01–389–000 an application pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157A of the Federal Energy Regulatory Commission's (Commission) regulations for a certificate of public convenience and necessity authorizing Transco to construct its Leidy East Expansion Project (Leidy East) to provide up to 130,000 dth per day of firm transportation for customers in New York, New Jersey, and Pennsylvania 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/efi/rims* all 202–208–2222 for assistance).

Specifically, Transco requests authority to construct and operate:

(1) 4.64 miles of 36-inch diameter pipeline loop between milepost 178.49 and milepost 183.13 in Clinton County, Pennsylvania (Haneyville Loop);

(2) 3.73 miles of 42-inch diameter pipeline loop between milepost 134.57 and milepost 138.30 in Lycoming County, Pennsylvania (Williamsport Loop);

(3) 6.09 miles of 42-inch diameter pipeline between milepost 33.19 in Columbia County Pennsylvania and milepost 39.28 in Luzerne County, Pennsylvania (Benton Loop);

(4) 6.27 miles of 42-inch diameter pipeline loop between milepost 30.29 in Northampton County, Pennsylvania and milepost 36.56 in Northampton County, Pennsylvania. (Allentown Loop);

(5) 4.69 miles of 42-inch diameter pipeline loop between milepost 18.25 and milepost 13.62 in Hunterdon County, New Jersey (Clinton Loop);

(6) 5.14 miles of 42-inch diameter pipeline loop between milepost 1789.60

and milepost 1793.92 in Somerset County, New Jersey (Stirling Loop);

(7) Impeller replacements on two (2) existing 12,600 horsepower, turbine-driven compressor units at Transco's existing Compressor Station 520, located at milepost 157.52 in Lycoming County Pennsylvania;

(8) An impeller replacement and uprate of an existing 12,600 horsepower turbine-driven compressor unit to 15,000 horsepower at Transco's existing Compressor Station 515, located at milepost 68.95 in Luzerne County Pennsylvania;

(9) Modifications to electronic control systems to uprate an electric motor-driven compressor unit from 15,000 horsepower to 16,000 horsepower at Transco's existing Compressor Station 205, located at milepost 1773.30 in Mercer County, New Jersey; and

(10) Modifications to Transco's existing Centerville Regulator Station located at milepost 0.11 in Somerset County, New Jersey.

The estimated cost of the proposed facilities is approximately $98 million. Transco requests a final certificate order no later than October 24, 2001, in order to complete the project to meet the November 1, 2002, in-service date required by its shippers. Transco states that the Commission has previously reviewed the proposed facilities in its Market Link proceeding in Docket No. CP98–540–000 *et. al.*

Transco states that it has entered into firm service agreements with four shippers for the entire 130,000 dth per day of transportation capacity created by the expansion. The expansion shippers and their respective volumes and terms are as follows:

Shipper	Volume (dth per day)	Term (years)
Aquila Energy Marketing Corporation	25,000	10
PEPCO Energy Company	30,000	10
Reliant Energy Services, Inc	25,000	20
Williams Energy Marketing & Trading Company	50,000	10

Transco states that it has developed a new incremental recourse rate for Leidy East shippers of $13.56 per dth and that transportation service under the Leidy East project will be provided under Rate Schedule FT of Transco's FERC Gas Tariff, Volume No. 1, and Transco's blanket certificate under Part 284G of the Commission's regulations. The Leidy East shippers will also be responsible for fuel retention, electric power, and other applicable charges and surcharges under Rate Schedule FT. Transco notes that all of the Leidy East shippers have elected to pay negotiated rates pursuant transco's FERC Gas Tariff.

Any questions regarding this application should be directed to Ms. Angela D. Mendoza, Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77251 or call (713) 215–4098. In addition, Tansco has also established a toll-free telephone number (1–888–887–0486) so that interested parties can call with questions about the Leidy East Project. In addition, Transco has also scheduled the following five open houses to answer questions from affected landowners and other stakeholders about the project.

Date	Location of open house	Loop	City/state
June 18, 2001	Gateway Bethlehem Holiday Inn	Allentown	Bethlehem, PA.
June 19, 2001	Bridgewater Manor	Stirling	Bridgwater, NJ.
June 20, 2001	Clinton Holiday Inn	Clinton	Clinton, NJ.
June 25, 2001	Radisson Hotel	Williamsport	Wiliamsport, PA.
June 26, 2001	Jackson Twp. Municipal Bldg	Benton	Benton, PA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before July 10, 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 received copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be

provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments and protests 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.gov/documents/makeanelectronicfiling/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 a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–16419 Filed 6–28–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–118–000, et al.]

TransAlta USA Inc., et al.; Electric Rate and Corporate Regulation Filings

June 22, 2001.

Take notice that the following filings have been made with the Commission:

1. TransAlta USA Inc.

[Docket No. EC01–118–000]

Take notice that on June 13, 2001, TransAlta USA Inc. (TAUSA) tendered for filing, pursuant to section 203 of the Federal Power Act, 16 U.S.C. 824b (1994), and Part 33 of the Commission's Regulations, 18 CFR 33.1, et seq., an application for Commission approval of an internal corporate reorganization. Specifically, TAUSA proposes to (1) transfer the market-based rate schedules of Merchant Energy Group of the Americas, Inc. (MEGA) to its affiliate, TransAlta Energy Marketing (US) Inc. (TEMUS), and (2) transfer MEGA's 100 percent interest in Pierce Power LLC (which has a market-based rate tariff on file with the Commission) first to TEMUS, and then from TEMUS to TAUSA.

Comment date: July 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. South Houston Green Power, L.P.

[Docket No. EG01–231–000]

Take notice that on June 15, 2001, South Houston Green Power, L.P. (the Applicant), with its principal office at 139 East Fourth Street, Cincinnati, Ohio 45202, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited partnership engaged directly and exclusively in the business of holding ownership and license interests in several gas-fired cogeneration facilities located in the Texas City, Texas, with an aggregate capacity of approximately 248MW. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. BSPE, L.P.

[Docket No. EG01–232–000]

Take notice that on June 15, 2001, BSPE, L.P. (the Applicant), with its principal office at 139 East Fourth Street, Cincinnati, Ohio 45202, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited partnership engaged directly and exclusively in the business of owning and licensing several gas-fired cogeneration facilities located in the Texas City, Texas, with an aggregate capacity of approximately 248MW. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. FPL Energy Upton Wind I, LP

[Docket No. EG01–233–000]

Take notice that on June 15, 2001, FPL Energy Upton Wind I, LP (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of developing and operating an approximately 80 MW wind-powered generating facility located in the County of Upton, Texas. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. FPL Energy Upton Wind II, LP

[Docket No. EG01–234–000]

Take notice that on June 15, 2001, FPL Energy Upton Wind II, LP (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of developing and operating an approximately 80 MW wind-powered generating facility located in the County of Upton, Texas. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 13, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. FPL Energy Upton Wind III, LP

[Docket No. EG01–235–000]

Take notice that on June 15, 2001, FPL Energy Upton Wind III, LP (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of developing and operating an approximately 80 MW wind-powered generating facility located in the County of Upton, Texas. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 13, 2001, in accordance with Standard Paragraph E

at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. FPL Energy Upton Wind IV, LP

[Docket No. EG01–236–000]

On June 15, 2001, FPL Energy Upton Wind IV, LP (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of developing and operating an approximately 40.3 MW wind-powered generating facility located in the County of Upton, Texas. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: July 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

8. PowerGen Energia Rt.

[Docket No. EG01–237–000]

On June 15, 2001, PowerGen Energia Rt. (Applicant), located at 1211 Budapest XXI, Gyepsor utca 1, Hungary, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant will operate and maintain a natural gas-fired generating station with a maximum output of 389 MW located on Csepel Island in Budapest, Hungary (the Facility) on behalf of its affiliate, Csepeli Áramtermelö Rt. (CARt) pursuant to an operation and maintenance agreement between Applicant and CARt. CARt will sell the output of the Facility at wholesale and, possibly, at retail to customers outside of the United States.

Comment date: July 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

9. Csepeli Áramtermelö Rt.

[Docket No. EG01–238–000]

On June 15, 2001, Csepeli Áramtermelö Rt. (''Applicant''), located 1075 Budapest, Madách Imrét 13–14, Madách Trade Center, Building B, 6th Floor, Hungary, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant owns a natural gas-fired generating station with a maximum output of 389 MW located on Csepel Island in Budapest, Hungary (the ''Facility''). Applicant will sell the output of the Facility at wholesale and, possibly, at retail to customers located outside of the United States.

Comment date: July 6, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

10. SFG CLA Pittsfield LLC

[Docket No. EG01–239–000]

On June 18, 2001, SFG CLA Pittsfield LLC (the Applicant), a Delaware limited liability company with its principal place of business at 120 Long Ridge Road, Stamford, Connecticut 06927, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is acquiring the beneficial ownership of a 165 MW natural gas-fired cogeneration facility located in Pittsfield, Massachusetts (the ''Facility'') held under a trust agreement with State Street Bank and Trust Company. In its capacity as trustee, State Street Bank and Trust Company holds legal title to the Facility and leases the Facility to Pittsfield Generating Company, L.P. for the benefit of the Applicant. All capacity and energy from the facility is sold exclusively at wholesale.

Comment date: July 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

11. Consolidated Edison Company of New York

[Docket No. ER01–160–004]

Take notice that on June 20, 2001, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing with the Federal Energy Regulatory Commission (Commission), a conformed rate schedule designation.

Con Edison states that a copy of this filing has been served upon O&R.

Comment date: July 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Consolidated Edison Company of New York

[Docket No. ER01–161–004]

Take notice that on June 20, 2001, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing with the Federal Energy Regulatory Commission (Commission) a conformed rate schedule designation.

Comment date: July 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Southern Operating Companies

[Docket Nos. ER01–602–007 and ER01–1772–001]

Take notice that on June 19, 2001, Southern Company Services, Inc. (SCS), as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively, Southern Companies), tendered for filing substitute sheets for certain Southern Operating Companies Rate Schedules in compliance with a letter order of the Commission dated June 4, 2001. The Rate Schedules concern interchange service contracts between Southern Companies, SCS and Enron Power Marketing, Inc. (FERC No. 80); Sonat Power Marketing Inc. (FERC No. 81); Heartland Energy Services, Inc. (FERC No. 83); LG&E Power Marketing, Inc. (FERC No. 84); Catex Vitol, L.L.C. (FERC No. 85); PECO Energy Company (FERC No. 86); NorAm Energy Services, Inc. (FERC No. 87); Valero Power Services Company (FERC No. 89); Entergy Power, Inc. (FERC No. 91); Delhi Energy Services, Inc. (FERC No. 92); Citizens Lehman Power Sales (FERC No. 94); Eastex Power Marketing, Inc. (FERC No. 95); Louis Dreyfus Electric Power Inc. (FERC No. 96); Stand Energy Corporation (FERC No. 98); and Electric Clearinghouse, Inc. (FERC No. 99).

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. PEI Power II, LLC

[Docket No. ER01–1764–001]

Take notice that on June 19, 2001, PEI Power II, LLC (PEI), tendered for filing, with the Federal Energy Regulatory Commission (Commission), pursuant to the Commission's June 7, 2001 Order in the above-referenced proceeding, its Statement of Policy and Standards of Conduct designated as FERC Electric Tariff, Original Volume No. 1, numbered Original Sheet No. 4 and Original Sheet No. 5.

PEI respectfully requests that the Commission accept these tariff sheets, effective as of April 7, 2001.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Southern California Edison Company

[Docket No. ER01–2349–000]

Take notice, that on June 19, 2001, Southern California Edison Company (SCE) tendered for filing the following agreements between Nevada Power Company, Salt River Project Agricultural Improvement and Power District, SCE, and the Department of Water and Power of the City of Los Angeles (collectively Parties):

Amended & Restated Mohave Project Plant Site Conveyance and Co-Tenancy Agreement
Amended & Restated Mohave Project Operating Agreement
Amended & Restated Eldorado System Conveyance and Co-Tenancy Agreement
Amended & Restated Eldorado Operating Agreement
Amended & Restated Agreement for Additional Nevada Power Company Connection to Mohave Project 500 kV Switchyard
Facilities Services Agreement

The amended and restated agreements and the Facilities Services Agreement reflect the Parties' agreement to transfer the Mohave 500 kV Switchyard from the Mohave Project to the Eldorado System. Copies of this filing were served upon the Public Utilities Commission of the State of California, each of the Parties, and the California Independent System Operator

SCE requests that these agreements be made effective August 18, 2001.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Public Service Company of New Mexico

[Docket No. ER01–2350–000]

Take notice that on June 19, 2001, Public Service Company of New Mexico (PNM) submitted for filing two executed service agreements with the State of Nevada, Colorado River Commission (CRC), under the terms of PNM's Open Access Transmission Tariff. One agreement is for short-term firm point-to-point transmission service and one is for non-firm point-to-point transmission service.

The effective date for the agreements is May 29, 2001, the date of execution. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to CRC and to the New Mexico Public Regulation Commission.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. PJM Interconnection, L.L.C.

[Docket No. ER01–2351–000]

Take notice that on June 19, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing an amendment to section 18.17.1 of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement). The proposed amendment will permit the release of certain PJM member confidential information to the North American Electric Reliability Council and to neighboring reliability councils solely for the purpose of enhancing reliability in the Mid-Atlantic Area Council, the administrative functions of which are performed by PJM, and its neighboring reliability councils. Copies of this filing were served upon all PJM members and each state electric utility regulatory commission in the PJM control area

PJM requests an effective date of August 29, 2001.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Bridgeport Energy LLC

[Docket No. ER01–2352–000]

Take notice that on June 19, 2001, Bridgeport Energy LLC tendered for filing the First Amended and Restated Agreement between Bridgeport Energy LLC and Duke Energy Trading Marketing, LLC. Bridgeport seeks a waiver of the Commission's prior notice requirements.

Comment date: July 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–16372 Filed 6–28–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7004–5]

Proposed Settlement Agreement, Clean Air Act Petition for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement providing for rulemaking to amend regulations issued pursuant to section 112(d) of the Clean Air Act.

SUMMARY: EPA hereby gives notice of a proposed settlement agreement in the case entitled *American Coke and Coal Chemicals Inst.* v. *EPA,* No. 99–1339 (consolidated with *American Crop Prot. Ass'n* v. *EPA,* No. 99–1332) (D.C. Cir.). EPA issues this notice in accordance with section 113(g) of the Clean Air Act (the ''Act''), 42 U.S.C. 7413(g),which requires EPA to give notice and provide an opportunity for public comment on proposed settlement agreements.

The litigation challenges EPA's promulgation of the final rule entitled National Emissions Standards for Hazardous Air Pollutants: Pesticide Active Ingredient Production (''PAI NESHAP'' or the ''rule''). 64 FR 33550 (June 23, 1999). The American Coke and Coal Chemicals Institute (''ACCCI'') filed a petition for review of the rule under section 307(b) of the Act, 42 U.S.C. 7607(b). ACCCI's challenge concerns, among other things, the applicability of the rule to coal tar distillation units that produce creosote.

The proposed Settlement Agreement provides that EPA will undertake a rulemaking to revise the definition of ''process tank'' to eliminate the current reference to processing upstream and downstream of such tanks, and to provide additional examples of the types of tanks covered by the definition.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed Settlement Agreement from persons who are not named as parties or interveners to this litigation. EPA or the

Department of Justice may withhold or withdraw consent to the proposed Settlement Agreement if the comments disclose facts or circumstances that indicate that the agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice makes such a determination following the comment period, EPA will take the actions set forth in the Settlement Agreement.

A copy of the proposed Settlement Agreement is available from Phyllis Cochran, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–5566. Written comments should be sent to Paul R. Cort, Esq., at the above address and must be submitted on or before July 30, 2001.

Dated: June 20, 2001.

Alan W. Eckert,

Associate General Counsel.

[FR Doc. 01–16440 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6619–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–FHW–F40395–WI Rating EC2, County Highway J/Wis 164 (I–94 to County E) Corridor Study, Improvements, City of Pewaukee, Villages of Pewaukee and Sussex Towns of Lisbon, Richfield and Polk, Waukesha and Washington Counties, WI.

Summary: EPA's review identified issues relating to direct and cumulative impacts to wetlands; indirect impacts from increased urbanization; and expressed concerns regarding impacts to water quality.

ERP No. D–FHW–H40171–NB Rating EC2, Lincoln South and East Beltways Project, To Complete a Circumferential Transportation System linking I–80 on the north and U.S. 77 on the west, Funding, COE 404 Permit, Lancaster County, NB.

Summary: EPA expressed concerns regarding the range of alternatives meeting the purpose and need for the project, archeological resources and asked for more information regarding wetlands mitigation.

ERP No. D–FTA–B59001–CT Rating LO, New Britain—Hartford Busway Project, Proposal to Build an Exclusive Bus Rapid Transit (BRT) Facility, Located in the Towns/Cities of New Britain, Newington, West Hartford and Hartford, CT.

Summary: EPA raised no objections to the proposed project and encouraged CTDOT/FHWA to consider emission retrofit devices to reduce emissions.

ERP No. D–FTA–K40243–CA Rating EC2, Mid-City/Westside Transit Corridor Improvements, Wilshire Bus Rapid Transit and Exposition Transitway, Construction and Operation, Funding, Section 404 Permit, Los Angeles County, CA.

Summary: EPA expressed concerns regarding Environmental Justice impacts along the Exposition corridor and the storage and maintenance sites. EPA also expressed concerns regarding the provision of Park and Ride facilities in excess of parking demand. EPA requested additional analysis and documentation on both of these issues.

Final EISs

ERP No. F–AFS–J61103–MT Discovery Ski Area Expansion, Implementation, Special-Use-Permit and COE Section 404 Permit, Beaverhead-Deerlodge National Forest, Pintler Ranger District, Rumsey Mountain, Granite County, MT.

Summary: EPA continues to express concerns regarding the information used to support expansion of the ski area; inadequate analysis; disclosure of indirect effects of induced development associated with the ski area expansion; and growth pressures to serve and accommodate increasing numbers of skiers.

ERP No. F–FHW–F40784–OH OH–7 (LAW–7) Relocation, OH–7 and OH–527 to a point Northeast of Rome Township and OH–607 from East Huntington Bridge to an Interchange with proposed OH–7 and OH–775, Funding, Lawrence County, OH.

Summary: Because the final EIS indicates that the Feasible Alternative B has been selected for implementation, EPA's previously expressed environmental concerns have now been fully addressed and resolved.

ERP No. F–FHW–G40156–TX TX–130 Construction, I–35 of Georgetown to I–10 near Seguin, Funding, COE Section 404 Permit, Williamson, Travis, Caldwell, Guadalupe Counties, TX.

Summary: EPA's review found that comments offered on the draft EIS have been responded to in the final EIS. EPA had no additional comments.

ERP No. F–FHW–J40152–CO South I–25 and US 85 Corridors Improvements, CO–470 to Castle Rock, Funding, Douglas County, CO.

Summary: EPA was pleased with the cumulative impacts assessment done by FHWA and CDOT as well as the coordination and mitigation planning initiated with other parties. EPA expressed concern for the lack of quantification of secondary impacts to some potentially affected resources.

ERP No. F–FHW–K40232–CA San Francisco—Oakland Bay Bridge, East Span Seismic Safety Project, Connection between I–80 Yerba Buena Island and Oakland, US Coast Guard Permit and COE Section 404 Permit, San Francisco and Alameda Counties, CA.

Summary: EPA's review of the final EIS found that the document adequately addressed the issues raised in EPA's comment letter regarding the draft EIS.

Dated: June 26, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–16458 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6619–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements Filed June 18, 2001 Through June 22, 2001 Pursuant to 40 CFR 1506.9.

EIS No. 010226, Draft EIS, NPS, WY, Devil's Tower National Monument General Management Plan, Implementation, Crook County, WY, Comment Period Ends: August 13, 2001, Contact: Chas Cartwright (307) 467–5283.

EIS No. 010227, Draft EIS, MMS, CA, Delineation Drilling Activities in Federal Water Offshore, Santa Barbara County, Federal Outer Continental Shelf (OCS), Mobile Offshore Drilling Unit (MODU) Santa Barbara County, CA, Comment Period Ends: August

13, 2001, Contact: Archie Melancon (703) 787–1547.

EIS No. 010228, Draft EIS, COE, CA, Salinas Valley Water Project, Construction, Monterey County Water Resources Agency (MCWRA), Issuing of Permits or Approval of Action, Monterey and San Luis Obispo Counties, CA, Comment Period Ends: August 28, 2001, Contact: Robert Smith (415) 977–8450.

EIS No. 010229, Draft EIS, NOA, CA, San Francisco Bay National Estuarine Research Reserve, Proposes to Designate Three Sites: China Camp State Park, Brown's Island Regional Parks District, and Rush Ranch Open Space Preserve, Contra Costa, Marin and Solano Counties, CA, Comment Period Ends: August 17, 2001, Contact: Nina Garfield (301) 713–3132 ext. 171.

EIS No. 010230, Final EIS, DOE, AZ, Sundance Energy Project, Interconnecting a 600-megawatt Natural Gas-Fired, Simple Cycle Peaking Power Plant with Western's Electric Transmission System, Construction and Operation on Private Lands, Pinal County, AZ, Wait Period Ends: July 30, 2001, Contact: John Holt (602) 352–2592.

EIS No. 010231, Final EIS, BLM, MA, New Bedford Whaling National Historical Park, General Management Plan, Implementation, Bristol County, MA, Wait Period Ends: July 30, 2001, Contact: John Piltzecker (508) 996–4095.

EIS No. 010232, Final Supplement, FAA, IN, Indianapolis International Airport Master Plan Development, Updated Information to Construct a Midfield Terminal, Midfield Interchange, and Associated Developments, Airport Layout Plan Approval, Funding and Section 404 Permit, Marion County, IN, Wait Period Ends: July 30, 2001, Contact: Prescott C. Snyder (847) 294–7538.

EIS No. 010233, Draft EIS, EPA, FL, Tampa Bay Regional Reservoir Project, Construction and Operation of a 1100-acre Reservoir Facility, Hillsborough River, Tampa Bypass Canal and Alafia River, Hillsborough County, FL, Comment Period Ends: August 13, 2001, Contact: John Hamilton (404) 562–9617.

EIS No. 010234, Draft EIS, COE, CA, White Slough Flood Control Study, To Improve Tidal Circulation in the Slough, Continuing Authorities Program, Section 205, Vallejo Sanitation and Flood Control District, City of Vallejo, Solano County, CA, Comment Period Ends: August 13, 2001, Contact: Craig Vassel (415) 977–8546.

EIS No. 010235, Draft EIS, FHW, NY, Interstate 86/Route 15 Interchange and Route 15/Gang Mills Interchange, New Roadway and Ramp Construction, Intersection Reconstruction, New Bridges and Bridge Rehabilitation, Town of Erwin, Steuben County, NY, Comment Period Ends: September 05, 2001, Contact: Robert E. Arnold (518) 431–4127.

EIS No. 010236, Draft EIS, DOE, WA, Kangley-Echo Lake Transmission Line Project, Construct a New 500-kilovolt (kV) Transmission Line, COE Section 10 and 404 Permits, (DOE/EIS–0317), King County, WA, Comment Period Ends: August 13, 2001, Contact: Gene Lynard (503) 230–3790.

Amended Notices

EIS No. 010159, Draft Supplement, DOE, NV, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste, Construction, Operation, Monitoring and Eventually Closing a Geologic Repository at Yucca Mountain, Updated and Additional Information, Nye County, NV, Due: July 06, 2001, Contact: Jane R. Summerson (702) 794–1493. Revision of FR Notice Published on 5/11/2001 and 6/22/2001: CEQ review period ends 07/06/2001; DOE will accept comments until 08/13/2001 from specific individuals who received a copy of the supplement with a June 22, 2001, letter from DOE. (See DOE FR Notice Published Today)

EIS No. 010145, Draft EIS, AFS, NY, Finger Lake National Forest, Oil and Gas Leasing, Exploration and Development, Approval and Authorization, Hector Ranger District, Seneca and Schuyler Counties, NY, Due: August 01, 2001, Contact: Martha Twarkins (607) 546–4470. Revision of FR Notice Published on 05/04/2001: CEQ Review Period Ending 07/03/2001 has been Extended to 08/01/2001.

Dated: June 26, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–16459 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66286; FRL–6784–5]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

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 requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by December 26, 2001, unless indicated otherwise, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Office location for commercial courier delivery, telephone number and e-mail address: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail address: hollins.james@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 or Copies of Support 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** listing at (http://www.epa.gov/fedrgstr/).

2. *In person*. Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal Mall No. 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel some 40 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000100 OR–96–0030	Supracide 25WP Insecticide-Miticide	*O,O*-Dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-
000241–00243	Prowl Herbicide	*N*-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine
000241–00305	Stomp Herbicide	*N*-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine
000241 OR–99–0015	Raptor Herbicide	(+-)-2-(4,5-Dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-
000264–00319	Temik TSX Granular Pesticide	Pentachloronitrobenzene
		5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
		2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000264–00459	Mocap Plus Nematicide - Insecticide	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
		O-Ethyl *S,S*-dipropyl phosphorodithioate
000279–03175	Authority Bl Herbicide	1,2,4-Triazin-5(4*H*)-one, 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-
		Methanesulfonamide, *N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-
000432–00895	Chipco Mocap Brand 10G GC	*O*-Ethyl *S,S*-dipropyl phosphorodithioate
001270–00243	Zepynamic II Disinfectant Deodorant	Ethanol
		2-Benzyl-4-chlorophenol
		4-tert-Amylphenol
		o-Phenylphenol
001448–00101	Busan 1072	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
001448–00178	M–10–2	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
001448–00179	M–10–1	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
002217–00839	Vertagreen for Proffessional Use Betasan 7-G	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
002217–00840	Betasan 2.9-E	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
002935–00362	Red-Top Di-Syston 6.5% Systemic W/pcnb Soil Fungicide G	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
		Pentachloronitrobenzene
002935–00499	Solve LV Ester 6	Acetic acid, (2,4-dichlorophenoxy)-, 2-ethylhexyl ester
003008–00079	Osmose Cyproconazole	alpha-(4-Chlorophenyl)-alpha-(1-cyclopropylethyl)-1*H*-1,2,4-triazole-1-ethanol
003234–00036	Super Pax Crabgrass Control with Betasan	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
005383–00073	Troysan Polyphase P-15h	3-Iodo-2-propynyl butylcarbamate
005383–00078	Woodsman Solid Color Oil Stain	Bis(tributyltin) oxide
		3-Iodo-2-propynyl butylcarbamate
005383–00083	Troysan Polyphase GWP-1 Wood Preservative Clear	3-Iodo-2-propynyl butylcarbamate
005383–00087	Real-Wood Wood Preservative	3-Iodo-2-propynyl butylcarbamate
007969–00062	Ronilan Fl Fungicide	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione
007969 SC–90–0006	Ronilan FL	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione
009688–00094	Chemsico Systemic Rose & Flower Care	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
009779–00310	Triallate EC Herbicide	*S*-(2,3,3-Trichloroallyl) diisopropylthiocarbamate
010163 MT–01–0001	Gowan Endosulfan 3EC	6,7,8,9,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide
019713 WA–97–0022	Drexel Carbaryl 4L	1-Naphthyl-*N*-methylcarbamate

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
028293–00277	Unicorn Systemic Insecticide Granules	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
033955–00489	Systemic Insecticide contains Di-Syston	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
033955–00490	Acme 2% Systemic Granular	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
049585–00028	K Gro Systemic Rose & Flower Care	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
050534 OR–00–0024	Daconil SDG	Tetrachloroisophthalonitrile
058185–00016	Koban 1.3 G	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
058185–00019	Koban Flowable	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
058185–00020	Truban Flowable	5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
064005–00007	Pur Explorer (Advance Formula)	Iodine
064005–00008	Pur Scout (Advance Formula)	Iodine
064005–00009	Pur Voyager	Iodine
069838–00001	Afrotin BWB	5-Chloro-2-methyl-3(2*H*)-isothiazolone
		2-Methyl-3(2*H*)-isothiazolone

Unless a request is withdrawn by the registrant within 180 days (30 days when requested by registrant) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant during this comment period.

The following Table 2, includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000100	Syngenta Crop Protection, Inc., Box 18300, Greensboro, NC 27419.
000241	BASF Corp., Box 400, Princeton, NJ 08543.
000264	Aventis Cropscience USA LP, 2 T.W. Alexander Drive, Box 12014, Research Triangle Park, NC 27709.
000279	FMC Corp., Agricultural Products Group, 1735 Market St, Philadelphia, PA 19103.
000432	Aventis Environmental Science USA LP, 95 Chestnut Ridge Rd., Montvale, NJ 07645.
001270	ZEP Mfg. Co., Box 2015, Atlanta, GA 30301.
001448	Buckman Laboratories Inc., 1256 North Mclean Blvd, Memphis, TN 38108.
002217	PBI/Gordon Corp., Attn: Craig Martens, Box 014090, Kansas City, MO 64101.
002935	Wilbur Ellis Co., 191 W Shaw Ave, #107, Fresno, CA 93704.
003008	Osmose Inc., 980 Ellicott St, Buffalo, NY 14209.
003234	Martin Resources, Inc., Pax Division, Box 191, Kilgore, TX 75663.
005383	Lewis & Harrison, Agent For: Troy Chemical Corp., 122 C St NW, Ste. 740, Washington, DC 20001.
007969	BASF Corp., Agricultural Products, Box 13528, Research Triangle Park, NC 27709.
009688	Chemsico, Div of United Industries Corp., Box 142642, St Louis, MO 63114.
009779	Agriliance, LLC, Box 64089, St Paul, MN 55164.
010163	Gowan Co, Box 5569, Yuma, AZ 85366.
019713	Drexel Chemical Co, 1700 Channel Ave., Box 13327, Memphis, TN 38113.
028293	Unicorn Laboratories, 12385 Automobile Blvd., Clearwater, FL 33762.
033955	PBI/Gordon Corp., Attn: Craig Martens, Box 014090, Kansas City, MO 64101.
049585	Alljack, Division of United Industries Corp., Box 142642, St Louis, MO 63114.
050534	GB Biosciences Corp., 410 Swing Rd., Box 18300, Greensboro, NC 27419.
058185	Scotts-Sierra Crop Protection Co, Attn: Vincent Snyder, Jr, 14111 Scottslawn Rd, Marysville, OH 43041.
064005	Pur Water Purification, Inc., c/o Procter & Gamble, 11810 E. Miami River Rd., Cinicnnati, OH 45202.
069838	Keller & Heckman LLC, Agent For: Schill & Seilacher, 1001 G St, NW, Suite 500 W., Washington, DC 20001.

III. 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 amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before December 26, 2001, unless indicated otherwise. This written withdrawal of the request for cancellation will apply only to the applicable 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.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1–year after the date the cancellation request was received by the Agency. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** of June 26, 1991 (56 FR 29362) (FRL 3846–4). Exception to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: June 12, 2001.

Richard D. Schmitt,

Associate Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–16443 Filed 6–28–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00706; FRL–6771–9]

Pesticides; Guidance on Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency is announcing the availability of guidance titled ''Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides.'' This final Pesticide Registration (PR) Notice provides guidance to registrants concerning the discontinuation of phenol resistance testing as a part of efficacy testing for antimicrobial disinfectants and sanitizers. Adoption of this guidance will eliminate unnecessary testing and will result in resource savings for both the Agency and registrants. Responses to public comments received in response to the previously issued draft guidance are also being made available.

FOR FURTHER INFORMATION CONTACT: Michele Wingfield, Antimicrobials Division, (7510C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6349; fax number: (703) 308–8481; e-mail address: wingfield.michele@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 those persons who manufacture or formulate pesticides. 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 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, the PR Notice, and the Agency's response to public comments from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *Fax-on-demand*. You may request a faxed copy of the Pesticide Registration (PR) Notice titled ''Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides,'' by using a faxphone to call (202) 401–0527 and selecting item 6139. You may also follow the automated menu.

3. *In person*. The Agency has established an official record for this action under docket control number OPP–00706. 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.

II. Background

A. What Guidance Does this PR Notice Provide?

The PR Notice announces the discontinuation of phenol resistance testing as a part of efficacy testing for antimicrobial disinfectants and sanitizers. The Agency will now consider registering or reregistering antimicrobial disinfectant or sanitizer pesticides without supporting phenol resistance testing. All other data in support of registration or reregistration, including any required efficacy testing data, would also need to be submitted and accepted by the Agency.

Phenol resistance testing is a standard that has traditionally been used to estimate the intrinsic resistance or sensitivity of some test bacteria to chemical disinfectants and sanitizers. For years, the Agency has been aware of the lack of standard and uniform resistance levels to phenol expressed by the test cultures used in the existing Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC) test methods. Historically, the inability to maintain and propagate test cultures that express standard and uniform levels of phenol resistance has been a recognized scientific problem which has persisted for at least 70 years. Furthermore, the inability of many reputable and competent testing facilities to achieve consistent test results with the phenol resistance standard has prompted both concern and action by the Agency.

On September 10, 1997, after internal scientific deliberation, the Agency placed before the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) the following question regarding phenol resistance:

What scientific direction should be taken regarding the lack of standard and uniform resistance levels to phenol of the test cultures used in the existing AOAC (Association of Official Analytical Chemists) efficacy test methods? Should the Agency:

• Totally eliminate the phenol resistance requirement; or

• Modify the required phenol resistance patterns to provide a broader range of acceptable resistance; or

• Replace the phenol resistance requirements with some other procedures that assure hardiness and equivalence to test cultures, such as standard, quantitative inoculum level?

Briefly, the SAP responded that there is no current relevance to requiring the phenol resistance test and, therefore, the phenol coefficient method should be eliminated and new protocols should be established for defining the conditions for culturing test microorganisms with suitable resistance levels to antimicrobials.

Subdivision G of the Pesticide Assessment Guidelines, part 91-1, describes the general product performance (efficacy) standards for disinfectants and sanitizers. Subsection (b)(3)(I) of part 91–1 refers to the AOAC standard tests that may be used to satisfy the data requirements of 40 CFR 158.640. In turn, these AOAC tests include references to phenol resistance testing.

The Agency concurs with the SAP, which has engaged in considerable discussion and deliberation, internally and with members of the scientific and regulated communities, on how to best proceed. Given the inapplicability of a test organism's resistance to phenol when disinfectants or sanitizers are tested for their efficacy performance, the Agency no longer requires submission of testing to demonstrate compliance with AOAC-specified levels of expressed phenol resistance by test microorganisms during the efficacy evaluation of disinfectants or sanitizers. However, as an interim measure while method development research continues, the Agency recommends a minimum inoculum level of 10^4 colony forming units per carrier for all test microorganisms when the AOAC carrier based tests are used.

B. PR Notices are Guidance Documents

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers and to pesticide registrants. This notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

List of Subjects

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

Dated: June 19, 2001.

Marcia E. Mulkey,

Director, Office of Pesticide Programs

[FR Doc. 01–16442 Filed 6–28–01; 8:45 am]

BILLING CODE 6560–50–S

EXPORT-IMPORT BANK OF THE UNITED STATES

Agency Information Collection Activities: Current Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice of request for comments.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995, the Export-Import Bank of the United States (Ex-Im Bank) has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved collection described below. This notice is soliciting comments from members of the public concerning the proposed information collection.

DATES: Written comments should be received on or before July 31, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments and recommendations concerning the submission to Mr. David Rostker, Office of Management and Budget, Office of Information and Regulatory Affairs, NEOB, Room 10202, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of these submissions and any additional information may be obtained from Carlista D. Robinson, Export-Import Bank of the U.S., 811 Vermont Avenue, NE., Room 764, Washington, DC 20571 (202–565–3351).

SUPPLEMENTARY INFORMATION: *Title & Form Number:* Export-Import Bank of the U.S. Preliminary Commitment and Final Commitment Application EIB Form 95–10.

OMB Number: 3048–0005.

Type of Review: Extension of a currently approved collection.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to determine eligibility for 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: 550.

Estimated Time per Respondent: 1.4 hours.

Estimated Annual Burden: 775 hours.

Frequency of Response: When applying for a preliminary or final commitment.

Dated: June 25, 2001.

Carlista D. Robinson,

Agency Clearance Officer.

BILLING CODE 6690–01–M

EX-IM BANK

PRELIMINARY COMMITMENT AND FINAL COMMITMENT 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. **Commitment Type Requested.** Check applicable box(es). Ex-Im Bank will accept a request for a final commitment only if the application includes the export sale or lease contract (not required for a Credit Guarantee Facility).

☐ Preliminary Commitment (PC) ☐ Final Commitment (AP)

☐ With interest rate cap on direct loan

☐ Without interest rate cap on direct loan

If you are requesting a PC, provide the reason for seeking a PC instead of an LI (See "How To Apply" for additional guidance): _____

2. **Financing Type Requested.** Check applicable box(es). You may request both a direct loan and a guarantee for a PC. If both financing types are acceptable to Ex-Im Bank, they will be shown in the PC as options. Check only one box for an AP. If the request is for an AP guarantee, the application must include either (i) documentation evidencing the borrower's acceptance of the financing terms offered by the proposed lender (the "lender's mandate") or (ii) an explanation of why the lender's mandate is not available (not required for large aircraft transactions). Refer to ***Attachment A*** if the transaction involves the export of new large aircraft.

☐ Direct Loan ☐ Comprehensive Guarantee ☐ Political Risk Guarantee

If Ex-Im Bank has issued an LI or PC for this transaction, provide the reference number: LI#_____ PC#_____

☐ Check if Ex-Im Bank insurance has been requested for this transaction.

Guarantees only: ☐ Check if the lender's mandate is attached. ☐ Check if the lender's mandate is not available and provide the reason:

3. **Special Coverage Requested.** Check applicable box(es).

☐ Credit Guarantee Facility (AP only)
☐ Note per Disbursement
☐ Consolidation
☐ Securitized

☐ Engineering Multiplier Program
☐ Environmental Exports Program
☐ Local Cost Guarantee
☐ Interest During Construction

☐ Finance Lease Guarantee
☐ Foreign Currency Guarantee
Currency: _____
☐ Tied Aid Program - See ***Attachment C***
☐ Project Finance - See ***Attachment F***

4. **Status of Export Contract.** Check the box below which indicates the status of the contract for the sale or lease of the export items. For an AP, ***enclose a copy of the export contract*** unless the application is for a Credit Guarantee Facility. For a PC, ***enclose a copy of the bid request***, if any.

☐ Contract awarded to exporter ☐ Contract under negotiation (PC only)

☐ Bid submitted (PC only) ☐ Bid in preparation (PC only). Bid deadline: _____

5. **Reason for Seeking Ex-Im Bank Support.** Ex-Im Bank will finance an export sale or lease only if it can be demonstrated that Ex-Im Bank support is necessary for the transaction to proceed. Check the box(es) below which describes the rationale for Ex-Im Bank support of this transaction.

☐ Foreign ECA competition (complete No. 6) ☐ Private financing unavailable on acceptable terms

☐ Other (specify): _____

6. **Foreign Competition.** Complete the information below for each non-U.S. company which competed, is competing, or is expected to compete for this export contract, including competitors which may not be sponsored by other ECAs.

	Name	Country	ECA Supported Terms Known to Applicant
Supplier #1:			
Supplier #2:			
Supplier #3:			

EX-IM BANK
Export-Import Bank of the United States

PRELIMINARY COMMITMENT AND FINAL COMMITMENT APPLICATION

OMB No. 3048-0005
Expires 07/31/2001

7. **Applicant.** The applicant for a PC may be any responsible individual, financial institution or non-financial enterprise. The applicant for an AP for a guarantee must be either the borrower or the lender (if the lender's mandate is available). The applicant for a direct loan must be the borrower. Ex-Im Bank requests the gross sales revenue in the last fiscal year and the number of employees of the applicant, exporter, and suppliers to facilitate identification of U.S. small businesses. You do not need to provide sales and employee data for companies which are not U.S. small businesses.

☐ Check if the 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:
Gross sales revenue in last fiscal year $	in fiscal year ended:	Number of employees:
Taxpayer ID #:		

8. **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 (PC only). If not, complete the information below.

Exporter name:		Duns #:
Street address:		Phone #:
City:	State:	Postal code:
Gross sales revenue in last fiscal year $	in fiscal year ended:	Number of employees:
Taxpayer ID #:		

9. **Supplier.** The "supplier" is the U.S. company which manufacturers the goods and/or performs the services to be exported.
☐ Check if the supplier is also the applicant (PC only).
☐ Check if the supplier is also the exporter. If neither applies, complete the information below for the primary supplier and attach the same information for additional suppliers.

Supplier name:		Duns #:
Street address:		Phone #:
City:	State:	Postal code:
Gross sales revenue in last fiscal year: $	in fiscal year ended:	Number of employees:
Taxpayer ID #:		

10. **Borrower.** The "borrower" is the company which agrees to repay the Ex-Im Bank direct or guaranteed loan.
☐ Check if the borrower is also the applicant. If not, complete the information below.

Borrower name:		Duns #:
Contact person:		Phone #:
Position title:		Fax #:
Street address:		City:
State/Province:	Postal code:	Country:

EX-IM BANK

PRELIMINARY COMMITMENT AND FINAL COMMITMENT APPLICATION

OMB No. 3048-0005
Expires 07/31/2001

11. Guarantor. The "guarantor" is the company which agrees to repay the Ex-Im Bank direct or guaranteed loan if the borrower does not. Complete the information below if a guarantor is proposed.

Guarantor name:		Duns #:
Contact person:		Phone #:
Position title:		Fax #:
Street Address:		City:
State/Province:	Postal code:	Country:

12. Buyer. The "buyer" is the company which contracts with the exporter for the purchase of the U.S. goods and services.
☐ Check if the buyer is also the borrower. If not, complete the information below.

Buyer name:		Duns #:
Street address:		City:
State/Province:	Postal code:	Country:

13. End-user. The "end-user" is the foreign company which utilizes the U.S. goods and services in its business.
☐ Check if the end-user is also the borrower.
☐ Check if the end-user is also thebuyer. If neither applies, complete the information below. End-user information is not required for a Credit Guarantee Facility with a financial institution borrower.

End-user name:		Duns #:
Street address:		City:
State/Province:	Postal code:	Country:

14. Lender. The "lender" is the company which extends the Ex-Im Bank guaranteed loan to the borrower.
☐ Check if the lender is also the applicant and the applicant's office listed in No. 7 is the booking office for the guaranteed loan. If not, complete the information below for the lender's officewhere the guaranteed loan will be booked (not a branch or representative office). For an AP guarantee that will be documented under a Master Guarantee Agreement, enclose a completed "***Annex A***".

Lender name:		Duns #:
Contact person:		Phone #:
Position title:		Fax #:
Street address:		City:
State/Province:	Postal code:	Country:
Taxpayer ID #:		

15. Related Participants. Describe below any direct or indirect ownership interest, management participation, or family relationship among any of the participants identified in No. 7 through No. 14 above.

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16. **Export Items.** The "export items" are the goods and services to be exported from the U.S..

16a. 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.*

16b. 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.

16c. Nuclear. ☐ Check if *any* export items are to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities.

16d. Used Equipment. ☐ Check if *any* export items are used or refurbished and complete *Attachment E.*

16e. Description of Export Items. Briefly describe the goods and services, including for each export item the *type, quantity, model number and capacity (if applicable), SIC Code, contract price, and supplier* For an aircraft transaction, include a description of the engines. Attach the same information for additional export items not described below.

16f. Utilization of Export Items. Briefly describe the principal business activity of the *end-user* (not required for a Credit Guarantee Facility with a financial institution borrower).

If the export items are to be used in a project, complete the information below. Following Ex-Im Bank's initial review of the application, Ex-Im Bank may request supplemental project information.

Project name and location:	
Project purpose:	
Project capacity:	Primary contractor:
Estimated total project cost (equivalent U.S.$):	Estimated foreign exchange cost (equivalent U.S.$):
Construction start date (month/year):	Project completion date (month/year):

17. **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.

17a. Contract Price: $ _____ (including eligible foreign content)

17b Eligible Foreign Content: $ _____ Identify the source and briefly describe any eligible foreign content.

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18. **Financed Amount.** Ex-Im Bank will lend or guarantee an amount related to the contract price no greater than the lesser of (i) 85% of the contract price or (ii) 100% of the U.S. content (contract price minus eligible foreign content). Ex-Im Bank will also finance its exposure fee and eligible ancillary services fees.

18a. **Cash Payment** (minimum 15% of contract price): $ _____

18b **Financed Portion** (maximum 85% of contract price)$ _____

18c. **Exposure Fee.** ☐ Check if you would like Ex-Im Bank to finance its exposure fee. Complete (1) or (2) below to indicate the exposure fee payment option selected:

(1) Fee financed: ☐ Paid as drawn down ☐ Paid up front

(2) Fee not financed: ☐ Paid as drawn down ☐ Paid up front

For ***PC Only***: ☐ Check if you do not want the exposure fee shown in the PC letter. Note that if the exposure fee is financed, it will be shown in the PC letter.

18d **Ancillary Service Fees.** ☐ Check if you would like Ex-Im Bank to consider financing legal, technical, banking, financial advisory, or other fees related to the structuring, evaluation, and documentation of the financing for this export transaction. Provide in an attachment the name and address of each service provider and the purpose, estimated amount and estimated payable date of each fee.

19. **Repayment Terms.** Ex-Im Bank supports repayment terms competitive with those offered by export credit agencies of other countries. Repayment of principal is generally required on a semiannual basis beginning six months after the starting point. The "starting point" is generally the event that marks the fulfillment of the exporter's contractual responsibility.

19a. **Principal Repayment Term:** _____ years

19b **Starting Point.** Check the box below which describes fulfillment of the exporter's contractual responsibility.

☐ Shipment (single shipment) ☐ Services completion ☐ Installation

☐ Final shipment (multiple shipments) ☐ Project completion ☐ Other (specify): _____

Shipments will be completed and/or services will be performed from (month/year): _____ to _____, ***excluding*** any acceptance, retention, or warranty period.

20. **Production Cost.** For an AP, complete the question below that applies to the export contract. The "production cost" of an export item is the sum of (i) direct material and component costs, (ii) direct labor costs, and (iii) indirect costs that can reasonably be attributed to the production of the export item.

If the financed portion (No. 18b.) does not exceed $10,000,000***and*** the repayment term (No. 19a.) does not exceed 7 years: Does the aggregate U.S. production cost of***all*** export items exceed 50% of the total production cost? ☐ Yes ☐ No

If the financed portion (No. 18b.) exceeds $10,000,000***or*** the repayment term exceeds 7 years: Does the U.S. production cost of***each*** export item exceed 50% of the related total production cost? ☐ Yes ☐ No

21. **Environmental Effects.** If the financed portion exceeds $10,000,000***or*** the repayment term exceeds 7 years, complete***Attachment B.*** Attachment B is not required for aircraft transactions.

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22. **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, Trade and Development Agency.

23. **Credit Information:** Refer to ***Attachment G*** and include with the application the credit information applicable to this transaction.

24. **Anti-Lobbying Law. (Applies only to an AP)** Refer to ***Attachment D*** and include with the application the declaration and disclosure forms required from the transaction participants.

25. **Commitment Fee/Facility Fee Agreement (Applies only to an AP).** If the applicant is the borrower, then by signing the application, the applicant irrevocably commits itself to pay the commitment fee or, in the case of a Credit Guarantee Facility, the facility fee. If the applicant is the guaranteed lender, then the guaranteed lender has the option of (i) signing the application which irrevocably commits it to pay the fee or (ii) signing the application and enclosing with it an Ex-Im Bank standard form fee letter from the borrower which will irrevocably commit the borrower to pay the fee. If the fee letter from the borrower is not enclosed with the *Final Commitment Application* to Ex-Im Bank, then the guaranteed lender will be irrevocably committed to pay the commitment or facility fee, whichever applies.

    A commitment fee accrues starting 60 days after authorization of a final commitment and is payable semiannually in arrears on a schedule determined at the time of authorization of a final commitment. The commitment fee for a direct loan is ½ of 1% per annum on the undisbursed and uncancelled balance of the Ex-Im Bank loan. The commitment fee for a guarantee is 1/8 of 1% per annum on the undisbursed and uncancelled balance of the guaranteed loan. The commitment fee continues to accrue during any suspension, unless the remaining balance of the direct or guaranteed loan is cancelled.

    A facility fee is charged by Ex-Im Bank with respect to an authorization of a final commitment for a Credit Guarantee Facility. The facility fee is a flat 1/16 of 1% of the principal amount of the facility, payable in two equal installments, with the first due on the 15th day of the month which is approximately 90 days from the date of the authorization of the final commitment and the second installment due on the 15th day of the month which is approximately 270 days from the date of authorization of the final commitment.

26. **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, that the applicant has not omitted any material facts, and that the applicant is not delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of this application.

    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 (Government-wide 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: _____

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Ex-Im Bank would be please to assist you in applying for financial support. If you have any questions, please contact the Business Development Division (Telephone 202-565-3900 or Fax: 202-565-3931). For information concerning financing of large aircraft and ancillary equipment, please contact the Aircraft Finance Division (202-565-3550 or Fax: 202-565-3558

Taxpayer Identifying Numbers: Ex-Im Bank intends to use the taxpayer identifying numbers furnished on this application for purpose of collecting and reporting on any claims arising out of such persons' or business entitlies' relationships with the U.S. government.

Public Burden Statement: Public burden reporting for this collection of information is estimated to average 1 ½ hourse 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 estimate of the burden and recommendations for reducing it to: Office of Management and Budget, Paperwork Reduction Project (#3048-0004), Washington, D.C. 20503.

PRELIMINARY/FINAL COMMITMENT 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. All three options may be requested for a PC. Only one option may be chosen for an AP. Check below the option(s) you are requesting. Fo*used* large aircraft transactions, complete No. 2 of the *Preliminary/Final Commitment 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. 16e. of the *Preliminary/Final Commitment Application* if any spare parts or spare engines are included in the export sale and provide the requested information on these items.

3. **Credit Information.** The information requested in this section is generally required for all PC and AP applications. If the transaction is secured with a sovereign guarantee, all or part of the detailed operational information requested in items E, F, and G below may not be necessary. Likewise, if the airline is a repeat customer of Ex-Im Bank, much of the historical financial and operating information may already have been provided to Ex-Im Bank, and additional information could be limited to updating the existing information. In either situation, please contact the Aircraft Finance Division to discuss the possibility of limiting the amount of information required by Ex-Im Bank. If any of the information listed in this section is not obtainable, Ex-Im Bank can discuss other options for credit analysis with the applicant.

   a. Airline history and ownership, and background data on senior management/directors.

   b. Contract price of aircraft, net of all credit memoranda and other discounts extended by the suppliers of the airframe, engines, and other components.

   c. Amount of buyer furnished equipment (BFE) included in the contract price, description of BFE, and location where BFE will be installed.

   d. Reason for purchase (replacement or expansion of fleet), proposed routes, and suitability of aircraft model in terms of fleet make-up and intended routes.

   e. Description of each business segment of airline operations (passenger, freight, maintenance, catering, and other related businesses), and the portion of revenue and operating profit attributable to each segment.

   f. Identification of major geographic markets and description of competitive position, market share, and strategy regarding competition, yield management, and cost control in each market. Include the airline's marketing plan and details of affiliations and partnerships with other carriers.

   g. The operating statistics listed below or similar statistics containing the same general information for the most recent three years and, if available, up to five years. Provide the listed statistics for domestic and international operations, as well as for each geographic region or route type and each business segment.

ASKs (Available Seat Kilometers)	Load Factors
ATKs (Available Ton Kilometers)	Yield (passenger and cargo)
RPKs (Revenue Passenger Kilometers)	Aircraft Utilization Rate
RTKs (Revenue Ton Kilometers)	Number of Employees
Operating Expenses per Available Seat Kilometers	

   h. Present and projected route structure, including basis for selecting new or expanded routes.

   i. Audited balance sheet, income, and cash flow statements and annual reports for the three most recent fiscal years, and interim statements for the most recent period, if applicable. Annual statements must be prepared in accordance with internationally accepted accounting principles and audited in accordance with international standards.

   j. Projected balance sheet, income, and cash flow statements for a five-year period, accompanied by supporting assumptions.

   k. Moody's or Standard & Poors ratings, if available.

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT A: Large Aircraft Transactions

1. *(For APs only)* Lender's detailed term sheet of proposed financing structure. Include relevant information on the special purpose vehicle (SPV) for lease structures, including the domicile and proposed ownership of the SPV. If a tax lease structure is contemplated, include a description and flow chart of the proposed tax lease structure.

4. **Security Requirements.** Ex-Im Bank will determine whether the security for a specific large aircraft transaction will be a sovereign guarantee, a lien on the aircraft, or both. For large aircraft transactions in which the security includes the aircraft, Ex-Im Bank will require that a valid and enforceable lien be placed on the aircraft to be financed. The information listed below concerning registration and mortgages is required with PC and AP applications if Ex-Im Bank has no prior experience with asset-based structures in the airline's country or if the laws pertaining to registration and mortgages have been amended. Please contact the Aircraft Finance Division to determine if such experience exists. Supplemental information on these issues may be required during the processing of the application and Ex-Im Bank may ask the applicant to pay for outside counsel or consultants selected by Ex-Im Bank to research particular issues. Include with the application any additional information that may facilitate Ex-Im Bank's determination of security.

a. Aircraft Registration

- Is the country of registration a party to the Chicago Convention of 1944 on International Civil Aviation?
- Are there statutes or regulations in the country dealing with the registration of aircraft? If so, provide an English translation of such statutes or regulations.
- Is there an aircraft registry? If so, describe how it operates.
- What specific steps (including any provisions that must be contained in the relevant documents) must be taken to register and deregister an aircraft?

b. Aircraft Mortgages

- Is the country of registration a party to the Convention of 1948 on International Recognition of Rights in Aircraft (the "Geneva Convention")?
- Describe the statutes or regulations in the country dealing with mortgages of aircraft.
- Can a valid and perfected first priority mortgage on the aircraft and engines be created for the benefit of Ex-Im Bank?
- What claims may have a "super" priority over a mortgagee or lessor of an aircraft?
- Following a default, can an aircraft be repossessed without judicial interference?
- Can a judgment be awarded in U.S. dollars and, if so, are any special approvals necessary?
- Will a foreign judgment or a judgment by an arbitrator be recognized in the airline's country?

If you have questions about this attachment, please contact the Aircraft Finance Division (Telephone: 202-565-3550 or Fax: 202-565-3558).

PRELIMINARY/FINAL COMMITMENT 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 seashore areas
☐ Nationally designated wetlands or protected wildlands	☐ Habitat of endangered species
☐ National parks	☐ Large scale resettlement
☐ Nationally designated refuges	(How many persons? _____)
☐ Coral reefs or mangrove swamps	☐ 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	☐ Nuclear power plant	☐ Consulting services
☐ Chemical plant	☐ Oil & gas field development	☐ Hospitals and medical equipment
☐ Forestry	☐ Petrochemical plant or refinery	☐ Pre-project services (feasibility & environmental studies)
☐ Geothermal Power	☐ Pharmaceutical project	☐ Railway signaling
☐ Hydropower plant	☐ Pulp & paper plant	☐ Telecommunications or satellites
☐ Iron & steel plant	☐ Smelter	☐ Transportation carriers (aircraft, locomotives, boats)
☐ Large infrastructure project	☐ Thermal power plant	☐ Other (describe)
☐ Large-scale water reservoir	☐ Waste management	_____
☐ Mining & mineral processing plant	☐ Air traffic control systems or navigational aids	_____

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).

PRELIMINARY/FINAL COMMITMENT 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 offers.

	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).

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PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT D: Anti-lobbying Declaration/Disclosure

This attachment applies only to applications for final commitments.

1. **Anti-Lobbying Law.**

Under a U.S. law (31 U.S.C. 1352), recipients of U.S. government loans, grants, contracts, and cooperative agreements are prohibited from spending Federally appropriated funds to influence certain U.S. government employees, including Ex-Im Bank employees, in connection with the awarding of those Federal awards.

Recipients of Federal loans, grants, guarantees, insurance, contracts and cooperative agreements may spend non-Federally appropriated funds for such lobbying purposes; however, they are required to report such lobbying expenditures.

The law applies to Ex-Im Bank loan, guarantee and insurance transactions. Declaration and Disclosure Forms are to be filed by applicants and recipients and certain exporters and suppliers, as defined below.

2. **Compliance Procedures.**

2a. Who Must File.

All applicants for final commitments from Ex-Im Bank must file a Declaration regardless of whether non-Federally appropriated funds have been spent for lobbying purposes. If non-Federally appropriated funds have been spent, a Disclosure Form must also be filed. Applicants include borrowers and lenders who are applicants for final commitments for medium-term and long-term direct loans and guarantees.

The Declaration and/or Disclosure Forms must be received by Ex-Im Bank from the applicant before Ex-Im Bank will consider the application for a final commitment.

All recipients under Ex-Im Bank programs, who are not the applicant for a final commitment, must file a Declaration and, if they have spent funds for lobbying purposes, a Disclosure Form. Recipients include borrowers who receive Ex-Im Bank direct loans and lenders who receive Ex-Im Bank guarantees.

The Declaration and/or Disclosure Forms must be received by Ex-Im Bank from the recipients before Ex-Im Bank will enter into a loan or guarantee agreement.

All suppliers who have entered into a contract in excess of $100,000 with the recipient of an Ex-Im Bank direct loan or grant must file a Declaration and, if funds have been spent for lobbying purposes, a Disclosure Form.

Such suppliers must file the Declaration and/or Disclosure Forms upon being awarded the supply contract.

2b. Exemptions.

The law has been interpreted so that it does not apply to foreign governments, their instrumentalities or their wholly-owned companies. Therefore, these entities are exempt from filing both the Declaration and Disclosure Forms.

The law's disclosure requirements do not apply to loan or guarantee transactions where the U.S. Government-financed portion is $150,000 or less.

2c. How To File.

Complete the appropriate Declaration Form on the following page. If you are required to file a Disclosure Form, it will be provided by Ex-Im Bank upon request. Any person who fails to file the required forms shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT D: Anti-lobbying Declaration/Disclosure

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3. Certification for Contracts, Grants, Loans and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certifica-tion is a prerequisite for making or enter-ing into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certi-fication shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Applicant/Recipient Company _____

Signature _____

Name _____ Title _____

4. Statement for Loan Guarantees and Loan Insurance.

The undersigned certifies, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of a Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Applicant/Recipient Company _____

Signature _____

Name _____ Title _____

If you have questions about this attachment, or you need a Disclosure Form, please contact the Business Development Division (Telephone: 202-565-3900 or Fax: 202-565-3931).

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PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT E: Used Equipment

Complete a separate Attachment E for each export item that is used equipment.

1. **Product Information.**

Description of used equipment: _____

Description of eligible foreign content: _____

Name of manufacturer of used equipment: _____

Country of origin and year manufactured: _____

Name of U.S. supplier: _____

Name of sources of warranties: _____

Supplier, date and description of rebuilding/reconditioning: _____

_____

Present Location (city and country) and use of used equipment: _____

Estimated remaining useful life: _____

2. **Export/Import History.**

Previously exported? ☐ Yes ☐ No Date: _____ Export Price: $ _____

Imported to the U.S.? ☐ Yes ☐ No Date: _____ Import Price: $ _____

3. **Prices and Costs.**

Contract price: $ _____

Eligible foreign content included in contract price: $ _____

Basis for price:

U.S. supplier's purchase price: $ _____ Purchase date: _____

Cost of rebuilding/reconditioning: $ _____

4. **Used Aircraft Only.**

Have all airworthiness directives been completed? ☐ Yes ☐ No

If no, describe the regulation or directive permits required for continued operation of the aircraft:

_____

Number of cycles and hours remaining on the airframe and engines: _____

Months remaining before next maintenance "C" and "D" checks: _____

Names of each previous owner and lessee and corresponding acquisition dates: _____

_____

_____

_____

If you have questions about this attachment, please contact the Business Development Division (Telephone: 202-565-3900 or Fax: 202-565-3931).

If your questions concern used large aircraft, please contact the Aircraft Finance Division (Telephone: 202-565-3500 or Fax: 202-565-3558).

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT F: Project Finance

OMB No. 3048-0005
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I. Project Finance.

The term "project finance" refers to the financing of projects that are dependent on the project cash flows for repayment as defined by the contractual relationships within each project. These projects do not rely on the typical export credit agency security package which has recourse to a foreign government, financial institution or established corporation to meet a reasonable assurance of repayment criterion. By their very nature, projects rely for successful completion on a large number of integrated contractual arrangements.

1. Ex-Im Bank Project Finance.

- **Maximum Support Possible.** Where appropriate, Ex-Im Bank will offer the maximum support allowed within the rules of the OECD Arrangement, to include:

a) *Financing of interest accrued during construction related to the Ex-Im Bank financing.*

b) *Allowance of up to 15% foreign content in the U.S. package.*

c) *Maximum repayment term allowed under the OECD guidelines.*

- **No Size Limitation.** There are no minimum or maximum size limitations.
- **Flexible Coverage.** Any combination of either direct loans or guarantees for commercial bank loans with political risk only or comprehensive coverage are available for a given project.
- **Flexible Equity Arrangements.** There are no predetermined equity requirements. Ex-Im Bank will review and determine the appropriate equity structure on a case-by-case basis. The equity sponsor's ownership position cannot be transferred without Ex-Im Bank's consent.
- **Ex-Im Bank Exposure Fee Commensurate with Risk.** Exposure fees will vary depending on the risk assessment of the project and the type of coverage requested during construction and post completion. The exposure fee can be paid up-front or with each disbursement and can be financed.
- Environmental Considerations. Ex-Im Bank's environmental procedures will apply.
- **Rapid Case Processing.** With the help of outside financial consultants, Ex-Im Bank will give a preliminary indication of support, called a Preliminary Project Letter (PPL), within 45 days from the date evaluation begins by the outside consultant. Should the project be sufficiently developed, the sponsor may proceed directly to a final commitment from the PPL, as determined by the Project Finance Division.
- **Financial Consultants.** Ex-Im Bank has advisers on specific project finance cases. Please contact the Structured Finance Group.

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT F: Project Finance

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2. Application Process.

- **Submission.** The project finance application must include: 1) the standard *Ex-Im Bank Preliminary Commitment/Final Commitment Application*, and 2) five copies of the materials listed in this attachment. These materials should be marked "Project Finance Application" and submitted to Ex-Im Bank.
- **Preliminary Review.** Ex-Im Bank will review the submitted material within five to ten business days of the date that the application is received by the Structured Finance Division. This review will determine if the application includes the information required to proceed with an evaluation.
- **Incomplete Applications.** If the application presented is determined to be incomplete by the Structured Finance Division, the applicant will be contacted with an explanation of the application's deficiencies. If the application is not determined to be suit-able for limited recourse project financing but could still be considered for another form of Ex-Im Bank financing, it will be forwarded to the appropriate division and the applicant will be notified.
- **Choice of Financial Consultant.** A financial consultant will be selected by Ex-Im Bank to evaluate the application. Determination of the specific financial consultant will depend on several factors including geographic and sector expertise, and ability to meet project deadlines.
- **Evaluation Fee.** Before the financial consultant begins review, the applicant will be required to pay an evaluation fee.
- **Other Fees.** For most projects, Ex-Im Bank will require, either in conjunction with other lenders or for its own use, the advice of independent outside legal counsel, independent engineers, and insurance advisers. In addition, there may be other fees associated with conducting proper due diligence. Payment for these and any other fees will be the responsibility of the project sponsors or the applicant.
- **Preliminary Project Letter.** Assuming the evaluation process is satisfactory, the Project Finance Division will issue a PPL. The PPL indicates that Ex-Im Bank is prepared to move forward on a financing offer and the corresponding general terms and conditions. These terms and conditions will be based upon the information available at the time of application. The evaluation and issuance of the PPL will be completed within 45 days of commencement of the evaluation.
- **Evaluation Post-PPL.** After issuance of the PPL, Ex-Im Bank will work with the applicant to secure a final commitment. On a case-by-case basis, Ex-Im Bank may continue to utilize the financial consultant.

3. Project Criteria and Application Information Requirements.

a. General Project. (5 copies)

Definition

- Ideally the project should have long-term con-tracts from creditworthy entities for the purchase of the project's output and the purchase of the project's major project inputs such as fuel, raw materials, and operations and maintenance. Such contracts should extend beyond the term of the requested Ex-Im Bank financing. Where such contracts do not exist, additional equity and/or other credit support is expected.
- The project should contain an appropriate allocation of risk to the parties best suited to manage those risks. Sensitivity analysis should result in a sufficient debt service coverage ratio to ensure uninterrupted debt servicing for the term of the debt.
- Total project cost should be comparable to projects of similar type and size for a particular market.
- Product unit pricing and costs should reflect market-based pricing.
- Devaluation risk needs to be substantially mitigated through revenues denominated in hard currencies, revenue adjustment formulas based on changing currency relationships, or other structural mechanisms.

Information Required

1. Summary of all aspects of the project, as contained in an independently prepared feasibility study and/or a detailed information memorandum, prepared by a qualified party. The study or memorandum should include the project description, location, legal status, ownership, and the background and status of key elements of the project structure, such as agreements, licenses, local partner participation, and financing.
2. Draft agreements for key elements of the project, including supply and offtake agreements.
3. A breakdown of anticipated project costs through commissioning, including interest during construction and working capital requirements, by major cost category and country of origin.
4. A summary of the anticipated project financing plan and security package, including: the proposed source, amount, currency and terms of the debt and equity investments; the sources of finance in the event of project cost overruns; and description of escrow accounts. Information on the terms, security requirements, and status of financing commitments of other lenders to the project, if applicable, should be provided.
5. Projected annual financial statements covering the period from project development through final maturity of the proposed Ex-Im Bank financing, to include balance sheet, profit and loss, source and application of funds statements, and debt service ratios. Projections should include a sensitivity analysis for not only the expected scenario but pessimistic and optimistic cases as well.
6. This information should also be electronically provided with the project's financial model. The structure of the financial model should be in a format that is user friendly. Ex-Im Bank must be able to review and adjust the assumptions in the model.
7. Assumptions for the financial projections, including but not limited to the basis for sales volume and prices; operating and administrative costs; depreciation, amortization and tax rates; and local government policy on price regulation.
8. Market information, to include: ten years of historical price and volume data; present and projected capacity of industry; product demand forecast with assumptions; description of competition and projected market share of the project as compared to the shares of the competition; identity and location of customers; and marketing and distribution strategy.
9. A description of the principal risks and benefits of the project to the sponsors, lenders, and host government.
10. A description of the types of insurance coverage to be purchased for both the pre- and post-completion phases of the project.

b. Participants. (5 Copies)

Definition

- Project sponsors, offtake purchasers, contractors, operators, and suppliers must be able to demonstrate the technical, managerial and financial capabilities to perform their respective obligations within the project.

Information Required

1. Sponsors must provide a brief history and description of their operations, a description of their relevant experience in similar projects, and three years of audited financial statements, in English.
2. If the sponsors are part of a joint venture or consortium, information on all participants should be provided. A shareholders' agreement should also be provided.
3. Offtake purchasers and suppliers should provide a history and description of operations, at least three years of audited financial statements, in English, and a description of how the project fits in their long-term strategic plan.
4. Contractors and operators must provide resumes of experience with similar projects and recent historical financial information.

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT F: Project Finance

OMB No. 3048-0005
Expires 07/31/2001

c. Technical. (3 Copies)

- Project technology must be proven and reliable, and licensing arrangements must be contractually secured for a period extending beyond the term of the Ex-Im Bank financing.
- A technical feasibility study or sufficient detailed engineering information needs to be provided to demonstrate technical feasibility of the project.

Information Required

1. Technical description and a process flow diagram for each project facility.
2. Detailed estimate of operating costs.
3. Arrangement for supply of raw materials and utilities.
4. Draft turnkey construction contract and description of sources of possible cost increases and delays during construction, including detailed description of liquidated damage provisions and performance bond requirements. Project implementation schedule, showing target dates for achieving essential project milestones.
5. A site-specific environmental assessment, highlighting concerns, requirements and solutions. The information to be provided should demonstrate compliance with Ex-Im Bank's environmental guidelines.

d. Host Country Legal/Regulatory Framework and Government Role. (5 Copies)

- Host government commitment to proceeding with the project needs to be demonstrated.
- Legal and regulatory analysis needs to demonstrate that the country conditions and the project structure are sufficient to support long-term debt exposure for the project through enforceable contractual relationships.
- Ex-Im Bank's relationship with the host government will be addressed on a case- by-case basis. An Ex-Im Bank Project Incentive Agreement (PIA) with the host government may be required. The PIA addresses certain political risks and Ex-Im Bank's method of resolution of conflict with the host government pertaining to these issues. Only certain markets will require a PIA.

Information Required

1. A description of the host government's role in the project, and progress made toward obtaining essential government commitments, including authorizations from appropriate government entities to proceed with the project.
2. A definition of the control, if any, that the government will have in the management and operation of the project, and status of any assurances that the government will not interfere in the project's operation. If the government is also a project sponsor, these issues will be of particular importance.
3. Evidence of the government's current and historical commitment and policies for availability and convertibility of foreign currency.
4. Status and strategy for obtaining government undertakings to support any government parties involved in the project, to the extent that such undertakings are needed to provide adequate credit support for such entities.

I. II. Project Finance.

"Structured" transactions will have an established corporation as a borrower but may rely upon sources of collateral or security in addition to the corporation's balance sheet.

The information required for structured finance applications is the same as that requested in "Attachment G' plus any additional data describing the proposed structure and security package.

If you have questions about this attachment, please contact the Project Finance Division (Telephone: 202-565-3690 or Fax: 202-565-3695).

PRELIMINARY/FINAL COMMITMENT APPLICATION

ATTACHMENT G: Credit Information

OMB No. 3048-0005
Expires 07/31/2001

This attachment applies only to Preliminary Commitment and Final Commitment applications.

Enclose with the application the following information on the borrower and, if any, guarantor.

A. **Transactions with a financed portion (excluding exposure fee) not exceeding $5 million and a repayment term not exceeding 7 years**: Provide the General Information specified below. Credit standards and performance criteria for these transactions can be found in Ex-Im Bank's publication, Medium-Term Credit Standards (EBD-M-39).

B. **Transactions with a financed portion (excluding exposure fee) of more than $5 million and not exceeding $10 million and a repayment term not exceeding 7 years**: Provide the General Information specified below. If the primary source of repayment is a non-financial institution which does not have market indications (i.e., debt ratings or traded debt), **also provide the information specified in the Supplemental Financial Information for Medium-Term Transactions listed in the next page.**

C. **All other transactions**: Provide the General Information specified below. If any items are not available, provide an explanation. Following Ex-Im Bank's initial review of the application, Ex-Im Bank may request additional credit information.

GENERAL INFORMATION

1. **Background Data.** Concise description of company origin, legal status, ownership, facilities, business activities (and any major changes during last 3 years), primary market(s), subsidiaries, affiliates, and commonly owned companies. In addition to names of corporate and individual owners, provide the address of individuals with an ownership interest of at least 20% in non-financial institutions.

2. **Financial Statements.** Independently audited balance sheets, income statements, and cash flow statements, in English, for the last three fiscal years. If the most recent fiscal year ended more than nine months prior to the application date, provide interim statements. Include the auditor's opinion and notes to the financial statements. Unaudited statements are acceptable if (i) the financed portion (excluding exposure fee) does not exceed $1 million, (ii) neither the borrower nor the guarantor, if any, is a financial institution, and (iii) a summary of significant accounting practices is provided. **Not required for sovereign or political risk transactions.**

3. **Related or Commonly Owned Company.** Name of any related or commonly owned company that accounted for more than 25% of borrower's or guarantor's sales or purchases during the last fiscal year. If (i) the financed portion (excluding exposure fee) exceeds $1 million, and (ii) neither the borrower nor the guarantor, if any, is a financial institution, the financial statements (#2 above) must adequately disclose the consolidated financial condition of the primary source of repayment and the named related or commonly owned companies. **Not required for sovereign or political risk transactions.**

4. **Financial Projections.** Annual cash flow forecast for the period of the Ex-Im Bank financing, accompanied by supporting assumptions. Projections are not required if (i) the borrower or guarantor is a financial institution or (ii) the financed portion (excluding exposure fee) does not exceed $10 million and the repayment term does not exceed 7 years. **Not required for sovereign or political risk transactions.**

5. **References.**

   Bank References: A creditor bank reference prepared within six months of application date. **Not required for sovereign transactions.**

   Credit Report: A credit report (such as D & B) prepared within six months of the application date. **Not required for sovereign or financial institutions transactions.**

6. **Debt Ratings.** Available debt ratings assigned by Standard & Poors, Moody's, Thompson Bankwatch, Fitch- IBCA and Duff & Phelps, as well as other international and local rating agencies within six months of the application date. Include available prospectus for a debt or equity offering during the two years prior to the application date.

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PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT G: Credit Information

SUPPLEMENTAL FINANCIAL INFORMATION FOR MEDIUM-TERM TRANSACTIONS

This supplemental information applies to transactions with a financed portion (excluding exposure fee) of more than $5 million and not exceeding $10 million involving non-financial institutions without market indications. It does not apply to transactions up to $5 million or to financial institution, sovereign, political, or pre-approved risk transactions over $5 million.

Please address the listed items according to the following guidance. Indicate whether the information is attached or is not applicable by marking the appropriate box. Certain items apply to all transactions and are required as indicated.

- Enclose with your application the information requested below.
- If the requested information is provided in the notes to the financial statements, refer to the notes and indicate the note number.
- If the requested information is provided in a credit write-up that is enclosed, refer to the write-up and indicate the page number.
- Unless otherwise indicated, provide information for each fiscal year for which financial statements are submitted, i.e., 2 years of data for year-to-year data and 3 years of data for year-end data.
- Items regarding changes in amounts or percentages refer to changes measured in U.S. dollars.
- A "change" means any change, either an increase or a decrease.

The following information is required if the primary source of repayment (borrower or guarantor) is a non-financial institution without market indications.

N/A	Attached	
		Operating Performance
	☐	**1.** Describe the expected operational and financial impact of the goods and/or services being purchased. **Required for all transactions.**
	☐	**2.** Describe the principal customer base, e.g., manufacturers, wholesalers and provide the percentage of domestic versus export sales and the amount of sales to each major export market. **Required for all transactions**.
☐	☐	**3.** If any customer accounted for more than 25 percent of sales revenue in the last fiscal year, provide the customer's name, industry, percentage of revenue, length of relationship, sales terms, and whether or not the customer is a related or commonly owned entity.
☐	☐	**4.** If sales revenue changed by more than 15 percent, provide reasons.
	☐	**5.** Provide the level of production (in units) for principal product lines for each fiscal year and, if the production level changed by more than 15 percent, provide reasons. **Required for all transactions.**
	☐	**6.** For each component of cost of goods sold for the last fiscal year, provide the component type, amount, origin (domestic or foreign), and range of terms offered by suppliers. **Required for all transactions**.
☐	☐	**7.** If cost of goods sold as a percentage of sales revenue changed by more than 5 percent, provide reasons.
☐	☐	**8.** If any non-operating expense (other than interest or income taxes) represented more than 20 percent of operating profit, describe the expense.
☐	☐	**9.** If an operating loss or a net loss was incurred, provide reasons.
		Balance Sheet

PRELIMINARY/FINAL COMMITMENT APPLICATION
ATTACHMENT G: Credit Information

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N/A	Attached		
☐	☐	**10.**	If total investments were more than 15 percent of total assets at the end of the last fiscal year, provide for each investment the type, amount, currency, security issuer, and/or company owned.
☐	☐	**11.**	If there has been a change of more than 20 percent in receivables days-on-hand, provide the reasons and the range of terms granted for trade receivables.
☐	☐	**12.**	If aggregate related company receivables, commonly owned company receivables, and non-trade related receivables exceeded 15 percent of total assets, provide the amount and purpose of each category of receivables.
N/A	**Attached**		
		Balance Sheet	
☐	☐	**13.**	If inventory was more than 20 percent of total assets at the end of the last fiscal year and/or inventory days-on-hand increased more than 20 percent, provide reasons.
☐	☐	**14.**	If payables days-on-hand increased more than 20 percent, provide reasons and the terms granted by each supplier which represented more than 20 percent of payables.
☐	☐	**15.**	If capital expenditures anticipated during the next 2 fiscal years exceed 15 percent of net fixed assets at the end of the last fiscal year, provide the amount, purpose, and financing plans for the capital expenditures.
	☐	**16.**	Provide the source, amount, currency, terms, and security/guarantees for credit lines available from financial institutions and credits owed to financial institutions. **Required for all transactions.**
☐	☐	**17.**	Provide the aggregate amount of principal maturities due to all creditors in each of the next five fiscal years. **Required for all transactions.**
	☐	**18.**	Provide the source, amount, and dates of equity cash infusions in each of the last three fiscal years and anticipated during the next fiscal year. **Required for all transactions**.
☐	☐	**19.**	If any asset, liability, or equity account represented more than 15 percent of total assets and has not been previously described, provide the amount and a description of the accounts.
		Off Balance Sheet	
☐	☐	**20.**	If the aggregate amount of contingent/off balance sheet items was more than 10 percent of total assets at the end of the last fiscal year, provide a description of the items.
		Interim Statements	
☐	☐	**21.**	Explain any material changes in the interim financial statements relative to the statements for the last fiscal year. **Not applicable only** if interim statements are not required.
		Subsequent Events	
☐	☐	**22.**	Provide details of events subsequent to the end of the last fiscal year which could have a material effect on the creditworthiness of the company, and plans to deal with any material adverse changes. If none, please state.

[FR Doc. 01–16367 Filed 6–28–01; 8:45 am]
BILLING CODE 6690–01–C

EXPORT-IMPORT BANK

[Public Notice 46]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Export-Import Bank of the U.S.
ACTION: Submission for OMB review; comment request.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995, the Export-Import Bank of the United States (Ex-Im Bank) has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved collection described below. A request for public comment was published in 66 FR No. 85, 21976, May 2, 2001. No comments were received. This notice is soliciting comments for members of the public concerning the proposed information collection to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) minimize the burden of collection of information for those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

DATES: Interested persons are invited to submit comments on or before July 31, 2001.

ADDRESSES: Comments and recommendations concerning the submission should be sent to Mr. David Rostker, Office of Management and Budget, Office of Information and Regulatory Affairs, NEOB, Room 10202, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of these submissions and any additional information may be obtained from Carlista D. Robinson, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Rm. 764, Washington, DC 20571, (202) 565–3351.

SUPPLEMENTARY INFORMATION:

Title & Form Number: Ex-Im Bank Letter of Interest Application—EIB Form 95–9.

OMB Number: 3048–0005.

Type of Review: Reinstatement without charge, 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 or financing for foreign buyers of U.S. exports.

Estimated Annual Respondents: 960.

Estimated Time Per Respondent: 20 Minutes.

Estimated Annual Burden: 310 *.

Frequency of Response: When applying for a Letter of Interest.

Dated: June 25, 2001.

Carlista D. Robinson,
Agency Clearance Officer.

BILLING CODE 6690–01–M

* Revised

Registration

Login

Update Existing Account

LI Application Page Information & Forms

Help

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LETTER of INTEREST ONLINE APPLICATION

Fast, convenient and secure!

Ex-Im Bank's Letter of Interest (LI) is a pre-export tool that helps you obtain financing. The LI is an indication of Ex-Im Bank's willingness to consider financing for a given export transaction and locks in the exposure fee for six months.

The online application offers the opportunity to fill out an easy-to-follow application process and make payment by credit card. All applications and credit card payments are handled on Ex-Im Bank's secure web server. You can edit and save an application under a persons password and login ID.

Start with **Registration** (no fee or commitment, just basic information such as: name, address, phone, etc.).

After you have registered, you can come and go as needed by using the **Login** feature.

If you are already registered, simply Login using your login name and personal ID (which you create during registration). This lets you cross over to our secure server. From here you can apply for an LI, save and edit your work to complete at a later date, or submit a completely filled out application with your credit card payment.

To make changes to an account, click on **Update Existing Account.**

If you forget your password, e-mail the **WebAdminstrator.**

Click on the **LI Application Page** to get detailed information on the Letter of Interest Process and the application forms in HTML, WPD and PDF formats.

Online application is fast, easy, convenient and secure.

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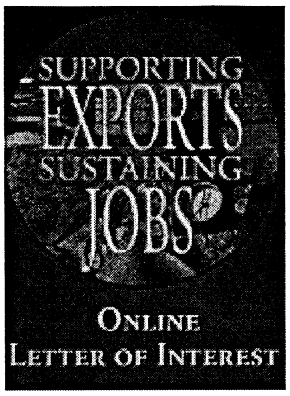
Export-Import Bank of the United States
Revised: June 8, 2001



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Export-Import Bank of the United States
Revised: June 8, 2001

LETTER OF INTEREST APPLICATION

EXPORT-IMPORT BANK OF THE UNITED STATES

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, fill in 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.

☐ **Public Sector** Check if the borrower is at least 50% directly or indirectly owned by a government.

☐ **Private Sector** Check if the borrower is less than 50% owned by a government.

Contact Person:		Fax #:	
Borrower Name:		Duns #:	
Street Address:		City:	
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, fill in the same information for the buyer and 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 and include a 1-2 page ***PROJECT SUMMARY.*** Indicate the total project costs:

6d. **Description of Export Items.** Briefly describe the principal goods and services, include the ***type, quantity, model number and capacity (if applicable), and SIC Code.*** For an aircraft transaction, include a description of the engines.

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.

Contract Price $:

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 judgement 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/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 estimate 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

LI Selection Menu

Export-Import Bank of the United States
Revised: April 3, 2000

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).

OMB No. 3048-0005
Expires 07/31/2001

EX-IM BANK
JOBS THROUGH EXPORTS

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 *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).

OMB No. 3048-0005
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).

EX-IM BANK
JOBS THROUGH EXPORTS

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. 01–16368 Filed 6–28–01; 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

June 22, 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 August 28, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 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 Control Number: 3060–0548.

Title: Section 76.1709 and Section 76.1620 Availability of Signals.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 11,000.

Estimated Time Per Response: 0.5–1.0 hour.

Total Annual Costs: $110,000.

Needs and Uses: Section 76.1709 was previously reported as section 76.302, which requires the operator of every cable television system to maintain a public inspection file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements pursuant to Section 76.1620 and the designation and location of its principal headend. Sections 76.1709 and 76.1620 state that upon written request from any person, a cable operator is required to provide the lists of must-carried signals in writing within 30 days of receipt of such request. Additionally, Section 76.1620 states that if a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection, and instructions for installation. These notification and recordkeeping requirements ensure that subscribers are aware of which channels cannot be viewed without converter boxes and which channels are defined as must-carry. The records kept by cable television systems are reviewed by Commission staff during field inspections and by local public officials to assess the system's compliance with applicable rules and regulations.

OMB Control Number: 3060–0652.

Title: Section 76.1603 Customer service—rate and service changes.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 11,375.

Estimated Time Per Response: 10 minutes to 1.0 hour.

Total Annual Costs: $100,000.

Needs and Uses: Section 76.1603 was previously cited as 76.309, which sets forth various customer service obligations and notification requirements for changes in rates, programming services and channel positions. Section 76.1603 states that franchise authorities must provide affected operators 90 days written notice of its intent to enforce customer service standards. In addition, section 76.1603 states that cable operators shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request: (1) Products and services offered; (2) Prices and options for programming services and conditions of subscription to programming and other services; (3) Installation and service maintenance policies; (4) Instructions on how to use the cable service; (5) Channel positions programming carried on the system; and (6) Billing complaint procedures, including the address and telephone number of the local franchise authority's cable office. Section 76.1603 states that customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information required by section 76.1603. Section 76.1603 states that in addition to the requirements regarding advanced notification to customers of any changes in rates, programming services or channel positions, cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g. inflation, changes in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified. Notices to subscribers shall inform them of their right to file complaints about changes in cable programming service tier rates and services, shall state that the subscriber may file the complaint within 90 days of the effective date of the rate change, and shall provide the address and phone number of the local franchising authority. Section 76.1603 states that in case of a billing dispute, the cable operator must respond to a written complaint within 30 days. The Commission requires the various disclosure and notifications contained in this collection as a means of consumer protection to ensure that

subscribers and franchising authorities are knowledgeable of cable operators' business practices, current rates, rate changes for programming service and equipment, and channel line-up changes.

OMB Control Number: 3060–0419.

Title: Section 76.94, 76.95, 76.155, 76.156, 76.157 and 76.159, Syndicated Exclusivity and network Non-Duplication Rights.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,392 (1,141 commercial television stations + 4,251 cable television stations).

Estimated Time Per Response: 0.5–2.0 hours.

Total Annual Costs: $192,132.

Needs and Uses: Commission rules, as listed above, require television stations, broadcast television stations and program distributors to notify cable television system operators of non-duplication protection and exclusivity rights being sought within prescribed limitations and terms of contractual agreements. The purpose of the various notification and disclosure requirements accounted for in this information collection is to protect broadcasters who purchase the exclusive rights to transmit syndicated programming in their recognized markets.

OMB Control Number: 3060–0287.

Title: Section 78.69 Cable Relay Station Records.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,800.

Estimated Time Per Response: 26 hours.

Total Annual Costs: $9,000.

Needs and Uses: Section 78.69 requires that licensees of cable CARS stations maintain various records, including but not limited to records pertaining to transmissions, unscheduled interruptions to transmissions, maintenance, observations, inspections and repairs. Station records are required to be maintained for a period of not less than two years. The records kept pursuant to Section 78.69 provide for a history of station operations and are reviewed by Commission staff during field investigations to ensure that proper operation of the stations is being conducted.

OMB Control Number: 3060–0849.

Title: Commercial Availability of Navigation Devices.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 200.

Estimated Time Per Response: 10 minutes to 40 hours.

Total Annual Costs: $29,632.

Needs and Uses: The disclosure requirements set forth in this proceeding will ensure that consumers can make informed decisions about the purchase and proper installation of navigation devices. The Section 76.1207 petition process will give providers of multichannel video programming and equipment providers a forum in which to request relief from regulations adopted under this Part for a limited time, provided that there is an appropriate showing that such a waiver is necessary to assist the development or introduction of a new or improved multichannel video programming or other service offered over multichannel video programming systems, technology, or products. The Section 76.1208 petition process allows interested parties to petition the Commission to provide for a sunset of navigation devices regulations. The semiannual reports will be used by the Commission to monitor the progress of key industry entities of their efforts to assure commercial availability of navigation devices.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16424 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval

June 13, 2001.

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

DATES: Written comments should be submitted on or before July 30, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

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 Control Number: 3060–0360.

Title: Section 80.409(c), Public Coast Station Logs.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and Not-for-profit institutions; Individuals or households; and State, local, or tribal governments.

Number of Respondents: 316.

Estimated Time per Response: 95 hrs.

Frequency of Response: Recordkeeping.

Total Annual Burden: 30,020 hours.

Total Annual Costs: None.

Needs and Uses: The recordkeeping requirement contained in 47 CFR § 80.409(c) is necessary to document the operation and public correspondence service of public coast radiotelegraph, public coast radiotelephone stations, and Alaska-public fixed stations, including the logging of distress and safety calls where applicable. A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. The Commission uses this information to ensure compliance with applicable rules and to assist in accident investigations.

OMB Control Number: 3060–0364.

Title: Section 80.409(d) and (e), Ship Radiotelephone Logs.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; and State, local, or tribal governments.

Number of Respondents: 10,950.

Estimated Time per Response: 47.3 hours.

Frequency of Response: Recordkeeping.

Total Annual Burden: 517,935 hours.

Total Annual Costs: None.

Needs and Uses: The recordkeeping requirement in 47 CFR §§ 80.409(d) and (e) is necessary to document that compulsory radio equipped vessels and high seas vessels maintain listening watches and logs as required by statutes and treaties (including treaty requirements contained in Appendix 11 of the International Radio Regulations, Chapter IV, Regulation 19 of the International Convention for the Safety of Life at Sea, the Bridge-to-Bridge Radiotelephone Act, The Great Lakes Agreement, and the Communications Act). A retention period of more than one year is required when a log involves communications relating to a disaster, an investigation, any claim, or complaint. The FCC uses this information during inspections and investigations to insure compliance with applicable rules and treaties and to assist in vessel distress and disaster investigations. Foreign governments may use this information for similar purposes when a vessel is operating in their territorial waters.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–16423 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80–286; DA 01–1496]

Streamlined ARMIS 43–04 (Jurisdictional Separations) Report

AGENCY: Federal Communications Commission.

ACTION: Notice; comments requested.

SUMMARY: In this document the Commission is seeking comment on streamlining ARMIS 43–04 Report. The Commission directed the Common Carrier Bureau to seek comment on the content of a streamlined Separations Report (ARMIS 43–04). The proposed ARMIS Report 43–04 would reduce the total number of pages in the report from 63 to seven pages.

DATES: Written comments by the public are due on or before July 20, 2001, reply comments are due on or before August 6, 2001.

ADDRESSES: Federal Communications Commission, 445–12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andrew Mulitz, Accounting Safeguards Division, Common Carrier Bureau, at (202) 418–0827.

SUPPLEMENTARY INFORMATION: On May 22, 2001, the Commission adopted the recommendation of the Federal-State Joint Board to impose an interim freeze of certain jurisdictional cost categories and allocation factors. Specifically, the Commission adopted a freeze of all separations category relationships and allocation factors for price cap companies, and a freeze of all allocation factors for rate-of-return carriers. The Commission further concluded, however, that rate-of-return carriers shall also have a one-time option to freeze their category relationships if they determine that doing so is in their best interests based upon their individual investment patterns or plans. The Commission concluded that it could streamline its current separations reporting requirements, while receiving sufficient information to evaluate the freeze and consider further separations reform. The Commission directed the Common Carrier Bureau to seek comment on the content of a streamlined Separations Report (ARMIS 43–04). The proposed ARMIS Report 43–04 would reduce the total number of pages in the report from 63 to seven pages. We hereby seek comment on the attached proposed streamlined ARMIS Report 43–04.

Comments are due on the attached proposal insert date 20 days after date of publication in the **Federal Register**. Reply comments are due insert date 35 days after date of publication in the **Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.'' A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Ernestine Creech, Accounting Safeguards Division, Room 6 C–317, 445 12th Street, SW., Washington, DC 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible format using Word or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number, in this case CC Docket No. 80–286, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037.

Paperwork Reduction Act

As part of our continuing effort to reduce paperwork burdens, we invite the general public to take this opportunity to comment on information collections contained in this Document, as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Public and agency comments are due at the same time as other comments on this Document. Comments should address: (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 estimates; (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.

Federal Communications Commission.

Kenneth P. Moran,

Chief, Accounting Safeguards Division.

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
(i) TABLE I—SEPARATIONS AND ACCESS TABLE								
Equal Access:								
30 Total Equal Access Investment ..	.....	.....	.....	N/A	.....	N/A	N/A	N/A
40 Equal Access Accumulated Depreciation	.....	.....	.....	N/A	.....	N/A	N/A	N/A
44 Equal Access Current Def. Oper. Income Taxes	.....	.....	.....	N/A	.....	N/A	N/A	N/A
46 Equal Access Non-current Def. Oper. Inc. Taxes	.....	.....	.....	N/A	.....	N/A	N/A	N/A
83 # Equal Access Minute of Use ...	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
84 Total Equal Access Expenses	.....	.....	.....	N/A	.....	N/A	N/A	N/A
Plant-In-Service Investment:								
1000 General Support Facilities Investment.								
1001 General Support Facilities—Big 3 Expenses—Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1002 General Support Investment Class B Cos.	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1003 General Support Facilities—Part 69—Allocation	N/A	N/A						
1112 Total Category 1 Switchboards ..	.....	.....	.....	N/A	.....	N/A	N/A	.....
1129 Total Category 1 Service Observing Boards	.....	.....	.....	N/A	.....	N/A	N/A	.....
1154 Total Category 1 Auxiliary Service Boards	.....	.....	.....	N/A	.....	N/A	N/A	.....
1168 Total Category 1 Traffic Service Position	.....	.....	.....	N/A	.....	N/A	N/A	.....
1170 Total Category 1 COE	.....	.....	.....	N/A	.....	N/A	N/A	.....
1201 Category 2 Tandem Switching Equipment	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1202 Category 2 Tandem Switching Equipment—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1203 # Tandem Minutes—Allocation ...	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1204 Total Category 2 COE	.....	.....	.....	N/A	.....	N/A	N/A	.....
1212 Category 3 COE Local Switching	.....	.....	.....	.....	.....	.....	N/A	.....
1213 % Interstate Category 3 COE—Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1216 # Dial Equipment Minutes	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1220 Cat. 4.11 COE WDBD. Exch. Line Circuit Equip.—Private Lin	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1222 Cat. 4.11 COE WDBD. Exch. Line Circuit Equip.—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1223 # Minutes-of-use for Category 4.11 Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1224 Total Category 4.11 COE	.....	.....	.....	N/A	.....	.....	N/A	.....
1230 Category 4.12 COE Exchange Trunk Circuit (NON–WDBD.)	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1231 Category 4.12 COE Exch. Trunk Circuit—Message	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1232 Category 4.12 COE Exch. Trunk Circuit—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1233 # MOU for Category 4.12 Nonwideband—Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1234 Total Category 4.12 Basic Nonwideband COE	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1240 Category 4.12 Special Non-wideband COE	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1250 Cat. 4.12 COE Exch. Trunk Circuit Equip. (WDBD)—Pvt. Line	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1252 Cat. 4.12 COE Exch. Trunk Circuit Equip. (WDBD)—JT Use	.....	.....	.....	N/A	N/A	N/A	N/A	N/A

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
1254 Total Category 4.12 Wideband COE	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1260 Total Category 4.12 COE Exch. Trunk Circuit Equipment	.....	.....	.....	N/A	.....	.....	N/A	.....
(ii) TABLE I—SEPARATIONS AND ACCESS TABLE								
1274 Category 4.13 COE Exchange Circuit Equip—Assg. PL	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1275 Category 4.13 COE Exchange Circuit Equip—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1276 % LOOP ALLOC. FACTOR	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1277 Total Category 4.13 COE Exchange Circuit Equip	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1280 Special Category 4.13 COE Exchange Circuit Equip	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1290 Total Category 4.13 COE	.....	.....	.....	.....	N/A	.....	N/A	N/A
1300 Total Category 4.1 COE Exchange Line Circuit Equipment	.....	.....	.....	.....	.....	.....	N/A	.....
1310 Category 4.21 COE Furnished to Another Co	.....	N/A	.....	N/A	N/A	N/A	N/A	.....
1320 Category 4.22 COE IX Circuit Equipment (WDBD)—Pvt. Line	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1322 Category 4.22 COE IX Circuit Equipment (WDBD)—Joint. Use	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1323 # Conversation Minutes Kilometers Factor	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1324 Total Category 4.22 COE IX. Circuit Equipment	.....	.....	.....	N/A	.....	.....	N/A	.....
1336 Category 4.23 COE IX Circuit Equipment (WDBD.)	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1338 Category 4.23 COE IX Circuit Equipment—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1339 # Conversation-minutes Factor	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1342 Total Category 4.23 Basic IX. Circuit Equip. COE	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1350 Category 4.23 Special IX. Circuit Equip. COE	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1370 Total Category 4.23 COE IX Circuit Equipment	.....	.....	.....	N/A	.....	.....	N/A	.....
1380 Total Category 4.2 COE IX. Circuit Equipment	.....	.....	.....	N/A	.....	.....	N/A	.....
1392 Category 4.3 COE Host/Remote Circuit Equip.—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1393 # Minutes of Use Kilometers Factor	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1394 Total Cat. 4.3 Host/Remote Circuit Equip. COE	.....	.....	.....	.....	.....	.....	N/A	.....
1400 Total Category 4 COE Circuit Equipment	.....	.....	.....	.....	.....	.....	N/A	.....
1410 Total COE Investment	.....	.....	.....	.....	.....	.....	N/A	.....
1420 Category 1 IOT—Information Origination/Termination	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1425 Other IOT—Part 69	N/A	N/A	.....	.....	N/A	.....	N/A	N/A
1426 # Number of Equivalent Lines—Part 69	N/A	N/A	.....	.....	N/A	.....	N/A	N/A
1428 Total Category 1 IOT—Information Origin./Termin.—Part 69	.....	.....	.....	.....	N/A	.....	N/A	N/A
1430 Category 2 New Customer Premises Equipment	.....	.....	N/A	N/A	N/A	N/A	N/A	N/A
1440 Total Information Origination/Termination	.....	.....	.....	.....	N/A	.....	N/A	N/A
1454 Category 1 C&WF—Exchange Line	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1455 Category 1 C&WF—Exchange Line—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1460 Total Category 1 Exch. Line C&WF	.....	.....	.....	.....	N/A	.....	N/A	N/A
1470 Category 2 C&WF Non-wideband Exch. Trunk—Private Line	.....	.....	.....	N/A	N/A	N/A	N/A	N/A

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
1471 Category 2 C&WF Non-wideband Exch. Trunk—Direct Msg.	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1472 Category 2 C&WF Non-wideband Exch. Trunk—Jointly Used	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1474 Total Category 2 Non-wideband Exch. Trunk C&WF	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1480 Category 2 C&WF Wideband Exch. Trunk—Direct	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1481 Category 2 C&WF Wideband Exch. Trunk—Message	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1484 Total Category 2 Wideband Exch. Trunk C&WF	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1485 # Category 2 C&WF Exchange Trunk	.....	.....	.....	N/A	.....	.....	N/A	.....
(iii) TABLE I—SEPARATIONS AND ACCESS TABLE								
1496 Category 3 C&WF IX Private Line	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1497 Category 3 C&WF IX Private Line—Message	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1498 Category 3 C&WF IX Private Line—Joint Message	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1510 Total Category 3 IX C&WF	.....	.....	.....	N/A	.....	.....	N/A	.....
1522 Category 4 C&WF Host/Remote—Joint Message	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1523 # Category 4 C&WF Host/Remote Minute of Use Kilometer	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
1524 Total Category 4 Host/Remote C&WF	.....	.....	.....	.....	.....	.....	N/A	.....
1530 Total C&WF	.....	.....	.....	.....	.....	N/A	.....	.....
1540 Total Telephone Plant Investment—All Categories	.....	.....	.....	.....	.....	.....	.....	.....
Other Telecommunication Property:								
2001 Tangible Assets General Support—Capital Leases	.....	.....	.....	.....	.....	.....	.....	.....
2003 Tangible Assets COE Switching Capital Leases	.....	.....	.....	.....	.....	.....	N/A	.....
2013 Total Capital Leases for allocation Part—69	N/A	N/A	.....	.....	.....	.....	.....	.....
2020 Total Tangible Assets—Capital Leases	.....	.....	.....	.....	.....	.....	.....	.....
2070 Tangible Assets General Support—Leasehold Improvements	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
2130 Tangible Assets Leasehold Improvements—Part 69	N/A	N/A	.....	.....	.....	.....	.....	.....
2131 Combined Invest. Used Alloc. Total Leasehold Improvements	N/A	N/A	.....	.....	.....	.....	.....	.....
2140 Total Tangible Assets—Lease Improvements	.....	.....	.....	.....	.....	.....	.....	.....
2150 Total Other Tangible Assets	.....	.....	.....	.....	.....	.....	.....	.....
2160 Intangible Assets	.....	.....	.....	.....	.....	.....	.....	.....
2161 TPIS less Intangible Assets Used to Allocate Part 36	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
2190 Property Held for Future Telecommunications Use	.....	.....	.....	.....	.....	.....	.....	.....
2191 Telecommunications Plant under Construction	.....	.....	.....	.....	.....	.....	.....	.....
2193 Telecommunications Plant Adjustment	.....	.....	.....	.....	.....	.....	.....	.....
2194 TPIS used to Allocate Plant under Construction & Adjustment	.....	.....	.....	.....	.....	.....	.....	.....
2203 Total Other Plant Investment	.....	.....	.....	.....	.....	.....	.....	.....
2210 Rural Telephone Bank Stock	.....	.....	.....	.....	.....	.....	.....	.....
2224 Total Inventories	.....	.....	.....	.....	.....	.....	.....	.....
2230 Cash Working Capital	N/A	N/A	.....	.....	.....	.....	.....	.....
2240 Total Other Investment	.....	.....	.....	.....	.....	.....	.....	.....
2250 FCC Investment Adjustment	N/A	N/A	.....	.....	.....	.....	.....	.....
2260 Total Telecommunications Property	.....	.....	.....	.....	.....	.....	.....	.....

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
Reserves and Deferrals:								
3000 Other Jurisdictional Assets			N/A	N/A	N/A	N/A	N/A	N/A
3010 Accumulated Depreciation—General Support								
3020 Accumulated Depreciation—Switching Equipment							N/A	
3030 Accumulated Depreciation—Operator Equipment							N/A	
3040 Accumulated Depreciation—Transmission Equip							N/A	
3050 Accumulated Depreciation—IOT					N/A		N/A	N/A
3060 Accumulated Depreciation—C&WF							N/A	
3070 Accumulated Depreciation—Property Held for Future Use								
3080 Total Accumulated Depreciation								
(iv) TABLE I—SEPARATIONS AND ACCESS TABLE								
3090 Accumulated Amortization—Capital Leases GSF								
3100 Accumulated Amortization—COE Switching							N/A	
3150 Total Accumulated Amortization—Capital Leases								
3220 Total Accumulated Amortization—Leasehold Improvements								
3230 Total Accumulated Amortization—Tangible Assets								
3240 Accumulated Amortization—Intangible Assets								
3250 Other Accumulated Amortization								
3251Assoc. Invest. Used to Allocate Other Accum. Amortization								
3260 Total Accumulated Amortization—Intangible Assets								
3270 Total Accumulated Amortization								
3280 Current Deferred Oper. Income Taxes—GSF								
3290 Current Deferred Oper. Income Taxes—Switch.							N/A	
3300 Current Deferred Oper. Inc. Taxes—Operating							N/A	
3310 Current Deferred Oper. Income Taxes—Transmission.							N/A	
3320 Current Deferred Oper. Income Taxes—IOT					N/A		N/A	N/A
3330 Current Def. Oper. Income Taxes—C&WF							N/A	
3332 Other Current Deferred Oper. Income Taxes								
3340 Total Net Current Def. Oper. Income Taxes								
3350 Non-Current Deferred Oper. Income Taxes—GSF								
3360 Non-Current Deferred Oper. Income Taxes—Switching Equip.							N/A	
3370 Non-Current Deferred Oper. Income Taxes—Operator System							N/A	
3380 Non-Current Deferred Oper. Income Taxes—Circuit Equip.							N/A	
3390 Non-Current Deferred Oper. Income Taxes—IOT					N/A		N/A	N/A
3400 Non-Current Deferred Oper. Income Taxes—C&WF							N/A	
3402 Other Non-Current Deferred Oper. Income Taxes—								
3410 Total Net Non-current Def. Oper. Income Taxes								
3420 Other Jurisdictional Liabilities			N/A	N/A	N/A	N/A	N/A	N/A

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
3421 FCC Reserve Adjustment	N/A	N/A						
3422 Customer Deposits								
3423 Other Deferred Credits								
3430 Total Reserves and Deferrals								
Operating Revenues and Certain Income Accounts:								
4000 Basic Local Service—Private Line Revenues				N/A	N/A	N/A	N/A	N/A
4001 Basic Local Service—Foreign Exchange				N/A	N/A	N/A	N/A	N/A
4002 Basic Local Service—Wideband				N/A	N/A	N/A	N/A	N/A
4004 All Other Basic Local Service Revenues				N/A	N/A	N/A	N/A	N/A
4005 Total Basic Local Service Revenues				N/A	N/A	N/A	N/A	N/A
4010 Network Access Service—End User Revenues		N/A		N/A	N/A	N/A	N/A	N/A
4011 Network Access Ser.—Switch Access Revenues		N/A		N/A	N/A	N/A	N/A	N/A
4012 Network Access Ser.—Special Access Revenues		N/A		N/A	N/A	N/A	N/A	N/A
4013 Network Access Ser.—State Access Revenues			N/A	N/A	N/A	N/A	N/A	N/A
4014 Total Network Access Service Revenues							N/A	
(v) TABLE I—SEPARATIONS AND ACCESS TABLE								
4020 LD Message Service—Wideband & TWX Rev.				N/A	N/A	N/A	N/A	N/A
4022 LD Message Service—Private Lines				N/A	N/A	N/A	N/A	N/A
4023 K$ REV.—ALL OTHER LONG DISTANCE				N/A	N/A	N/A	N/A	N/A
4024 Total Long Distance Message Service Revenues							N/A	
4030 Miscellaneous—Directory Revenues				N/A	N/A	N/A	N/A	N/A
4031 Miscellaneous—Billing and Collections Revenues				N/A	N/A	N/A	N/A	N/A
4032 Miscellaneous—All Other Revenues				N/A	N/A	N/A	N/A	N/A
4033 Total Miscellaneous Revenues								
4040 Un-collectible Revenues								
4050 Total Revenues								
4060 Other Income—Foreign Exchange Service				N/A	N/A	N/A	N/A	N/A
4061 All Other Operating Inc. and Exp.—Directly				N/A	N/A	N/A	N/A	N/A
4062 All Other Operating Inc. and Exp.—Joint				N/A	N/A	N/A	N/A	N/A
4064 Total Other Income—Part 69	N/A	N/A						
4065 Combined Invest. Used to Allocate Other Oper. Inc. & Exp.	N/A	N/A						
4066 Total Other Operating Income and Expenses								
4070 Allowance for Funds used during Construction								
4072 Social and Community Welfare Contribution								
4076 Total Non-operating Income & Expenses								
4080 Interest Paid—Capital Leases								
4090 Extraordinary Items								
4100 Income Effect Jurisdictional Ratemaking Difference			N/A	N/A	N/A	N/A	N/A	N/A
4110 Total Certain Income Accounts								
4120 Total Operating Revenues (plus) Jurisdictional Diff.								
OPERATING EXPENSES								
5000 Network Support Expenses								

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
5010 General Support Facilities Expenses								
5013 Total Network & General Support Expense								
5026 Total COE Expenses							N/A	
5060 Total IOT Expenses					N/A		N/A	N/A
5076 Total C&WF Expense							N/A	
5080 Total Plant Specific Expenses								
6000 Other Property Plant and Equipment Expenses							N/A	
6010 Network Operation Expenses							N/A	
6012 Access Expenses				N/A	N/A	N/A	N/A	
6020 Depreciation Expense—GSF								
6030 Depreciation Expense—Switching Equip							N/A	
6040 Depreciation Expense for Operator System Equipment							N/A	
6050 Depreciation Expense—Transmission							N/A	
6060 Depreciation Expense—IOT					N/A		N/A	N/A
6070 Depreciation Expense—C&WF							N/A	
6080 Depreciation Expense for Plant Held Future Use								
6090 Total Depreciation Expense—TPIS								
(vi) TABLE I—SEPARATIONS AND ACCESS TABLE								
6100 Amortization Expense of Capital Lease—GSF								
6110 Amortization Expense of Capital Lease—Switching							N/A	
6160 Total Amortization Expense of Capital Lease								
6230 Total Amortization Expense of Leasehold Improvements								
6240 Total Amortization Expense of Tangible Assets								
6250 Other Depreciation/Amortization Exp. Intangible Assets								
6252 Other Depreciation/Amortization Expenses								
6254 Total Other Depreciation/Amortization Expenses								
6260 Total Depreciation and Amortization Expenses								
6270 Total Plant Non-Specific Expenses								
6998 Marketing Expenses				N/A	N/A	N/A	N/A	N/A
6999 Marketing Expense—Allocations				N/A	N/A	N/A	N/A	N/A
7000 Total Marketing Expenses							N/A	
7001 Current Billing Analysis				N/A	N/A	N/A	N/A	N/A
7002 Combined Investment for Part 69	N/A	N/A					N/A	
7052 # Weighted Standard Working Seconds for Allocations	N/A	N/A		N/A		N/A	N/A	
7060 Total Telephone Operator Service Expenses				N/A		N/A	N/A	
7070 Classified Directory Expenses			N/A	N/A	N/A	N/A	N/A	N/A
7073 Alphabetical Directory Expense				N/A	N/A	N/A	N/A	N/A
7074 # Subscriber Line Minutes-of-use for Allocation				N/A	N/A	N/A	N/A	N/A
7075 Foreign directory Expense				N/A	N/A	N/A	N/A	N/A
7076 Total Directory Expenses				N/A		N/A	N/A	N/A
7220 Total Category 1 Local Business Office Expenses								
7290 Total Category 2 Customer Service—Revenue Accounting								N/A
7300 Category 3 All Other Customer Service Expense								

Row and category	Subject to separations	State	Interstate	Common Lin	Total traffic sensitive	Special access	Billing & collection	IX
(a)	(b)	(c)	(d)	(i)	(n)	(o)	(q)	(r)
7310 Total Other Customer Operation Expenses	.....	.....	.....	.....	.....	.....	.....	.....
7320 Total Customer Operation Expenses	.....	.....	.....	.....	.....	.....	.....	.....
7330 Corp. Oper. Exp.—Extended Area Services	.....	.....	N/A	.....	.....	.....	N/A	N/A
7331 Corporate Operations Expense—All Other	.....	.....	.....	.....	.....	.....	.....	.....
7334 Total Corporate Operations Expenses	.....	.....	.....	.....	.....	.....	.....	.....
7350 FCC Expense Adjustment	N/A	N/A	.....	.....	.....	.....	.....	.....
7351 Total Operating Expenses	.....	.....	.....	.....	.....	.....	.....	.....
8000 Operating Taxes—State and Local	.....	.....	.....	.....	.....	.....	.....	.....
8001 Approximated Net Taxable Income—Allocation	.....	.....	.....	.....	.....	.....	.....	.....
8002 Operating Taxes—Other State and Local	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
8003 Operating Taxes—All Other State and Local	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
8005 Total All Other State/Local Taxes—Part 69	N/A	N/A	.....	.....	.....	.....	.....	.....
8007 Operating Taxes—Total State & Local	.....	.....	.....	.....	.....	.....	.....	.....
(vii) TABLE I—SEPARATIONS AND ACCESS TABLE								
8010 Oper. Taxes—FIT Fixed Charges—Sub. Tax. Inc.	.....	.....	.....	.....	.....	.....	.....	.....
8011 Federal Income Taxes—Net Investment Used for Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
8012 Combined Investment Used for Allocation—Part 69	N/A	N/A	.....	.....	.....	.....	.....	.....
8013 Operating Taxes—FIT IRS Income Adjustment	.....	.....	.....	.....	.....	.....	.....	.....
8014 FCC Taxable Income Adjustment	N/A	N/A	.....	.....	.....	.....	.....	.....
8015 Investment Tax Credit Amortization	.....	.....	.....	.....	.....	.....	.....	.....
8017 Combined Investment Used for Allocation—Part 69	N/A	N/A	.....	.....	.....	.....	.....	.....
8018 FCC Investment Tax Credit	N/A	N/A	.....	.....	.....	.....	.....	.....
8020 Federal Income Taxes	.....	.....	.....	.....	.....	.....	.....	.....
8021 Tax Income Used for Allocation	.....	.....	.....	.....	.....	.....	.....	.....
8030 Total Operating Taxes	.....	.....	.....	.....	.....	.....	.....	.....
Return Data:								
8040 Return Data—Average Net Investment	.....	.....	.....	.....	.....	.....	.....	.....
8041 Return Data—Net Return	N/A	N/A	.....	.....	.....	.....	N/A	N/A
8042 % Return Data—Rate of Return	N/A	N/A	.....	.....	.....	.....	N/A	N/A
Other Data:								
9001 Common Line ‘‘ Long Term Support	N/A	N/A	.....	.....	N/A	N/A	N/A	N/A
9002 Universal Service Fund—High Loop Cost	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
9003 Unseparated USF Loop Cost	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
9004 # Number of Working USF Loops	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9005 $ Unseparated USF Cost Per Loop	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9006 Lifeline Connections Assistance—Allocation	.....	.....	.....	N/A	N/A	N/A	N/A	N/A
9007 # Household Receiving Lifeline Connection Assistance	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9008 $ Average Discount per Household	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9009 $ Deferred Charges per Household	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9010 # Total Billable Access Lines	.....	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Legend: All amounts are in thousands, unless otherwise indicated in the row title.

The symbol ''#'' preceding the applicable row description would indicate items that are not dollars or percentages (e.g., minutes, miles, conversational minutes, working loops, etc.)

$ All data that must be entered in dollars rounded to the nearest penny (e.g., cost per loop) is indicated by a symbol ''$'' (dollar sign) preceding the applicable row description.

[FR Doc. 01–16422 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–01–41–B (Auction No. 41)]

Narrowband PCS Spectrum Auction Scheduled for October 3, 2001; Revised Upfront Payments, Bidding Unit Amounts, and Minimum Opening Bids for Nationwide Licenses and Licenses in MTA 017

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document advises the public of a revision to information that was included in an attachment to the *Auction No. 41 Comment Public Notice,* which was released June 12, 2001. Specifically, the population figures and proposed bidding units, upfront payments, and minimum opening bids were incorrect for the eight (8) nationwide licenses and seven (7) licenses available in one Major Trading Areas (MTA), MTA 017.

DATES: Comments on these revised upfront payments, bidding units and minimum opening bids are due July 2, 2001.

ADDRESSES: An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, S.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Howard Davenport, Auctions Attorney, or Lyle Ishida, Auctions Analyst, at (202) 418–0660; or Lisa Stover, Project Manager, at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released June 21, 2001. The complete text of this Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, D.C. 20036, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov.*

The following table corrects population figures for the nationwide license area and MTA017, New Orleans-Baton Rouge.

The Bureau has proposed to calculate upfront payments, bidding unit amounts, and minimum opening bids using formulas that include license area population as one element of the formula. Accordingly, the new population figures result in revised upfront payments, bidding unit amounts, and minimum opening bids for the 8 nationwide licenses and 7 licenses in MTA017 available in Auction No. 41. The following table includes the revised amounts:

Market No.	Market Name	License No.	Channel No.	Population	Bidding Units	Upfront Payment	Minimum Opening Bid
NWA255	Nationwide	CNNWA25518	18	252,556,989	505,000	$505,000	$1,010,000
NWA255	Nationwide	CNNWA25519	19	252,556,989	505,000	$505,000	$1,010,000
NWA255	Nationwide	CNNWA25520	20	252,556,989	505,000	$505,000	$1,010,000
NWA255	Nationwide	CNNWA25521	21	252,556,989	1,010,000	$1,010,000	$2,020,000
NWA255	Nationwide	CNNWA25522	22	252,556,989	1,010,000	$1,010,000	$2,020,000
NWA255	Nationwide	CNNWA25523	23	252,556,989	758,000	$758,000	$1,515,000
NWA255	Nationwide	CNNWA25524	24	252,556,989	758,000	$758,000	$1,515,000
NWA255	Nationwide	CNNWA25525	25	252,556,989	758,000	$758,000	$1,515,000
MTA017	New Orleans-Baton Rouge	CNMTA01726	26	4,925,269	4,900	$4,900	$9,900
MTA017	New Orleans-Baton Rouge	CNMTA01727	27	4,925,269	4,900	$4,900	$9,900
MTA017	New Orleans-Baton Rouge	CNMTA01728	28	4,925,269	4,900	$4,900	$9,900
MTA017	New Orleans-Baton Rouge	CNMTA01729	29	4,925,269	9,900	$9,900	$20,000
MTA017	New Orleans-Baton Rouge	CNMTA01730	30	4,925,269	15,000	$15,000	$30,000
MTA017	New Orleans-Baton Rouge	CNMTA01731	31	4,925,269	20,000	$20,000	$39,000
MTA017	New Orleans-Baton Rouge	CNMTA01732	32	4,925,269	11,000	$11,000	$22,000

Comments on the revised upfront payments, bidding unit amounts, and minimum opening bids may be filed on or before July 2, 2001, the deadline for filing reply comments in response to the *Auction No. 41 Comment Public Notice,* 66 FR 32810 (June 18, 2001). An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, in accordance with § 1.51(c) of the Commission's rules. In addition, one copy of each pleading must be delivered to each of the following locations: (i) The Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036; (ii) Office of Media Relations, Public Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554; (iii) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Room 4–A628, 445 Twelfth Street, SW., Washington, DC 20554. Comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 01–16518 Filed 6–28–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829); *OMB Desk Officer*—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7860).

Final Approval Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Reports of Condition for Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 a, b, and c.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: Foreign subsidiaries of U.S. state member banks, bank holding companies, and Edge or agreement corporations.

Annual reporting hours: 8,222 hours.

Estimated average hours per response: 1.5 to 10.5 hours.

Number of respondents: 1,665.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844(c)) and the data are exempt from disclosure pursuant to sections (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (8)).

Abstract: The FR 2314 reports are mandatory and most are collected annually as of December 31 from foreign subsidiaries of U.S. state member banks, bank holding companies, and Edge or agreement corporations. For subsidiaries with significant asset size or volume of off-balance-sheet activity the FR 2314a is collected quarterly instead of annually. The information collected in these reports is essentially the equivalent to the information reported on the Consolidated Reports of Condition and Income that commercial banks file. The FR 2314 is a set of three graduated reports. The FR 2314a collects balance sheet information with accompanying memorandum items and twelve supporting schedules. The FR 2314b collects balance sheet information and only two supporting schedules. The FR 2314c is a one-page report that collects information on total assets, equity capital, net income, and off-balance-sheet items.

Current Actions: The Federal Reserve has approved the proposed changes to the FR 2314 as of June 30, 2001, consistent with the changes, eliminations, and reductions in detail to the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031; OMB No. 7100–0036) effective March 31, 2001, and June 30, 2001.

2. *Report title:* The Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Banking Edge corporations and investment (nonbanking) Edge and agreement corporations.

Annual reporting hours: 3,566 hours.

Estimated average hours per response: 14.7 hours, banking corporations, 8.5 hours, investment corporations.

Number of respondents: 30 banking corporations; 53 investment corporations.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 602 and 625) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This report is filed quarterly by banking Edge corporations and investment (nonbanking) Edge corporations. This report comprises a balance sheet, income statement, and ten supporting schedules, and it parallels the Consolidated Reports of Condition and Income that commercial banks file. Except for examination reports, it provides the only financial data available for these corporations. The Federal Reserve uses the data collected on the FR 2886b to supervise Edge corporations, identify present and potential problems, and monitor and develop a better understanding of activities within the industry. Most Edge corporations are wholly owned by U.S. banks and are consolidated into the financial statements of their parent organizations.

Current Actions: The Federal Reserve has approved the proposed changes to the FR 2886b as of June 30, 2001, consistent with the changes, eliminations, and reductions in detail to the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031; OMB No. 7100–0036) effective March 31, 2001, and June 30, 2001.

Discontinuation of the Following Report

Report title: Annual Survey of Eligible Bankers Acceptances.

Agency form number: FR 2006.

OMB control number: 7100–0055.

Frequency: Annual.

Reporters: U.S. commercial banks, U.S. branches and agencies of foreign banks, and Edge and agreement corporations with significant issuance of U.S dollar-denominated acceptances.

Annual reporting hours: 27 hours.

Estimated average hours per response: 0.65 hours.

Number of respondents: 41.

Small businesses are not affected.

General description of report: The Board's Legal Division has previously determined that the FR 2006 is authorized by law (12 U.S.C. 248(a), 625, and 3105(b)) and is voluntary. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 522(b)(4)).

Abstract: This voluntary survey provides detailed information on eligible U.S. dollar acceptances that are payable in the United States. The data have been used at the Board in constructing the monetary and credit aggregates, in constructing the domestic nonfinancial debt aggregate monitored by the Federal Open Market Committee (FOMC), and in calculating short- and intermediate-term business credit.

Current actions: The Federal Reserve is discontinuing the FR 2006 report. The usefulness of the report has declined in recent years due to three factors: (1) In December 1998 the Board stopped calculating L, the monetary aggregate that contained bankers acceptances (BAs); (2) Board staff has replaced the FR 2006 with the Consolidated Reports of Condition and Income as the source of BAs for calculating the debt aggregate; and (3) the relatively small size of the BA market at present has

called into question the need for this survey. As a result, Board staff feels that estimates of BAs derived from the Call Report can be used in calculating short- and intermediate-term business credit.

Board of Governors of the Federal Reserve System, June 25, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–16377 Filed 6–28–01; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 001 0112]

LaFarge S.A., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodies in the consent agreement— that would settle these allegations.

DATES: Comments must be received on or before July 18, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard Liebeskind, FTC/S–3105, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–2441.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 18, 2001), on the World Wide Web, at *http://www.ftc.gov/os/2001/06/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania. Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of the Complaint and Proposed Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission has accepted for public comment a Decision and Order (''Proposed Order''), pursuant to an Agreement Containing Consent Orders (''Consent Agreement''), against Lafarge S.A. and Blue Circle Industries PLC (collectively ''Respondents''). The Proposed Order is intended to resolve anticompetitive effects in the cement and lime markets stemming from the proposed acquisition by Lafarge of Blue Circle (the ''Acquisition''). As described below, the Proposed Order seeks to remedy anticompetitive effects of the Acquisition in cement and lime by requiring Respondents to divest certain assets relating to cement to Glens Falls Lehigh Cement Company; to divest certain other assets relating to cement to an acquirer approved by the Commission; and to divest certain assets relating to an acquirer approved by the Commission. The Commission has also issued an order to Hold Separate and Maintain Assets (''Hold Separate Order'') that, except with respect to the assets to be divested to Glens Falls, requires Respondents to preserve the businesses they are required to divest as viable, competitive, and ongoing operations until the divestitures are achieved.

The Proposed Order, if finally issued by the Commission, would settle charges that the Acquisition may have substantially lessened competition in the markets for cement and lime. The Commission has reason to believe that the Acquisition would violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The proposed complaint (''Complaint''), described below, relates to the basis for this belief.

II. The Merging Parties and the Acquisition

Lafarge is a French corporation with global operations in the manufacture and sale of cement and other building materials. Based on 2000 production capacity, Lafarge is one of the top three cement manufacturers in North America. Lafarge also has an ownership interest in a joint venture with Carmeuse North America Group B.V. that manufactures and sells lime.

Blue Circle is an English corporation with global operations in the manufacture and sale of cement and other building materials. Based on 2000 production capacity, Blue Circle is one of the top five cement manufacturers in North America. Blue Circle also participates in a joint venture with Chemical Lime Company that manufactures and sells lime (the ''Lime JV'').

On January 8, 2001, Lafarge and Blue Circle entered into an agreement in which Lafarge will pay Blue Circle shareholders approximately $3.8 billion in cash for the approximately 75% of Blue Circle's outstanding voting stock that Lafarge does not already own.

III. The Proposed Complaint

According to the Complaint, the Acquisition will have anticompetitive effects in two relevant product markets: cement and lime. Cement is a construction raw material that users mix with water and aggregates to form concrete. Cement is made by combining calcium (normally from limestone), silicon, aluminum, iron and other raw materials. Cement manufacturers quarry, crush and grind these raw materials, burn them in kilns at high temperatures and then grind the resulting pellets with gypsum into a fine powder. Lime is used in a variety of applications including, in the steel industry, as a flux to remove impurities. Lime is made by quarrying, crushing, and grinding limestone and then burning it in kilns at high temperatures.

The Complaint also alleges three relevant geographic markets in which to analyze the effects of the Acquisition: (1) The market for cement in the region consisting of the province of Ontario, Canada, all of Michigan and the coastal markets around Lake Superior, Lake Michigan, Lake Huron, Lake Erie and Lake Ontario, including Green Bay and Milwaukee, WI, Chicago, IL, Cleveland, OH and Buffalo, NY (the ''Great Lakes Region''); (2) the market for cement in the region within an approximately 70-mile radius of Syracuse, NY, including the metropolitan areas of Syracuse, Utica, Rome, Elmira and Binghamton,

NY (the ''Syracuse Region''); and (3) the market for lime in the States of Alabama, Georgia and Florida (the ''Southeast Region'').

The Complaint alleges that the markets for cement in the Great Lakes Region and the Syracuse Region and the market for lime in the Southeast Region are highly concentrated, and the Acquisition, if consummated, would substantially increase that concentration. In the Great Lakes, Lafarge and Blue Circle have a combined share of 47% of the market, and if the Acquisition proceeds, the top four firms would control 91% of the market. In the Syracuse Region, Lafarge and Blue Circle have a combined market share of 68%, and if the Acquisition proceeds, two firms would control 100% of the cement market in the Syracuse Region. In the Southeast Region, if the Acquisition proceeds and the Lime JV remains in place, Chemical Lime, Blue Circle/Lafarge and Carmeuse, through their joint ventures with each other, would link together 85% of the lime market and provide the three firms with incentives to reduce rivalry in the market.

The Complaint further alleges that the Acquisition likely would eliminate direct competition between Respondents, increase the likelihood of coordinated interaction among the remaining firms, and result in increased prices for cement and lime. The Complaint also alleges that entry into the relevant markets would not be timely, likely or sufficient to deter or counteract the adverse competitive effects arising from the Acquisition.

IV. Terms of the Proposed Order

The Proposed Order is designed to remedy the anticompetitive effects of the Acquisition through three divestitures. First, Lafarge must divest Blue Circle's cement business in the Great Lakes Region within 180 days of the consummation of the Acquisition to a Commission-approved buyer. Second, Lafarge must divest Blue Circle's cement terminal that serves the Syracuse Region to Glen Falls no later than 20 business days after the closing of the Acquisition. Third, Blue Circle must regain 100% ownership of the Lime JV from Chemical Lime, and then Lafarge must divest Blue Circle's lime business in the Southeast Region within 180 days of the consummation of the Acquisition to a Commission-approved buyer. Lafarge cannot consummate the Acquisition until the Lime JV is unwound. If Respondents do not complete the divestitures within the time specified in the Proposed Order, procedures for the appointment of a trustee to sell the assets have been agreed to and will be triggered.

The Commission has also issued the Hold Separate Order. The purpose of the Hold Separate Order is to prevent interim harm to competition and to preserve the assets to be divested as viable and competitive businesses. The Hold Separate Order requires Respondents to hold Blue Circle's cement business in the Great Lakes Region and Blue Circle's lime business in the Southeast Region separate from the rest of their business operations until Lafarge has divested these assets to a Commission-approved buyer. The Hold Separate Order requires Respondents to preserve and maintain the marketability, viability and competitiveness of the relevant businesses. Respondents have agreed to the appointment of trustees to monitor their compliance with the terms of the Hold Separate Order.

V. Opportunity for Public Comment

The Proposed Order has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the Consent Agreement and the comments received and will decide whether to make the Proposed Order final. By accepting the Consent Agreement subject to final approval, the Commission anticipates that the competitive problems alleged in the Complaint will be resolved.

The Commission invites public comment to aid the Commission in determining whether it should make final the Proposed Order contained in the Consent Agreement. The Commission does not intend this analysis to constitute an official interpretation of the Proposed Order, nor does this analysis modify in any way the terms of the Proposed Order.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–16399 Filed 6–28–01; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0093]

Submission for OMB Review; Comment Request Entitled Transportation Discrepancy Report, Standard Form 361

AGENCY: General Services Administration (GSA).

ACTION: Notice of a request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the General Services Administration (GSA) has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Transportation Discrepancy Report, Standard Form 361.

DATES: Comments may be submitted on or before August 28, 2001.

FOR FURTHER INFORMATION CONTACT: Richard J. Johnson, Jr., National Customer Service Center, Federal Supply Service, GSA (816) 926–2932.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to Stephanie Morris, General Services Administration (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0093, concerning Transportation Discrepancy Report, Standard Form 361. This form is prepared by Government shippers or receivers to document loss, damage, or other discrepancy resulting from the movement of freight by commercial transportation companies.

B. Annual Reporting Burden

Respondents: 1,434.
Annual Responses: 1,434.
Average Hours Per Response: 1.
Burden Hours: 1.434.

Obtaining Copies of Proposals

A copy of this proposal may be obtained from the General Services Administration, Acquisition Policy Division (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, or by telephoning (202) 501–4744, or by faxing your request to (202) 501–4067. Please cite OMB Control No. 3090–0093 Transportation Discrepancy Report, Standard Form 361, in all correspondence.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 01–16331 Filed 6–28–01; 8:45 am]

BILLING CODE 6820–61–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0114]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 30, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with section 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions—Part 60 (21 CFR Part 60) (OMB Control Number 0910–0233)—Extension

FDA's patent extension activities are conducted under the authority of the Drug Price Competition and Patent Term Restoration Act of 1984 and the Animal Drug and Patent Term Restoration Act of 1988 (35 U.S.C. 156). New human drug, animal drug, human biological, medical device, food additive, or color additive products regulated by FDA must undergo FDA safety, or safety and effectiveness review, before marketing is permitted. Where the product is covered by a patent, part of the patent's term may be consumed during this review, which diminishes the value of the patent. In enacting 35 U.S.C. 156, Congress sought to encourage development of new, safer, and more effective medical and food additive products. It did so by authorizing the U.S. Patent and Trademark Office (PTO) to extend the patent term by a portion of the time during which FDA's safety and effectiveness review prevented marketing of the product. The length of the patent term extension is generally limited to a maximum of 5 years, and is calculated by PTO based on a statutory formula. When a patent holder submits an application for patent term extension to PTO, PTO requests information from FDA, including the length of the regulatory review period for the patented product. If PTO concludes that the product is eligible for patent term extension, FDA publishes a notice that describes the length of the regulatory review period, and the dates used to calculate that period. Interested parties may request, under § 60.24, revision of the length of the regulatory review period, or may petition, under § 60.30, to reduce the regulatory review period by any time where marketing approval was not pursued with ''due diligence.'' The statute defines due diligence as ''that degree of attention, continuous directed effort, and timeliness as may reasonably be expected from, and are ordinarily exercised by, a person during a regulatory review period.'' As provided in § 60.30(c), a due diligence petition ''shall set forth sufficient facts, including dates if possible, to merit an investigation by FDA of whether the applicant acted with due diligence.'' Upon receipt of a due diligence petition, FDA reviews the petition and evaluates whether any change in the regulatory review period is necessary. If so, the corrected regulatory review period is published in the **Federal Register**. A due diligence petitioner not satisfied with FDA's decision regarding the petition may, under § 60.40, request an informal hearing for reconsideration of the due diligence determination. Petitioners are likely to include persons or organizations having knowledge that FDA's marketing permission for that product was not actively pursued throughout the regulatory review period. The information collection for which an extension of approval is being sought is the use of the statutorily created due diligence petition.

Since 1992, five requests for revision of the regulatory review period have been submitted under § 60.24. One regulatory review period has been altered. No due diligence petitions have been submitted to FDA, under § 60.30, and consequently there have been no requests for hearings, under § 60.40, regarding the decisions on such petitions.

In the **Federal Register** of March 23, 2001 (66 FR 16249), the agency requested comments on the proposed collection of information. There were no comments received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
60.24(a)	1	1	1	100	100
60.30	0	0	0	0	0
60.40	0	0	0	0	0
Total					100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: June 25, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16323 Filed 6–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0153]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Voluntary Registration of Cosmetic Product Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 30, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Voluntary Registration of Cosmetic Product Establishments—21 CFR Part 710 (OMB Control Number 0910–0027)—Extension

Under the Federal Food, Drug, and Cosmetic Act (the act), cosmetic products that are adulterated under section 601 of the act (21 U.S.C. 361) or misbranded under section 602 of the act (21 U.S.C. 362) may not be distributed in interstate commerce. To assist FDA in carrying out its responsibility to regulate cosmetics, FDA requests that establishments that manufacture or package cosmetic products register with the agency on Form FDA 2511 entitled ''Registration of Cosmetic Product Establishment.'' Regulations providing procedures for the voluntary registration of cosmetic product establishments are found in 21 CFR part 710.

Since mandatory registration of cosmetic establishments is not authorized by statute, voluntary registration provides FDA with the best information available about the location, business trade names used, and the type of activity (manufacturing or packaging) of cosmetic product establishments that participate in this program. In addition, the registration information is an essential part of planning onsite inspections to determine the scope and extent of noncompliance with applicable provisions of the act. The registration information is used to estimate the size of the cosmetic industry regulated. Registration is permanent, although FDA requests that firms submit an amended registration on Form FDA 2511 if any of the information originally submitted changes.

FDA uses registration information as input for a computer data base of cosmetic product establishments. This database is used for mailing lists to distribute regulatory information or to invite firms to participate in workshops on topics in which they may be interested.

In the **Federal Register** of April 13, 2001 (66 FR 19175), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Part	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
710	FDA 2511	50	1	50	0.4	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates are based on past experience and on discussions with registrants during routine communications. FDA receives an average of 50 registration submissions annually. There has been no change over the past 16 years in the number of submissions of Form FDA 2511 or in the time it takes to complete this form.

Dated: June 22, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16324 Filed 6–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0154]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 30, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA

has submitted the following proposed collection of information to OMB for review and clearance.

Color Additive Certification Requests and Recordkeeping—21 CFR Part 80—(OMB Control No. 0910–0216)—Extension

Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e(a)) provides that a color additive shall be deemed unsafe unless the color additive and its use are in conformity with a regulation that describes the conditions under which the color additive may be safely used, or unless the color additive and its use conform to the terms of an exemption for investigational use. If a regulation prescribing safe conditions of use has been issued, the color additive must be from a batch certified by FDA to conform to the requirements of that regulation and other applicable regulations, unless the color additive has been exempted from the certification requirement.

Section 721(c) of the act instructs the Secretary of Health and Human Services (the Secretary) (through FDA) to issue regulations providing for batch certification of color additives for which the Secretary finds such requirement to be necessary in the interest of protecting the public health. FDA's implementing regulations in part 80 (21 CFR part 80) specify the information that must accompany a request for certification of a batch of color additive and require certain records to be kept pending and after certification. FDA requires batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempt from certification.

Under § 80.21, a request for certification must include: Name of color additive, batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), fee, and signature of requester. The request for certification must also include a sample of the batch of color additive that is the subject of the request. Under § 80.22, the sample must be labeled to show: Name of color additive, batch number and quantity, and name and address of the person requesting certification. A copy of the label or labeling to be used for the batch must accompany the sample. Under § 80.39, the person to whom a certificate is issued must keep complete records showing the disposal of all the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The request for certification of a batch of color additive is reviewed by FDA's Office of Cosmetics and Colors to verify that all of the required information has been included. Because the information required in the request for certification is unique to the specific batch of color additive involved, it must be generated for each batch. The information submitted with the request helps FDA to ensure that only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The batch number assigned by the manufacturer is a means of temporary identification until a certification lot number has been issued by FDA. After certification, the manufacturer's batch number helps ensure that the proper batch of color is indeed being used under the certification lot number issued by FDA. In the case of a batch that has been refused certification for noncompliance with the regulations, the manufacturer's batch number aids in tracing the ultimate disposal of that batch of color additive. The batch weight serves to account for the disposal of the entire batch. For example, it might be used in determining whether uncertified color has been sold under the lot number assigned to the batch by FDA or, in the event of a recall after certification, to determine whether all unused color has been recalled. In addition, the batch weight is the basis for assessing the certification fee. The name and address of the manufacturer of the color additive being submitted for certification allows FDA to contact the person responsible for its manufacture should a question arise concerning compliance with the regulations. Information on storage conditions pending certification is used to evaluate the possibility that the batch could have been inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis no longer representative of the batch. It is also used when an FDA investigator is sent to the site; the veracity of the storage statements is checked during normal plant inspections. Information on the uses is needed to ensure that all of the proposed uses are within the limits of the listing regulation for which the person seeking certification proposes that the color be certified. The statement of the fee on the certification request is for accounting purposes so that the person seeking certification can be promptly notified if any discrepancies appear. The information requested on the label of the sample submitted with the certification request is used to identify the sample. The regulations require an accompanying copy of the label or labeling to be used for the batch so that FDA can verify that the batch will be labeled appropriately when it enters commerce.

In the **Federal Register** of April 13, 2001 (66 FR 19174), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
80.21	41	106	4,346[2]	0.2	869
80.22	41	106	4,346[2]	0.05	217
Total					1,086

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] Due to a clerical error, the total annual records that appeared in tables 1 and 2 in the FEDERAL REGISTER notice of April 13, 2001 (66 FR 19175), was incorrect. Tables 1 and 2 of this document contains the correct total.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
80.39	41	106	4,346[2]	0.25	1,086

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Due to a clerical error, the total annual records that appeared in tables 1 and 2 in the FEDERAL REGISTER notice of April 13, 2001 (66 FR 19175), was incorrect. Tables 1 and 2 of this document contains the correct total.

The estimated total annual burden for this information collection is 2,172 hours. Over the period fiscal year (FY) 1998 to 2000, FDA processed an average of 4,346 requests for certification of batches of color additives. Approximately 41 different respondents submitted requests for certification each year over the period FY 1998 to 2000. FDA obtained the estimates for the length of time necessary to prepare certification requests and accompanying samples and to comply with recordkeeping requirements from industry program area personnel.

Dated: June 22, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–16325 Filed 6–28–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1147–NC]

RIN 0938–AK51

Medicare Program; Update to the Prospective Payment System for Home Health Agencies for FY 2002

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice with comment period.

SUMMARY: This notice with comment period sets forth an update to the 60-day national episode rates and the national per-visit amounts under the Medicare prospective payment system for home health agencies.

DATES: *Effective Date:* The rate updates in this notice with comment period are effective on October 1, 2001.

Comment Period: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on August 28, 2001.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1147–NC, P.O. Box 8016, Baltimore, MD 21244–8016.

To ensure that mailed comments are received in time for us to consider them, please allow for possible delays in delivering them.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses:

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

Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244.

Comments mailed to the above addresses may be delayed and received too late for us to consider them.

Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1147–NC. Comments received timely will be available for public inspection as they are received, generally beginning appropriately 3 weeks after publication of a document, in Room C5–12–08 of the headquarters Health Care Financing Administration, 7500 Security Blvd., Baltimore, MD, on Monday through Friday of each week from 8:30 to 5 p.m. (phone: (410) 786–7197).

FOR FURTHER INFORMATION CONTACT:

Bob Wardwell (Project Manager), (410) 786–3254.

Susan Levy (Policy), (410) 786–9364.

SUPPLEMENTARY INFORMATION: *Copies:* To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $9. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

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I. Background; Recent Legislation on Payment to Home Health Agencies

A. Balanced Budget Act of 1997

The Balanced Budget Act of 1997 (BBA), Pub. L. 105–33, enacted on August 5, 1997, significantly changed the way Medicare pays for Medicare home health services. Until the implementation of a home health prospective payment system (HH PPS) on October 1, 2000, home health agencies (HHAs) received payment under a cost-based reimbursement system. Section 4603 of the BBA governed the development of HH PPS.

Section 4603(a) of the BBA provides the authority for the development of a PPS for all Medicare-covered home health services provided under a plan of care that were paid on a reasonable cost basis by adding section 1895, entitled ''Prospective Payment For Home Health Services,'' to the Social Security Act (the Act).

Section 1895(b)(1) of the Act requires the Secretary to establish a PPS for all costs of home health services paid under Medicare.

Section 1895(b)(2) of the Act requires the Secretary in defining a prospective payment amount to consider an appropriate unit of service and the number, type, and duration of visits furnished within that unit, potential changes in the mix of services provided within that unit and their cost, and a general system design that provides for continued access to quality services.

Section 1895(b)(3)(A) of the Act requires that (1) the computation of a standard prospective payment amount include all costs of home health services covered and paid for on a reasonable cost basis and be initially based on the most recent audited cost report data available to the Secretary, and (2) the prospective payment amounts be standardized to eliminate the effects of case-mix and wage levels among HHAs.

Section 1895(b)(3)(C) of the Act requires the Secretary to reduce the prospective payment amounts if the

Secretary accounts for an addition or adjustment to the payment amount made in the case of outlier payments.

Section 1895(b)(4) of the Act governs the payment computation. Sections 1895(b)(4)(A)(i) and (b)(4)(A)(ii) of the Act require the standard prospective payment amount to be adjusted for case-mix and geographic differences in wage levels. Section 1895(b)(4)(B) of the Act requires the establishment of an appropriate case-mix adjustment factor that explains a significant amount of the variation in cost among different units of services. Similarly, section 1895(b)(4)(C) of the Act requires the establishment of wage adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of home health services in a geographic area compared to the national average applicable level. These wage-adjustment factors may be the factors used by the Secretary for the different area wage levels for purposes of section 1886(d)(3)(E) of the Act.

Section 1895(b)(5) of the Act gives the Secretary the option to grant additions or adjustments to the payment amount otherwise made in the case of outliers because of unusual variations in the type or amount of medically necessary care. Total outlier payments in a given fiscal year cannot exceed 5 percent of total payments projected or estimated.

Section 1895(b)(6) of the Act provides for the proration of prospective payment amounts between the HHAs involved in the case of a patient electing to transfer or receive services from another HHA within the period covered by the prospective payment amount.

Section 1895(d) of the Act limits review of certain aspects of the HH PPS. Specifically, there is no administrative or judicial review under sections 1869 or 1878 of the Act, or otherwise, of the following:

- The establishment of the transition period under section 1895(b)(1) of the Act.
- The definition and application of payment units under section 1895(b)(2) of the Act.
- The computation of initial standard prospective amounts under section 1895(b)(3)(A) of the Act (including the reduction described in section 1895(b)(3)(A)(ii) of the Act).
- The establishment of the adjustment for outliers under section 1895(b)(3)(C) of the Act.
- The establishment of case-mix and area wage adjustments under section 1895(b)(4) of the Act.
- The establishment of any adjustments for outliers under section 1895(b)(5) of the Act.

Section 4603(b) of the BBA amends section 1815(e)(2) of the Act by eliminating periodic interim payments for HHAs effective October 1, 2000.

Section 4603(c) of the BBA sets forth the following conforming amendments:

- Section 1814(b)(1) of the Act is amended to indicate that payments under Part A will also be made under section 1895 of the Act.
- Section 1833(a)(2)(A) of the Act is amended to require that home health services, other than a covered osteoporosis drug, are paid under HH PPS.
- Section 1833(a)(2) of the Act is amended by adding a new subparagraph (G) regarding payment of Part B services at section 1861(s)(10)(A) of the Act.
- Section 1842(b)(6)(F) is added to the Act and section 1832(a)(1) of the Act is amended to include a reference to section 1842(b)(6)(F) of the Act, both governing the consolidated billing requirements.

B. Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999

On October 21, 1998, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 (OCESAA), Pub. L. 105–277, was enacted.

Section 5101(c) of the OCESAA amends section 1895(a) of the Act by removing the transition into the HH PPS by cost-reporting periods and requiring all HHAs to be paid under HH PPS effective upon the implementation date of the system.

Section 5101(c) of the OCESAA also modifies the effective date of the budget-neutrality targets for HH PPS by amending section 1895(b)(3)(A)(ii) of the Act. Section 1895(b)(3)(A) of the Act, as amended, requires that the standard prospective payment limitation amounts be budget neutral.

Section 5101(d)(2) of the OCESAA also modifies the statutory provisions dealing with the home health market basket percentage increase. For FY 2002 or FY 2003, sections 1895(b)(3)(B)(i) and (b)(3)(B)(ii) of the Act, as modified, require that the standard prospective payment amounts be increased by a factor equal to the home health market basket minus 1.1 percentage points. In addition, for any subsequent fiscal years, the statute requires the rates to be increased by the applicable home health market basket index change.

Section 5101(c)(2) of the OCESAA amends section 4603(d) of the BBA by changing the effective date language for the HH PPS and the other changes made by section 4603 of the BBA. Section 4603(d) of the BBA now provides that ''Except as otherwise provided, the amendments made by this section shall apply to portions of cost reporting periods occurring on or after October 1, 2000.'' This change required all HHAs to be paid under HH PPS effective October 1, 2000.

C. Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999

Section 305 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (BBRA), Pub. L. 106–113, refines the consolidated billing requirements under HH PPS. The BBRA excludes durable medical equipment (DME) from the home health consolidated billing requirements.

Section 306 of BBRA amends the statute to provide a technical correction clarifying the applicable market basket increase for HH PPS in each of FY 2002 and FY 2003. The technical correction clarifies that the update in HH PPS in FY 2002 and FY 2003 will be the home health market basket minus 1.1 percentage points.

D. Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000

Section 501 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), Pub. L. 106–554, sets forth a 1 year additional delay in application of the 15 percent reduction on payment limits for home health services. This section also amends section 302(C) of the BBRA to now require a Report to Congress by the Comptroller General of the United States no later than April 1, 2002 on the 15 percent reduction issue.

Section 502 of the BIPA sets forth a special rule for payment for FY 2001 based on adjustment of the published prospective payment amounts. This special payment rule has the effect of restoring the market basket reduction already incorporated into the HH PPS rates. The adjustment provides the effect of a full market basket adjustment to the HH PPS rates for FY 2001. The statute also requires paying episodes and national per-visit amounts for low utilization payment adjustments (LUPAs) ending on or after April 1, 2001 and before October 1, 2001 an additional 2.2 percent.

Section 508 of the BIPA also requires, for home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Act) on or after April 1, 2001 and before April 1, 2003, that the Secretary increase the payment amount otherwise made under section 1895 of the Act for the services by 10 percent. The statute waives budget

neutrality for purposes of this increase since it specifically states that the Secretary not reduce the standard prospective payment amount (or amounts) under section 1895 of the Act applicable to home health services furnished during a period to offset the increase in payments resulting in the application of this section of the statute.

II. Provisions of This Notice With Comment Period

A. National Standardized 60-Day Episode Rate

Medicare HH PPS has been effective since October 1, 2000. As set forth in the final rule published July 3, 2000 in the **Federal Register** (65 FR 41128), the unit of payment under Medicare HH PPS is a national standardized 60-day episode rate. The standardized 60-day episode rate for FY 2001 published in the final rule in Table 5 (65 FR 41184) was $2,115.30. As discussed in the budget neutrality analysis in the July 3, 2000 final rule, phasing in all patients to HH PPS at the October 1, 2000 effective date for all HHAs created an anomaly in terms of increasing the projected number of episodes in the first year of HH PPS. Because all patients who were already under a home health plan of care at the beginning of FY 2001 were deemed to have started a new episode on October 1, 2000, more episodes are projected to occur during the first year compared to what would have been projected otherwise. As discussed in the July 3, 2000 final rule accounting for the anomaly of the first year of PPS, the rates for FY 2001 would have been $79 higher if the anomaly did not exist.

As set forth in the July 3, 2000 final rule at 42 CFR 484.220, we adjust the national standardized 60-day episode rate by case-mix and wage index based on the site of service for the beneficiary. The FY 2002 HH PPS rates use the same case-mix methodology and application of the wage index adjustment to the labor portion of the HH PPS rates as set forth in the July 3, 2000 final rule. We multiply the national 60-day episode rate by the patient's applicable case-mix weight. We divide the case-mix adjusted amount into a labor and non-labor portion. We multiply the labor portion by the applicable wage index based on the site of service of the beneficiary. We add the wage adjusted portion to the non-labor portion yielding the case-mix and wage adjusted 60-day episode rate subject to applicable adjustments.

For FY 2002, we use again the design and case-mix methodology described in section III.G of the HH PPS July 3, 2000 final rule (65 FR 41192 through 41203). For FY 2002, we base the wage index adjustment to the labor portion of the PPS rates on the most recent pre-floor and pre-reclassified hospital wage index available at the time of publication of this notice, which is discussed in section II.D of this notice with comment period.

As discussed in the July 3, 2000 home health PPS final rule, for episodes with four or fewer visits, Medicare pays the national per-visit amount by discipline, referred to as a low utilization payment adjustment (LUPA). We update the national per-visit amounts by discipline annually by the applicable home health market basket. We adjust the national per-visit amount by the appropriate wage index based on the site of service for the beneficiary as set forth in § 484.230. We adjust the labor portion of the updated national per-visit amounts by discipline used to calculate the LUPA by the most recent pre-floor and pre-reclassified hospital wage index available at the time of publication of this notice, as discussed in section II.D of this notice with comment period.

As outlined in the July 3, 2000 HH PPS final rule, Medicare pays the 60-day case-mix and wage adjusted episode payment on a split percentage payment approach. The split percentage payment approach includes an initial percentage payment and a final percentage payment as set forth in § 484.205(b)(1) and (b)(2). We may base the initial percentage payment on the submission of a request for anticipated payment and the final percentage payment on the submission of the claim for the episode, as discussed in regulations in § 409.43. The claim for the episode that the HHA submits for the final percentage payment determines the total payment amount for the episode and whether we make an applicable adjustment to the 60-day case-mix and wage adjusted episode payment. The end date of the 60-day episode as reported on the claim determines the rate level at which Medicare will pay the claim for the fiscal period.

As discussed in the HH PPS July 3, 2000 final rule, we may adjust the 60-day case-mix and wage adjusted episode payment based on the information submitted on the claim to reflect the following:

- A low utilization payment provided on a per-visit basis as set forth in § 484.205(c) and § 484.230.
- A partial episode payment adjustment as set forth in § 484.205(d) and § 484.235.
- A significant change in condition adjustment as set forth in § 484.205(e) and § 484.237.
- An outlier payment as set forth in § 484.205(f) and § 484.240.

This notice with comment period reflects the updated FY 2002 rates that are effective October 1, 2001.

B. Update to the Home Health Market Basket Index

Section 1895(b)(3)(B)(ii) of the Act requires the standard prospective payment amounts to be increased by a factor equal to the home health market basket minus 1.1 percentage points for FY 2002. This has been codified in regulations in § 484.225.

- *FY 2001 Adjustments*

As discussed in section I.D of this notice with comment period, section 502 of the BIPA sets forth a special rule for payment for FY 2001 based on adjusted prospective payment amounts. The adjustment provides the effect of a full market basket adjustment to the PPS rates for FY 2001. Section 502 of the BIPA specifically states, ''Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1895(b) of the Act (42 U.S.C. 1395fff(b)) for home health services for FY 2001, the Secretary of Health and Human Services shall—(A) with respect to episodes and visits ending on or after October 1, 2000, and before April 1, 2001, use the final standardized and budget neutral prospective payment amounts for 60 day episodes and standardized average per-visit amounts for FY 2001 as published by the Secretary in the July 3, 2000 **Federal Register** (65 FR 41128–41214); and (B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use these amounts increased by 2.2 percent.'' Thus, the statute requires paying episodes and national per-visit amounts for LUPAs ending on or after April 1, 2001 and before October 1, 2001 by an additional 2.2 percent. Due to this legislation, during FY 2001 Medicare pays $2,115.30 for episodes ending on or before March 31, 2001 and Medicare pays $2,161.84 (= $2,115.30 * 1.022) for episodes ending on or after April 1, 2001 and before October 1, 2001, prior to any applicable adjustment. We implemented this provision on April 1, 2001 through the HCFA Program Memorandum, ''Restoration of Full Home Health Market Basket Update for Home Health Services for Fiscal Year 2001 and Temporary 10 Percent Payment Increase for Home Health Services Furnished in a Rural Area for 24 Months Under the Home Health Prospective Payment System (HH PPS)'' (Transmittal A–01–06, issued January 16, 2001).

• *FY 2002 Adjustments*

In calculating the annual update for the FY 2002 60-day episode rates, we first looked at the FY 2001 rates as a starting point. We took into account two factors in determining the starting point for the FY 2001 rates: section 502 of the BIPA, enacted mid-FY 2001, that restored the full market basket for FY 2001; and the first-year anomaly associated with increased payments at the start-up of HH PPS. In determining the starting point for the annual update for FY 2002, we adjusted the standardized 60-day episode rate for FY 2001 to offset the anomaly of the first year of PPS ($2,115.30 + $79 = $2,194.30). We then divide that amount by 1 minus 1.1 percent ($2,194.30/(1–0.011)) to restore the full market basket. This yields the starting point for the FY 2001 rates with the full market basket adjustment for FY 2001 required to calculate the update for FY 2002.

The annual update for FY 2002 is the home health market basket minus 1.1 percentage points as defined in section 1895(b)(3)(B)(ii) of the Act. The home health market basket increase for FY 2002 is 3.6 percent. In order to calculate the updated FY 2002 rates, we multiplied the FY 2001 amount that we restored to the full market basket by 1 plus the home health market basket minus 1.1 percentage points (1+0.036 − 0.011 = 1.025) to yield the updated national 60-day episode amount for FY 2002 ($2,274.17).

NATIONAL 60-DAY EPISODE AMOUNTS UPDATED BY THE HOME HEALTH MARKET BASKET MINUS 1.1% FOR FY 2002 PRIOR TO CASE-MIX ADJUSTMENT, WAGE INDEX ADJUSTMENT BASED ON THE SITE OF SERVICE FOR THE BENEFICIARY OR APPLICABLE PAYMENT ADJUSTMENT

Total standardized prospective payment amount per 60-day episode for FY 2001 ($2,115.30) published in July 3, 2000 **Federal Register** plus additional $79 to offset implementation of first year of PPS	Restore to full Market Basket	Multiply by 1 plus the HH Market Basket minus 1.1%	Final updated 60-day episode payment amount for FY 2002
$2,194.30	/(1–0.011)	x1.025	$2,274.17

• *National Per-Visit Amounts Used to Pay LUPAs and Compute Imputed Costs Used in Outlier Calculations*

As discussed previously in this notice with comment period, the policies governing the LUPAs and outlier calculations set forth in the July 3, 2000 HH PPS final rule will continue during FY 2002. In calculating the annual update for the FY 2002 national per-visit amounts we use to pay LUPAs and to compute the imputed costs in outlier calculations, we again looked at the FY 2001 rates as a starting point. We used the same methodology that we used to restore the 60-day episode rate to the full market basket for FY 2001 to restore the national per-visit amounts to calculate the LUPAs and to impute costs in the outlier calculations. We then multiplied those amounts by 1 plus the home health market basket minus 1.1 percentage points to yield the updated per-visit amounts for each home health discipline for FY 2002. (See table below.)

NATIONAL PER-VISIT AMOUNTS FOR LUPAS AND OUTLIER CALCULATIONS UPDATED BY THE HOME HEALTH MARKET BASKET MINUS 1.1% FOR FY 2002 PRIOR TO WAGE ADJUSTMENT BASED ON THE SITE OF SERVICE FOR THE BENEFICIARY OR THE APPLICABLE PAYMENT ADJUSTMENT

Home Health Discipline type	Final standardized per-visit amounts per 60-day episode for FY 2001 for LUPAs published in July 3, 2000 **Federal Register**	Restore to full Market Basket	Multiply by 1 plus Home Health Market Basket minus 1.1%	Final standardized per-visit payment amount per discipline for FY 2002 for LUPAs
Home Health Aide	$ 43.37	/(1–0.011)	x1.025	$ 44.95
Medical Social Services	153.55	/(1–0.011)	x1.025	159.14
Occupational Therapy	105.44	/(1–0.011)	x1.025	109.28
Physical Therapy	104.74	/(1–0.011)	x1.025	108.55
Skilled Nursing	95.79	/(1–0.011)	x1.025	99.28
Speech-Language Pathology	113.81	/(1–0.011)	x1.025	117.95

C. Rural Add-On as Required by the BIPA

Section 508 of the BIPA requires, for home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Act) on or after April 1, 2001 and before April 1, 2003, that the Secretary increase the payment amount otherwise made under section 1895 of the Act for services by 10 percent. The statute waives budget neutrality related to this provision as it specifically states that the Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Act applicable to home health services furnished during a period to offset the increase in payments resulting in the application of this section of the statute. Section 508 provides for payment for the national standardized episode amounts and LUPA national per-visit amounts for the entire FY 2002 by an additional 10 percent for home health services furnished in rural areas where the site of service for the beneficiary is a non-MSA area. The applicable case-mix and wage index adjustment is subsequently applied to the 60-day episode amount for the provision of home health services where the site of service is the non-MSA area of the beneficiary. Similarly, the applicable wage index adjustment is subsequently applied to the LUPA per-visit amounts

adjusted for the provision of home health services where the site of service for the beneficiary is a non-MSA area. We implemented this provision for FY 2001 on April 1, 2001 through the HCFA Program Memorandum, ''Restoration of Full Home Health Market Basket Update for Home Health Services for Fiscal Year 2001 and Temporary 10 Percent Payment Increase for Home Health Services Furnished in a Rural Area for 24 Months Under the Home Health Prospective Payment System (HH PPS)'' (Transmittal A–01–06 issued January 16, 2001). (See FY 2002 add-on noted in tables below:)

FY 2002 RURAL ADD-ON TO 60-DAY EPISODE PAYMENT AMOUNTS FOR BENEFICIARIES WHO RESIDE IN A NON-MSA AREA PRIOR TO CASE-MIX ADJUSTMENT, WAGE INDEX ADJUSTMENT BASED ON THE SITE OF SERVICE OF THE BENEFICIARY, OR APPLICABLE PAYMENT ADJUSTMENT

Payment amount per 60-day episode for FY 2002	10% add-on	Final payment amount per 60-day episode for FY 2002 for a beneficiary who resides in a rural non-MSA area.
$2,274.17	x1.10	$2,501.59

FY 2002 RURAL ADD-ON TO LUPA PER-VISIT AMOUNTS PRIOR TO WAGE ADJUSTMENT BASED ON THE SITE OF SERVICE OF THE BENEFICIARY WHO RESIDES IN A NON-MSA AREA OR PAYMENT APPLICABLE ADJUSTMENT

Home health discipline type	Final per-visit payment amount per 60-day episodes for FY 2002 for LUPAs	10% add-on	Final per-visit amount per 60-day episodes for FY 2002 for LUPAs for a payment beneficiary who resides in a non-MSA area
Home Health Aide	$44.95	x1.10	$49.45
Medical Social Services	159.14	x1.10	175.05
Occupational Therapy	109.28	x1.10	120.21
Physical Therapy	108.55	x1.10	119.41
Skilled Nursing	99.28	x1.10	109.21
Speech-Language Pathology	117.95	x1.10	129.75

D. Hospital Wage Index

Sections 1895(b)(4)(A)(ii) and (b)(4)(C) of the Act require the Secretary to establish area wage adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of home health services and to provide appropriate adjustments to the episode payment amounts under HH PPS to account for area wage differences. We apply the appropriate wage index value to the labor portion of the HH PPS rates based on the geographic area in which the beneficiary received home health services. We determine each HHA's labor market area based on definitions of Metropolitan Statistical Areas (MSAs) issued by the Office of Management and Budget (OMB).

As discussed previously and set forth in the July 3, 2000 final rule, the statute provides that the wage adjustment factors may be the factors used by the Secretary for purposes of section 1886(d)(3)(E) of the Act for hospital wage adjustment factors. Again, as discussed in the July 3, 2000 final rule, we used the most recent pre-floor and pre-reclassified hospital wage index available at the time of publication of this notice to adjust the labor portion of the HH PPS rates based on the geographic area in which the beneficiary receives the home health services. We believe the use of the most recent available pre-floor and pre-reclassified hospital wage index data results in the appropriate adjustment to the labor portion of the costs as required by statute. (See addenda A and B of this notice with comment period, respectively, for the rural and urban hospital wage indexes.)

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a notice such as this take effect. We can waive this procedure, however, if we find good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of finding and its reasons in the notice issued.

We believe it is unnecessary to undertake proposed notice and comment rulemaking as the statute requires annual updates to the HH PPS rates, the methodologies used to update the rate have been previously subject to public comment, and this notice reflects the application of previously established methodologies. Further, the new rural add-on and adjustments to FY 2001 HH PPS rates that were required by the BIPA prior to this required annual update for the FY 2002 PPS rates are dictated by statute and do not require an exercise of discretion. Therefore, for good cause, we waive prior notice and comment procedures. As indicated previously, we are, however, providing a 60-day comment period for public comment.

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of

this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

VI. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this notice as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980 Public Law 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). The update set forth in this notice applies to Medicare payments under HH PPS in FY 2002. Accordingly, the analysis that follows describes the impact in FY 2002 only. We estimate that there will be an additional $350 million in FY 2002 expenditures attributable to the FY 2002 market basket increase of 2.5 percent.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a MSA and has fewer than 50 beds. We have determined that this notice with comment period will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $10 million or less annually. For purposes of the RFA, we consider most HHAs to be small entities. Individuals and States are not included in the definition of a small entity. As stated above, this notice with comment period provides an update to all HHAs for FY 2002 as required by statute. This notice with comment period reflects the statutory update to the HH PPS rates published in the July 3, 2000 final rule as amended by the BIPA of 2000, but will have a significant positive effect upon small entities.

Section 202 of the Unfunded Mandate Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. We believe this notice with comment period will not mandate expenditures in that amount.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. We have reviewed this notice under the threshold criteria of Executive Order 13132, Federalism. We have determined that this notice would not have substantial direct effects on the rights, roles, and responsibilities of States.

B. Anticipated Effects

In accordance with the requirements of section 1895(b)(3) of the Act, we publish an update for each subsequent fiscal year that will provide an update to the payment rates. Section 1895(b)(3) of the Act requires us, for FY 2002, to increase the prospective payment amounts by the home health market basket increase minus 1.1 percentage points. The home health market basket increase for FY 2002 is 3.6 percent. Taking into account the provisions of section 1895(b)(3) of the Act, the increase for FY 2002 is 2.5 percent (that is, 3.6 percent–1.1 percent). This notice with comment period is confined to implementing the home health market basket increase for FY 2002. For the sake of clarity, we have also included the amounts as increased by the rural add-on provision under section 508 of the BIPA. We implemented the rural add-on amounts for FY 2002, effective on April 1, 2001 through the HCFA Program Memorandum, ''Restoration of Full Home Health Market Basket Update for Home Health Services for Fiscal Year 2001 and Temporary 10 Percent Payment Increase for Home Health Services Furnished in a Rural Area for 24 Months Under the Home Health Prospective Payment System (HH PPS)'' (Transmittal A–01–06, issued January 16, 2001). Section 508 of the BIPA provides a 10 percent rural add-on for home health services furnished to beneficiaries whose site of service is a rural area (non-MSA) for 24 months beginning with episodes ending on or after April 1, 2001 and before April 1, 2003.

1. Effects on the Medicare Program

This notice with comment period merely provides a percentage update to all Medicare HHAs. Therefore, we have not furnished any impact tables. We increase the payment to each Medicare HHA equally by the home health market basket update for FY 2002, as required by statute. There is no differential impact among provider types. The impact is in the aggregate. We estimate that there will be an additional $350 million in FY 2002 expenditures attributable to the FY 2002 market basket increase of 2.5 percent. Thus, the anticipated expenditures outlined in this notice exceed the $100 million annual threshold for a major rule as defined in Title 5, U.S.C., section 804(2).

As discussed previously, several sections of the BIPA impact the estimated Medicare home health expenditures in FY 2002. Section 501 of the BIPA sets forth an additional 1-year delay in application of the 15-percent reduction. The delay of the 15-percent reduction for 1 year results in an additional $890 million in estimated Medicare home health expenditures in FY 2002. Section 502 of the BIPA restores the full home health market basket update for FY 2001. We estimate that there will be an additional $170 million in FY 2002 expenditures due to the restoration of the full home health market basket in FY 2001. Section 508 of the BIPA requires a 10-percent payment increase to the episode and per-visit payment amounts under the HH PPS for Medicare home health services furnished in a rural area for a 24-month period. The 10-percent rural add-on provides an additional payment for Medicare home health services that are provided where the site of service of the beneficiary is a rural area. The 10-percent rural add-on increases estimated Medicare home health expenditures by $310 million in FY 2002. (Source: President's Fiscal 2002 Budget) (See tables below.)

Provision of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA)	Additional FY 2002 Medicare Home Health Estimated Expenditures Due to the BIPA Provision
Section 501—additional year delay of 15-percent reduction	$890 million.
Section 502—restoration of full home health market basket in FY 2001	$170 million.
Section 508—10-percent rural add-on for Medicare home health services furnished in a rural area	$310 million.

FY 2002 Update to Home Health PPS Rates Required by the Act	Additional FY 2002 Medicare Home Health Estimated Expenditures Due to Annual Update Required by Law
Section 1895(b)(3)(B) of the Act requires HH PPS rates increased by home health market basket minus 1.1 percentage points in FY 2002 (2.5% increase).	$350 million.

2. Effects on Providers

This notice with comment period will have a positive effect on providers of Medicare home health services by increasing their rate of Medicare payment. We do not anticipate specific effects on other providers. This notice with comment period reflects the statutorily required annual update to the HH PPS rates published in the July 3, 2000 final rule. Also, as discussed above, this notice with comment period provides an update to all Medicare HHAs. We do not believe there is a differential impact due to the consistent and aggregate nature of the update.

C. Alternatives Considered

As discussed in section II, this notice with comment period reflects an annual update to the HH PPS rates as required by statute. Due to the lack of discretion provided in the statutory requirements governing this notice with comment period, we believe the statute provides no latitude for alternatives other than the approach set forth in this notice reflecting the FY 2002 annual update to the HH PPS rates. Also, as discussed in section II for clarification, this notice addresses the 10 percent rural add-on required under section 508 of the BIPA for home health services furnished to beneficiaries who reside in a rural non-MSA area. Other than the positive effect of the market basket increase, this notice with comment will not have a significant economic impact nor will it impose an additional burden on small entities. When a regulation or notice imposes additional burden on small entities, we are required under the RFA to examine alternatives for reducing burden. Since this notice with comment period will not impose an additional burden, we have not examined alternatives.

D. Conclusion

We have examined the economic impact of this notice with comment period on small entities and have determined that the economic impact is positive, significant, and that all HHAs will be affected. To the extent that small rural hospitals are affiliated with HHAs, the impact on these facilities will also be positive. Finally, we have determined that the economic effects described above are largely the result of the BIPA provisions which this notice serves to announce.

We continue to analyze the appropriateness and accuracy of payments for differing case mixes. In the fall of 2001, we intend to undertake a re-evaluation of the OASIS reporting system's utility in ensuring more accurate and equitable PPS payments.

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

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

Dated: March 15, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Dated: April 23, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–16384 Filed 6–28–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1186–N]

Medicare Program; Public Meeting for New Clinical Laboratory Tests—Payment Determinations for Calendar Year 2002

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting to discuss the assignment of payment rates for specific new Current Procedural Terminology (CPT) codes for clinical laboratory tests. These codes will be included in Medicare's Clinical Laboratory Fee Schedule for calendar year 2002, which will be effective on January 1, 2002. The meeting is directed towards the discussion of technical issues relating to payment determinations for a specified list of new codes, and discussion will be limited to the codes on that list.

DATES: *The Meeting:* August 6, 2001, from 8:30 a.m. until 4 p.m., E.D.T.

Deadline for Registration: Individuals may register by sending a fax to the attention of Anita Greenberg at (410) 786–0169, no later than July 25, 2001. Please provide name, company name, address, telephone number, and indicate whether interested in making an oral presentation.

Special Accommodations: Persons attending the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance or accommodations, should notify Anita Greenberg at fax number (410) 786–0169 or at telephone number (410) 786–4601 so that accommodations can be made.

ADDRESSES: *The Meeting:* The meeting will be held at the Health Care Financing Administration (HCFA) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

Website: A summary of the meeting will be posted on HCFA's Internet website (*www.hcfa.gov*) within 1 month after the meeting.

General Information: The meeting will be held in a government building; therefore, security measures will be applicable. Anyone without government identification will need to present photo identification, sign-in, and supply registration information.

FOR FURTHER INFORMATION CONTACT: Anita Greenberg (410) 786–4601 (telephone); (410) 786–0169 (fax).

SUPPLEMENTARY INFORMATION: On December 21, 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), Pub. L. 106–554. Section 531 of BIPA mandates that we establish, no later than 1 year after the date of enactment, procedures for coding and payment determinations for new clinical diagnostic laboratory tests under Part B of title XVIII of the Social Security Act (the Act) that permit public consultation. In addition, section 531 specifies that the procedures for coding and payment that permit public consultation be conducted in a manner consistent with the procedures established for implementing coding modifications for International Classification of Diseases (ICD–9–CM). The procedures to be implemented according to section 531 of BIPA are still under development. The public meeting announced in this notice will provide experience that will help inform the development of the procedures mandated by section 531 of BIPA for public consultation on payment of new clinical laboratory tests.

Meeting Topic

The introduction of new codes requires us to determine the rates at which the new codes will be paid. The meeting is intended to provide us with expert input on the nature of new tests before these determinations are made so that these decisions can be better informed. Discussion will be limited to the codes listed below. The nature of the payment determinations is described more fully in the background section, which follows.

The following is a list of new codes that will be discussed at the meeting. Final determinations for the actual numbering of the codes had not yet been completed at the time of publication of this notice. However, the identifying information we have included in this notice should be sufficient for those knowledgeable in coding for clinical laboratory services to be able to discuss the assignment of payment for the new codes. The list of newly created CPT codes for the calendar year 2002 is as follows:

Chemistry

- Code 82xxx: Blood, occult, by fecal hemoglobin determination by immunoassay, qualitative, feces, 1–3 simultaneous determinations.
- Code 86683: (deleted).
- Code 83xxx: Oncoprotein, HER–2 neu (For tissue, see codes 88342 and 88365).

Immunology

- Code 86140: C-reactive protein; Code xxxxx: high sensitivity (hsCRP).
- Code 863xx: Inhibin A.
- Code 871xx: Cytomegalovirus direct fluorescent antibody (DFA).
- Code 871xx: Enterovirus direct fluorescent antibody (DFA).

Microbiology

- Code 878xx: Infectious agent antigen detection by immunoassay with direct optical observation; Streptococcus, group B.

  Code xxxxx: Clostridium difficile toxin A.

  Code xxxxx: Influenza.
- Code 87901: Infectious agent genotype analysis by nucleic acid (DNA or RNA): HIV1, reverse transcriptase and protease.

  Code xxxxx: Hepatitis C virus.

Procedure and Agenda

This meeting is open to the public. The on-site registration will be held from 8:30 a.m. to 9 a.m., followed by opening remarks. Registered persons from the public may present discussion and individual recommendations on payment determinations for specific new Current Procedural Terminology (CPT) codes for the 2002 Clinical Laboratory Fee Schedule, which is to become effective January 1, 2002. A newly created CPT code can either represent a refinement or modification of existing test methods, or a substantially new test method. Decisions regarding payment levels or methods for determining them for the newly created CPT codes will not be made at this meeting. However, the meeting will provide an opportunity for us to receive public input before we determine payments for the new codes. All discussions should be brief, and a written version should accompany any oral presentation. Information we find helpful for presenters to address includes the nature of the test method, applications, costs, and any recommendation the presenter may have regarding the method for establishing a payment rate (as discussed below). Due to time constraints, we may limit the number and duration of oral presentations to fit the time available.

Background

The Deficit Reduction Act of 1984 (DEFRA) established prospectively set local fee schedules for outpatient clinical diagnostic laboratory services to be paid under the Medicare Part B benefit under section 1833(h) of the Act. According to section 1833 of the Act, payment for those services is the lower of the submitted charge, the national limitation amount, or the local fee schedule amount for a laboratory service. Each local fee schedule is developed by the carrier, that is, the local contractor that processes Medicare Part B claims for a designated geographic area, using the 1983 customary charge data for existing payment codes.

Carriers continue to pay laboratory claims primarily from independent freestanding laboratories and physician office laboratories. Intermediaries use the same fee schedules as carriers when paying for outpatient laboratory tests performed by hospitals, nursing homes, and end-stage renal disease centers. Payment is only made to laboratories that are certified to perform laboratory services under the Clinical Laboratory Improvement Amendments (CLIA) under section 353 of the Public Health Service Act.

To enhance efficiencies in setting payment rates, we gather the carriers' local fee schedules into one data set referred to as the Clinical Laboratory Fee Schedule. By the 1st of November of each year, we update payments for inflation, when appropriate, and incorporate new payment codes into the data set, assign a payment rate to the new codes, and distribute the data set to the carriers and intermediaries electronically. In addition, we issue a corresponding Program Memorandum announcing the new codes and payment rates. The Program Memorandum lists an address for the public to send comments for the development of the following year's Clinical Laboratory Fee Schedule. We also make the data set and Program Memorandum available to the public through the Internet website at *http://www.hcfa.gov.* During the months of November and December, carriers, intermediaries, and laboratories upload the new data set, educate their customers, and test their claims systems in order to be ready for the new calendar year Clinical Laboratory Fee Schedule that will be effective on the 1st of January.

Payment Rates

Medicare pays the lesser of actual charges, the local carrier fee schedule amount, or a national limitation amount based on the local fee schedule amounts. The national limitation amount or maximum payment amount for each laboratory test is equal to a percentage specified by statute of the median of all carriers' local fee schedule

amounts. For calendar year 2002, section 1833(h) of the Act requires the national limitation amount for each test to be established at 74 percent of the median of all local laboratories' fee schedule amounts, or 100 percent of the median in the case of a clinical diagnostic laboratory test performed on or after January 1, 2001, that the Secretary determines is a new test for which no limitation amount has previously been established.

Payment Codes

The codes used on the Clinical Laboratory Fee Schedule are largely the CPT codes that are developed and published by the American Medical Association (AMA). The codes are a listing of descriptive terms for reporting clinical laboratory tests. The AMA publishes the updated codes (through books and magnetic tape) every year in October for use by payers and providers for the upcoming calendar year. Approximately 1,000 separate clinical laboratory codes are currently listed in the 80000–89399 CPT code series. In addition, the Clinical Laboratory Fee Schedule contains a small number (less than 50) of HCFA's Common Procedure Coding System (HCPCS) alpha-numeric codes that are developed by the Blue Cross and Blue Shield Association (BCBSA), the Health Insurance Association of America (HIAA), and HCFA. These codes were created to include clinical laboratory codes that are unique to the Medicare payment system. An example of this type of code is G0103, prostate cancer screening; prostate specific antigen blood test. This alphanumeric code was introduced effective January 1, 2000, to implement section 4103 of the Balanced Budget Act of 1997 that mandates additional coverage and tracking of expenditures for this type of test for Medicare beneficiaries.

The AMA's CPT Editorial Panel has procedures for receiving requests to change codes and conducts meetings to review the requests. The CPT codes are updated annually to reflect changes in the practice of medicine and provision of health care. A request for a code change may be submitted by any interested party. The CPT meetings occur several times a year and result in annual additions, deletions, and modifications of codes. By June of each year, the CPT Editorial Panel has largely completed its coding decisions for the upcoming calendar year. In the past, to accord with the AMA CPT publication schedule, we have not been able to make the new codes publicly available until October. This constraint did not permit us sufficient time to seek public input on the determination of pricing of new codes before we had to transmit the new fee schedule to our contractors. However, this year the AMA has agreed to make the codes available in draft during the summer so that we can proceed with this meeting to obtain public input.

Two methods for determining the payment rates for new codes are available, which may be summarized as follows:

• In the first method, called ''cross walking,'' we determine a new test to be similar to an existing test, multiple existing test codes, or a portion of an existing test code. The new test code is then assigned the related existing local fee schedule amounts and resulting national limitation amount. In some instances, we determine that a test may only equate to a portion of an existing test, and, in those instances, we specify payment at an appropriate percentage of the payment for the existing test.

• The second method, called ''gap filling,'' is used when no comparable, existing test is available. We then instruct each Medicare carrier to determine a payment amount for its area for use in the first year. Then, we use the carrier-specific amounts to establish a national limitation amount for the following year.

For each new code, we must determine whether it is appropriate to cross walk or to gap fill, and, if cross walking is appropriate, we need to know what tests to which to cross walk. These are the decisions on which we will seek public input at this meeting.

Authority: Section 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 42 U.S.C. 1395hh)

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 22, 2001.

Thomas A. Scully,

Administrator, Health Care Financing Administration.

[FR Doc. 01–16370 Filed 6–28–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Structure Determination of Materials Using Electron Microscopy

Sriram Subramaniam (NCI)

[DHHS Reference No. E–187–01/0 filed 23 Apr 2001]

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a method for automating the acquisition of electron microscopic images from a desktop computer interface to provide for data collection by any user from any location. Automated low-dose image acquisition procedures are used to record high-resolution images on either film or CCD, at desired defocus values, and under conditions that satisfy user-specified limits for drift rates of the specimen stage. In a fully automated procedure of the invention, the determination of regions suitable for imaging are carried out automatically using spiral search algorithms. All steps subsequent to insertion of the specimen in the microscope can be carried out on a remote personal computer connected to the microscope computer via the Internet.

Lever Coil Sensor for Respiratory and Cardiac Motion

Kenneth W. Fishbein (NIA)

DHHS Reference No. E–134–01/0 filed 30 Mar 2001]

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a device that generates a signal for synchronizing an MRI scanner with a subject's respiratory and cardiac motion to prevent blurring of the image during the scan. This device uses a small electromagnetic pickup coil to simultaneously sense

respiratory and cardiac motion and provide a synchronization signal. The invention uses a mechanical linkage to keep the pickup coil far from the center of the scanner's radio frequency and gradient coils, thereby eliminating artifacts in the sensor signal and magnetic resonance images caused by mutual inductance. The signal generated by this device is proportional to chest velocity rather than chest height and is, therefore, free of any offset voltages, permitting peak location with a simple threshold detector, and is large in amplitude even for small animal subjects. The invention operates without the need for any electrical leads inside the magnet and thus eliminates any burn hazards for the patient. This device provides an inexpensive alternative to commercially available bellows sensors and fiber optically coupled units. Unlike competing sensors, this invention can be inserted, removed, or adjusted without removing the subject from the magnet and can operate with the subject in a prone or supine position. This invention has applications in both animal and human imaging studies.

Vessel Surface Reconstruction With a Tubular Deformable Model

Yim et al. (CC)

[DHHS Reference No. E–239–01/0 filed 15 Feb 2001]

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a method for modeling a carotid or renal artery to measure stenosis from 3D angiographic data that may otherwise exhibit limited image resolution and contrast. The method reconstructs vessel surfaces from 3D angiographic data using a deformable model that employs a tubular coordinate system. Vertex merging is incorporated into the coordinate system to maintain even vertex spacing and to avoid problems of self-intersection of the surface. This method produces reconstructed surfaces that have a realistic smooth appearance and accurately represent vessel shape. The method allows for an objective evaluation of vessel shape and may improve the precision of shape measurements from 3D angiography.

This abstract revises one published in the **Federal Register** on Tuesday, May 20, 2001 (66 FR 29154) as DHHS Reference No. E–202–00/1.

Development of Mutations Useful for Attenuating Dengue Viruses and Chimeric Dengue Viruses

Stephen S. Whitehead, Brian R. Murphy, Kathryn A. Hanley, Joseph E. Blaney Jr. (NIAID)

[DHHS Reference No. E–120–01/0 filed 22 May 2001]

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: salatac@od.nih.gov

Although flaviviruses cause a great deal of human suffering and economic loss, there is a shortage of effective vaccines. This invention relates to dengue virus mutations that may contribute to the development of improved dengue vaccines. Site directed and random mutagenesis techniques were used to introduce mutations into the dengue virus genome and to assemble a collection of useful mutations for incorporation in recombinant live attenuated dengue virus vaccines. The resulting mutant viruses were screened for several valuable phenotypes, including temperature sensitivity in Vero cells or human liver cells, host cell restriction in mosquito cells or human liver cells, host cell adaptation for improved replication in Vero cells, and attenuation in mice or in mosquitoes. The genetic basis for each observed phenotype was determined by direct sequence analysis of the genome of the mutant virus. Mutations identified through these sequencing efforts have been further evaluated by re-introduction of the identified mutations, singly, or in combination, into recombinant dengue virus and characterization of the resulting recombinant virus for phenotypes. In this manner, a menu of attenuating and growth promoting mutations was developed that is useful in fine-tuning the attenuation and growth characteristics of dengue virus vaccine candidates. The mutations promoting growth in Vero cells have usefulness for the production of live or inactivated dengue virus vaccines.

Subgenomic Replicons of the Flavivirus Dengue

Xiaowu Pang (CBER/FDA)

[DHHS Reference No. E–228–00/0 filed 09 Mar 2001]

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: salatac@od.nih.gov

Dengue virus, with its four serotypes Den-1 to Den-4, is the most important member of the Flavivirus genus with respect to infection of human producing diseases that range from flu-like symptoms of dengue fever (DF) to severe or fatal illness of dengue hemorrhagic fever (DHF) and dengue shock syndrome (DSS). Dengue outbreaks continue to be a major public health problem in densely populated areas of the tropical and subtropical regions, where mosquito vectors are abundant. This invention relates to the construction of all four types of dengue subgenomic replicons (chromosome and plasmid which contain genetic information necessary for their own replication) containing large deletions in the structural region (C-preM-E) of the genome. Immunization using these replicons should be effective in eliciting not only a humoral-mediated immune response but also a cell-mediated immune response. These replicons should be safer than a live attenuated vaccine because they cannot cause disease in the host and they should be better than subunit vaccines because they can replicate in the host.

Dated: June 22, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–16366 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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, National Cancer Institute.

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 Cancer 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, National Cancer Institute, Subcommittee A-Clinical Sciences and Epidemiology.

Date: July 23, 2001.

Time: 9 am to 3:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Cancer, Institute, Building 31, C Wing, 6th Floor, Conference Rooms 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Abby B. Sandler, Scientific Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, room 7031, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16343 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 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 Cancer Institute Special Emphasis Panel, P01 Program Project Application.

Date: July 19, 2001.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, 6116 Executive Blvd., Room 8139, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shakeel Ahmad, PhD, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 8th floor, room 8139, 6116 Executive Boulevard, Bethesda, MD 20892, 301–594–0114.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16344 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 the following 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 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 Cancer Institute Special Emphasis Panel, Review of a Program Project Grant Application.

Date: July 18–20, 2001.

Time: 7:30 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Palo Alto, 625 El Camino Real, Palo Alto, CA 94301.

Contact Person: William D. Merritt, PhD., Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, MSC 8328, Bethesda, MD 20892–8328, 301–496–9767.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16348 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel, Fundamental Technologies for the Development of Biomolecular Sensors.

Date: July 24–25, 2001.

Time: 8 am to 6 pm.

Agenda: To review and evaluate contract proposals.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Sherwood Githens, Scientific Review Administrator, National Institutes of Health, National Cancer Institute, Special Review, Referral and Resources Branch, 6116 Executive Boulevard, Room 8068. Bethesda, MD 20892, (301) 435–1822.

Name of Committee: National Cancer Institute Special Emphasis Panel, Fundamental Technologies for the Development of Biomolecular Sensors.

Date: July 26–27, 2001.

Time: 8 am to 6 pm.

Agenda: To review and evaluate contract proposals.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Sherwood Githens, Scientific Review Administrator, National Institutes of Health, National Cancer Institute, Special Review, Referral and Resources Branch, 6116 Executive Boulevard, Room 8068. Bethesda, MD 20892, (301) 435–1822.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16355 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 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 Cancer Institute Special Emphasis Panel, Review of a Program Project Grant Application.

Date: July 9–11, 2001.

Time: 7:30 pm to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: Houston Marriott Medical Center Hotel, 6580 Fannin Street, Houston, TX 77037.

Contact Person: William D. Merritt, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, MSC 8328, Bethesda, MD 20892–8328, 301–496–9767.

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.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. the statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Field Advisory Committee Policy.

[FR Doc. 01–16361 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel, NCCAM SEP C–13.

Date: July 2, 2001.

Time: 1:30 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, 6th Floor, Room 647, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John C. Chah, Scientific Review Administrator, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Boulevard, Rm. 106, Bethesda, MD 20892–5495, 301–402–4334.

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.

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16360 Filed 6–28–01; 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 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 of commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Cardiovascular Lung and Blood Immunology in Health and Disease.

Date: July 12–13, 2001.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Arthur Freed, Scientific Review Administrator, Review Branch, Room 7190, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16334 Filed 6–28–01; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Demonstration and Education Research Grant Applications (R18s).

Date: July 10–11, 2001.

Time: 12:30 pm to 1 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.

Contact Person: Louise P Corman, Scientific Review Administrator, Review Branch, Room 7180, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892.

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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16335 Filed 6–28–01; 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 the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such a 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 Heart, Lung, and Blood Institute Special Emphasis Panel, The Framingham Heart Study RFP–NHLBI–HC–01–02.

Date: July 10, 2001.

Time: 9 am to 11:30 am.

Agenda: To review and evaluate contract proposals.

Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.

Contact Person: Louise P. Corman, Scientific Review Administrator, Review Branch, Room 7180, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892–7924.

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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16336 Filed 6–28–01; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Gene Transfer for Heart, Lung, and Blood Diseases.

Date: July 18, 2001.

Time: 1:30 pm to 2:30 pm.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anne P Clark, NIH, NHLBI, DEA, Review Branch, Rockledge II, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892–7924, 301/435–0310.

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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16337 Filed 6–28–01; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Minority Undergraduate Biomedical Education Program.

Date: July 13, 2001.

Time: 8:00 am to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Roy L White, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291.

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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16338 Filed 6–28–01; 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 Meeting

Pursuant to section 10(a) 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, 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.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Stem Cell Plasticity in Hematopoietic and Non-Hematopoietic Tissue.

Date: July 10–11, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To provide concept review of proposed grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert B. Moore, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–3541, mooreb@nhlbi.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. 93.233, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16339 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Sleep Disorders Research Advisory Board, June 26, 2001, 8 am to June 26, 2001, 5 pm, National Institutes of Health, Natcher Building 45, Conference Room D, 9000 Rockville Pike, Bethesda, MD, 20892 which was published in the **Federal Register** on April 26, 2001, FR 66:21000.

The meeting location will change to the Neuroscience Center, Conference Room D, National Institutes of Health, 6001 Executive Boulevard, Bethesda, Maryland 20892. The meeting is open to the public.

Dated: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16362 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(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 General Medical Sciences Special Emphasis Panel, MBRS Special Emphasis Panel.

Date: July 25, 2001.

Time: 1 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, NIGMS, Office of Scientific Review, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Helen R. Sunshine, Chief, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2881.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biiomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16332 Filed 6–28–01; 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 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 Child Health and Human Development Special Emphasis Panel.

Date: July 26, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institutes of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, 301–435–6912.

(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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16333 Filed 6–28–01; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, ''NIDA's Science Meetings Logistical Support Contract''.

Date: July 12–13, 2001.

Time: 9 am to 5 pm.

Agenda: To review and evaluate contract proposals.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lyle Furr, 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) 435–1439.

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. 93.277, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16340 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, June 27, 2001, 1 p.m. to June 29, 2001, 5 p.m. Nat. Institute of Environmental Health Sciences, South Campus, Building 101, Conference Room B, Research Triangle Park, NC, 27709 which was published in the **Federal Register** on June 7, 2001, FR 66: 30742.

The meeting will be held on July 15, 2001 from 7 p.m. to July 18, 2001 at 5 p.m. at the Hawthorne Suites, Meredith Drive, Durham, NC. The meeting is closed to the public.

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16345 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel.

Date: July 19, 2001.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institute of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Peter J. Sheridan, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892–9606, 301–443–1513, psherida@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16349 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel.

Date: July 11, 2001.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John Richters, Scientific Review Administrator, National Institute of Nursing Research, National Institutes of Health, Natcher Building, Room 3AN32, MSC Bethesda, MD 20892, (301) 594–5971.

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. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16350 Filed 6–28–01; 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: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: July 25, 2001.

Time: 2 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd, Suite 400C, Bethesda, MD 20852, (Telephone Conference Call).

Contact Person: Ali A Azadegan, DVM, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD, NIH, DHHS, Bethesda, MD 20892–7180, (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: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16351 Filed 6–28–01; 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: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: July 24, 2001.

Time: 8:00 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

Contact Person: Stanley C. Oaks, Jr., Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180, 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: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16352 Filed 6–28–01; 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 Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby give 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–4(02)S.

Date: July 13, 2001.

Time: 8:15 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1300 Concourse Drive, Linthicum, MD 21090.

Contact Person: William E. Elzinga, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 747, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–3(01).

Date: July 17–18, 2001.

Time: 7:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Ned Feder, MD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 645, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–4(01).

Date: August 16–17, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1300 Concourse Drive, Linthicum, MD 21090.

Contact Person: William E. Elzinga, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 747, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8895.

(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: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16353 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medicine Sciences; 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: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: July 17–18, 2001.

Time: 8:30 am to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rebecca H Johnson, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS19J, Bethesda, MD 20892, (301) 594–2771, hackettr@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16354 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 50 U.S.C. as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 16, 2001.

TIME: 9 a.m. to 11 a.m.

Agenda: To review and evaluate contract proposals.

Place: 45 Natcher Bldg, Rm 5As.25u, Bethesda, MD 20892.

Contact Person: Richard J. Bartlett, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, Room 5As36B, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHSS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16356 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: July 23, 2001.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Richard J. Bartlett, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, Room 5As37B, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16357 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases;

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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 8, 2001.

Time: 9:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815.

Contact Person: Aftab A. Ansari, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16358 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Institutes of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 3, 2001.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Richard J. Bartlett, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, Room 5As37B, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 21, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16359 Filed 6–28–01; 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 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–6(02)S.

Date: July 19, 2001.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22203.

Contact Person: Dan E. Matsumoto, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 749, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–B(02)S.

Date: August 1, 2001.

Time: 5:00 pm to 11:00 pm.

Agenda: To review and evaluate grant applications.

Place: Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20814.

Contact Person: Michele L. Barnard, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892, 301/594–8898.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–B(01)S.

Date: August 2, 2001.

Time: 7:30 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Marriott Suites, 6711 Democracy Blvd. Bethesda, MD 20814.

Contact Person: Michele L. Barnard, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892, 301/594–8898.

(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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16363 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel.

Date: July 26, 2001.

Time: 12:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6912.

(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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16364 Filed 6–28–01; 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 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 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 Child Health and Human Development Special Emphasis Panel, Multicenter Therapeutic Trails of X-linked ALD

Date: July 16, 2001.

Time: 9:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Governor's House, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Norman Chang, Scientific Review Administrator, 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: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16365 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 Library of Medicine Special Emphasis Panel, Publication Grants.

Date: August 2–3, 2001.

Time: August 2, 2001, 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Time: August 3, 2001, 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Contact Person: Merlyn M Rodrigues, MD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16341 Filed 6–28–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 Library of Medicine Special Emphasis panel, Internet Connection Grants.

Date: July 23–24, 2001.

Time: July 23, 2001, 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Time: July 24, 2001, 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Merlyn M. Rodrigues, MD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16342 Filed 6–28–01; 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: July 6, 2001.
Time: 1 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ramesh K. Nayak, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435–1026.
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: July 10, 2001.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate Hotel, 2650 Virginia Ave., NW, Washington, DC 20037.
Contact Person: Teresa Nesbitt, DVM, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1172.
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: July 10–11, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Clare K. Schmitt, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148, schmnittc@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 10, 2001.
Time: 10 a.m. to 11 a.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Angela Y. Ng, PhD., MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, 301–435–1715, nga@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 10, 2001.
Time: 11 a.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Everett E. Sinnett, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, (301) 435–1016, sinnett@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: July 10, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Robert Weller, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694.
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: July 10, 2001.
Time: 1 p.m. to 2:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, (301) 435–0902, mkrause@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: July 10, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alec S. Liacouras, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435–1740.
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: July 10, 2001.
Time: 1 p.m. to 3 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 4202, MSC 7812, Bethesda, MD 20892, (301)435–1225, politisa@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 10, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Martin L. Padarathsingh, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.
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: July 10, 2001.
Time: 2:30 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Elaine Sierra-Rivera, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7804, Bethesda, MD 20892, (301) 435–1779, riverse@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 10, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Philip Perkins, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7804, Bethesda, MD 20892, (301) 435–1718.
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: July 10, 2001.
Time: 6 p.m. to 10 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel, 1250 S. Hayes Street, Arlington, VA 22202.
Contact Person: Jean D. Sipe, PhD., Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892–7814, 301/435–1743, sipej@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 10, 2001.

Time: 12 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: John Bishop, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

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: July 11–13, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1250 S. Hayes Street, Arlington, VA 22202.

Contact Person: Jerry L. Klein, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, (301) 435–1213.

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: July 11, 2001.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1250 S. Hayes Street, Arlington, VA 22202.

Contact Person: Jean D. Sipe, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892–7814, 301/435–1743, sipej@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 11, 2001.

Time: 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Angela M. Pattatucci-Aragon, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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: July 11, 2001.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dennis Leszczynski, PHD, Scientific Review Administrator, Center for scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, (301) 435–1044.

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: July 11, 2001.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John Bishop, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

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: July 11–13, 2001.

Time: 1 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Angela M. Pattatucci-Aragon, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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: July 11, 2001.

Time: 3:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1250 S. Hayes Street, Arlington, VA 22202.

Contact Person: Jean D. Sipe, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892–7814, 301/435–1743, sipej@csr.nih.gov.

This ntoice 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: July 11–13, 2001.

Time: 5 p.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Monarch Hotel, 2400 M Street, NW., Washington, DC 20037.

Contact Person: Noni Byrnes, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7806, Bethesda, MD 20892, 301–435–1217, byrnesn@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 11, 2001.

Time: 6 p.m. to 11 p.m.

Agenda: To review and evaluate grant applications.

Place: Willard Inter-Continental Washington, 1401 Pennsylvania Avenue, NW., Washington, DC 20004–1010.

Contact Person: Sally Ann Amero, PHD, Scientific Review 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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 11, 2001.

Time: 12 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: Victor A. Fung, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20814–9692, 301–435–3504, fungv@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, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 22, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16346 Filed 6–28–01; 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: June 28, 2001.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Mary Custer, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7850, Bethesda, MD 20892, (301) 435–1164.

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: June 29, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Club Quarters DC, 839 17th Street, NW., Washington, DC 20006

Contact Person: Elliot Postow, PHD, Scientific Review Administrator, Division of Clinical and Population-Based Studies, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4160, MSC 7806, Bethesda, MD 20892, (301) 435–0911, postowe@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 2–3, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Gloria B. Levin, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, leving@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 2, 2001.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville. 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Luigi Giacometti, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7850, Bethesda, MD 20892, (301) 435–1246.

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, ZRG1 IFCN 1 (04).

Date: July 2, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (telephone conference call).

Contact Person: Gamil C. Debbas, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

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: July 5, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alec S. Liacouras, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435–1740.

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: July 5, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (telephone conference call).

Contact Person: Robert T. Su, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435–1195.

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: July 6, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Calbert A. Laing, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, (301) 435–1221, laingc@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 6, 2001.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alex S. Liacouras, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435–1740.

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: July 6, 2001.

Time: 9:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockleged 2, Bethesda, MD 20892, (telephone conference call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockleged Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

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: July 6, 2001.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockleged 2, Bethesda, MD 20892, (telephone conference call).

Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockleged Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, amirs@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 9–10, 2001.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Janet Nelson, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1723, nelsonj@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 9, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Eileen W. Bradley, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179, bradleye@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 9, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435–4514.

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: July 9, 2001.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 10000 Baltimore Avenue, College Park, MD 20740.

Contact Person: Eugene Vigil, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.

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: July 9–10, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.

Contact Person: Sharon K. Pulfer, BA, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

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: July 9, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1250 S. Hayes Street, Arlington, VA 22202.

Contact Person: Jean D. Sipe, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892–7814, 301/435–1743, sipej@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 9–10, 2001.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Angela M. Pattatucci-Aragon, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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: July 9–10, 2001.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Nancy Shinowara, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, (301) 435–1173, shinowan@drg.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: July 9, 2001.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (telephone conference call).

Contact Person: Lawrence N. Yager, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, 301–435–0903, yageri@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 9, 2001.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 10000 Baltimore Avenue, College Park, MD 20740.

Contact Person: Eugene Vigil, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.

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, 93.393–93.3906, 93.837–93.844, 93.846–93.878, 93.892, National Institutes of Health, HHS)

Dated: June 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–16347 Filed 6–28–01; 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.

2002 National Survey on Drug Use and Health—(OMB Number 0930–0110, Revision)—The National Survey on Drug Use and Health (NSDUH) [formerly the National Household Survey on Drug Abuse (NHSDA)] is a survey of the civilian,

noninstitutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

For the 2002 NSDUH, the modular components of the questionnaire will remain essentially unchanged except for minor modifications to wording. As with all NSDUH surveys conducted since 1999, the sample size of the survey for 2002 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. The total annual burden estimate is 85,400 hours as shown below:

	Number of respondents	Responses/respondent	Average burden response (hrs.)	Total burden hours
Household Screening	202,500	1	0.083	16,808
NHSDA Interview	67,500	1	1.000	67,500
Screening Verification	6,176	1	0.067	414
Interview Verification	10,125	1	0.067	678
Total				85,400

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 14, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–16394 Filed 6–28–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–17]

Notice of Proposed Information Collection: Comment Request; Manufactured Home Construction and Safety Standards Act Reporting Requirements

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 28, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Office, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Cocke, Director, Manufactured Housing and Standards Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–6423 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Manufactured Home Construction and Safety Standards Act Reporting Requirements.

OMB Control Number, if applicable: 2502–0253.

Description of the need for the information and proposed use: This information is a requirement under the National Manufactured Housing Construction and Safety Standards Act (the Act) [42 U.S.C. 5400 *et. seq.* Public Law 93–383] and authorizes HUD to establish construction and safety standards for manufactured (mobile) homes and to enforce these standards. To meet these requirements, HUD requires the manufacturer to maintain complete records of all information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification and/or correction as required by 24 CFR 3282.403.

Agency form numbers, if applicable: None.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: There are 215,845 total annual hours estimated for a total of 337 respondents. The frequency of reporting is one per home for manufacturer/retailer totaling 913,397 responses.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: June 21, 2001.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 01–16378 Filed 6–28–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4651–N–03]

Notice of Proposed Information Collection: Comment Request Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning Section 504—Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 28, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Milton Turner, Department of Housing and Urban Development, 451 7th Street, SW., Room 5240, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Milton Turner, Department of Housing and Urban Development, 451 7th Street, SW., Room 5240, Washington, DC 20410. Telephone number (202) 708–2333, Extension 7057 (this is not a toll-free number). Copies of the proposed forms and other available documents submitted to Office of Management and Budget may be obtained from Milton Turner. Hearing- or speech-impaired individuals may access this TTY number by calling the toll-free Federal Information Relay Service at 1–800–877–8399 for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Title: Non-discrimination Based on Handicap in Federally-Assisted Programs.

OMB Control Number: 2529–0034.

Office: Fair Housing and Equal Opportunity.

Description of the need for the information and proposed use: The information is needed to ensure that HUD recipients comply with the Section 504 Reporting Requirements at:

- 24 CFR 8.21(c)(4) and 24 CFR 8.24(d)—Transition Plans. Recipients must develop transition plans setting forth the steps necessary to complete structural changes that would make their programs and activities accessible to persons with disabilities.
- 24 CFR 8.51—Self Evaluation. Recipients must evaluate their current policies and practices to determine whether, in whole or in part, they do not or may not meet the requirements of Section 504.
- 24 CFR 8.25(c)—Needs Assessment and Transition Plan. Public/Indian housing authorities must assess the needs of current tenants and applicants on waiting lists for accessible units and assess the extent to which such needs have not been met or cannot reasonably be met. PHAs must develop transition plans setting forth steps necessary to complete structural changes that would make their programs and activities accessible to persons with disabilities.
- 24 CFR 8.55(b)—Compliance Reports. Recipients should keep complete and accurate reports, as determined by the Department, to enable the Department to ascertain whether the recipient has compiled or is complying with the requirements of Section 504. Recipients should have available for the Department data showing the extent to which individuals with disabilities are beneficiaries of federally-assisted programs. In addition, each recipient shall also make available to participants, beneficiaries, and other interested persons information regarding the provisions of Section 504 and its applicability to the program or activity under which the recipient receives Federal financial assistance.

Agency form numbers: None.

Members of affected public: All recipients of Federal financial assistance from this Department, including public and private non-profit organizations and qualified persons with disabilities.

Estimation of the total numbers of hours needed to prepare the information collection, including number of respondents, frequency of response, and hours of response: On an annual basis, 325 respondents (HUD recipients) will submit two (2) reports to HUD. It is estimated that four (4) hours will be required of a recipient to prepare either of the reporting requirements, for a total of 2600 hours.

Status of the proposed information collection: Reinstatement of a previously-approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 21, 2001.

David H. Enzel,

Deputy Assistant Secretary for Enforcement and Programs.

[FR Doc. 01–16379 Filed 6–28–01; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–26]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized building and real property controlled by such agencies or by GSA regarding its

inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses; *DOT*: Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (202) 366–4246; *GSA*: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; *INTERIOR:* Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW, Washington, DC 20240; (202) 606–3139; *NAVY:* Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: June 21, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program Federal Register Report For June 29, 2001

Suitable/Available Properties

Buildings (by State)

Michigan

Natl Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie Co: Chippewa MI
Landholding Agency: GSA
Status: Excess
Property Number: 54200120010
Comment: 2230 sq. ft., presence of asbestos, most recent use—office
GSA Number: 1–C–MI–802

Minnesota

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Landholding Agency: GSA
Property Number: 54199910009
Comment: 1266 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage, zoning requirements, preparations for a Phase I study underway, possible underground storage tank
GSA Number: 1–GR(1)–MN–475

New Mexico

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Mobil Home, 604 Ruins Rd.
Landholding Agency: Interior
Property Number: 61200120024
Status: Excess
Comment: 14 x 70 sq. ft., most recent use—residential, off-site use only

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Manu. house, 604 Ruins Rd.
Landholding Agency: Interior
Property Number: 61200120025
Status: Excess
Comment: 1344 sq. ft., most recent use—residential, off-site use only

Tract #101–11
Randack Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–9715
Location: Mobil home, #84 County Road
Landholding Agency: Interior
Property Number: 61200120026
Status: Excess
Comment: 1064 sq. ft., most recent use—residence, off-site use only

South Carolina

Greenwood Fed. Bldg.
120 Main Street
Greenwood Co: SC 29646–
Landholding Agency: GSA
Property Number: 54200120012
Status: Excess
Comment: 35,782 sq. ft., presence of asbestos, possible lead paint, most recent use—office, historic preservation convenents
GSA Number: 4–G–SC–601

SSA/Fed. Bldg.
404 East Main St.
Rock Hill Co: York SC 29730–
Landholding Agency: GSA
Property Number: 54200120013
Status: Surplus
Comment: 4585 sq. ft., presence of asbestos, most recent use—office
GSA Number: 4–G–SC–600

Land (by State)

New York

West Leyden NEXRAD Site
corner of Borwick Rd.
West Leyden Co: NY
Landholding Agency: GSA
Property Number: 54200120011
Status: Excess
Comment: 1.012 acres, most recent use—Next Generation Weather Radar Joint System
GSA Number: 1–D–NY–886

Unsuitable Properties

Buildings (by State)

California

Bldg. 208
Whiskey Creek
Whiskeytown Co: Shasta CA 96095–
Landholding Agency: Interior
Property Number: 61200120027
Status: Unutilized
Reason: Extensive deterioration

New York

Turkey Point Light
Saugerties Co: Ulster NY
Landholding Agency: GSA
Property Number: 54200120014
Status: Excess
Reason: Floodway
GSA Number: 1–U–NY–880

North Carolina

Quarters 323
Great Smoky Mtns Natl Pk
Balsam Mtn Co: Swain NC 27819–
Landholding Agency: Interior
Property Number: 61200120022
Status: Excess
Reason: Extensive deterioration

Texas

Tract No. 01–105
Hobbs House
LBJ Natl Historic Pk
Johnson City CO: Blanco TX
Landholding Agency: Interior
Property Number: 61200120023
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1346
Naval Air Station
Ft. Worth Co: Tarrant TX 76127–
Landholding Agency: Navy
Property Number: 77200120156
Status: Excess
Reasons: Secured Area; Extensive deterioration

Virginia

Bldg. 156
USCG Training Center
Yorktown
Yorktown Co: York, VA 23690–5000
Landholding Agency: DOT
Property Number: 87200120015
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Washington

Bldg. 2511
NAS Whidbey Island
Oak Harbor Co: Island WA 98278–3500
Landholding Agency: Navy
Property Number: 77200120157
Status: Excess
Reason: Secured Area

[FR Doc. 01–16029 Filed 6–28–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Act

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of termination of a lease of the power privilege process for the Diamond Fork Area of the Central Utah Project.

SUMMARY: The process for non-federal development of hydroelectric power in the Diamond Fork area was established through a **Federal Register** Notice (FRN) published December 19, 1994. The FRN announced the Department of Interior's (Interior) intent to issue a lease of power privilege in the Diamond Fork area, Utah.

The FRN presented background information, proposal content guidelines, information concerning the selection of a non-federal entity to develop hydroelectric power in the Diamond Fork area, and power purchasing and/or marketing considerations. The FRN also established a deadline for a potential lessee to enter into a lease with the United States as 5 years after notification of the selection of a potential lessee.

On May 1, 1995, two proposals were received in response to the FRN that specifically focused on CUP Diamond Fork System facilities. One proposal was submitted by the Western States Power Corporation and another by a joint partnership of the Strawberry Water Users Association (SWUA) and the Central Utah Water Conservancy District (CUWCD). The proposals were reviewed, and a recommendation was made, by a team consisting of individuals from the Bureau of Reclamation, Western Area Power Administration, Bonneville Power Administration, and the Army Corps of Engineers.

On May 1, 1996, Interior made notification of the selection of SWUA/CUWCD as the successful potential joint lessee for the Diamond Fork System lease of power privilege. This notification established the deadline for entering into a lease with the United States as May 1, 2001.

Since the deadline for entering into a lease has now passed and a lease has not been negotiated and executed, Interior has rescinded the selection of SWUA/CUWCD as the successful potential joint lessee and has terminated this lease of power privilege process for the Diamond Fork System.

FOR FURTHER INFORMATION CONTACT: Additional information on matters related to this **Federal Register** notice can be obtained by contacting Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo, UT 84606–6154, Telephone: (801) 379–1237, E-Mail: rmurray@uc.usbr.gov.

Dated: June 22, 2001.

Ronald Johnston,

CUP Program Director, Department of the Interior.

[FR Doc. 01–16398 Filed 6–28–01; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Delaware & Lehigh Heritage Corridor Commission Meeting

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Delaware & Lehigh National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Friday, July 13, 2001; Time 1:30 p.m. to 4:00 p.m.

ADDRESSES: Luckenbach Mill, Historic Bethlehem Industrial Quarters, 459 Old York Road, Bethlehem, PA 18018.

The agenda for the meeting will focus on implementation of the Management Action Plan for the Delaware and Lehigh National Heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

SUPPLEMENTARY INFORMATION: The Delaware & Lehigh National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988 and extended through Public Law 105–355, November 13, 1998.

FOR FURTHER INFORMATION CONTACT: C. Allen Sachse, Executive Director, Delaware & Lehigh National Heritage Corridor Commission, 10 E. Church Street, Room A–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: June 25, 2001.

C. Allen Sachse,

Executive Director, Delaware & Lehigh National Heritage Corridor Commission.

[FR Doc. 01–16395 Filed 6–28–01; 8:45 am]

BILLING CODE 6820–PE–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare Comprehensive Conservation Plan and Environmental Assessment for Lost Trail National Wildlife Refuge, Marion, MT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: This notice advises that the U.S. Fish and Wildlife Service intends to gather information necessary to prepare a Comprehensive Conservation Plan and associated environmental documents for Lost Trail National Wildlife Refuge in northwestern Montana. Lost Trail National Wildlife Refuge manages the McGregor Meadows Wetland Protection Area in northwestern Montana. However, a CCP for this protected area will not be prepared concurrent with the CCP for Lost Trail MWR. The Service is furnishing this Notice in compliance with Service CCP policy to advise other agencies and the public of its intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Written comments should be received by July 30, 2001.

ADDRESSES: Comments and request for more information regarding Lost Trail MWR should be sent to Bernardo Garza. Planning Team Leader, Division of Planning, P.O. Box 25486, DFC, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: Bernardo Garza, Planning Team Leader, Division of Planning, P.O. Box 25486, DFC, Denver, CO 80225 or Michael Spratt, Chief, Division of Planning, P.O. Box 25486, DFC, Denver, CO 80225.

SUPPLEMENTARY INFORMATION: The Service has initiated Comprehensive Conservation Planning for the Lost Trail National Wildlife Refuge near Marion, Montana.

Each National Wildlife Refuge has specific purposes for which it was established and for which legislation was enacted. Those purposes are used to develop and prioritize management goals and objectives within the National Wildlife Refuge System mission and to guide which public uses will occur on the Refuge. The planning process is a way for the Service and the public to evaluate management goals and objectives for the best possible conservation efforts of this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with each National Wildlife Refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Lost Trail National Wildlife Refuge (approximately 9,300 acres) was established in August, 1999. This Refuge is located west-southwest of Kalispell and northwest of the town of Marion, Montana, in a long valley with Pleasant Valley Creek flowing south out of the south. The Refuge also encompass the 160-acre Dahl Lake, a partially drained shallow lacustrine system maintained by several watersheds.

The Service will conduct a comprehensive planning process that will provide opportunity for Tribal, State, and local governments, agencies, organizations, and the public to participate in issue scoping and public comment. The Service is requesting input for issues, concerns, ideas, and suggestions for the future management of Lost Trail National Wildlife Refuge in northwestern Montana. Anyone interested in providing input is invited to respond to the following three questions.

(1) What makes Lost Trail NWR special or unique for you?

(2) What problems or issues do you want to see addressed in the Comprehensive Conservation Plan?

(3) What improvements would you recommend for Lost Trail NWR?

The Service has provided the above questions for your optional use; you are not required to provide information to the Service. The Planning Team developed these questions to facilitate finding out more information about individuals issues and ideas concerning this Refuge. Comments received by the Planning Team will be used as part of the planning process; individual comments will not be referenced in our reports or directly responded to.

Opportunities will be given to the public to provide input at open houses and other public meetings to scope issues and concerns (schedules can be obtained from the Planning Team Leaders at the above addresses). Comments may also be submitted anytime during the planning process by writing to the above addresses. All information provided voluntarily by mail, phone, or at public meeting becomes part of the official public record (i.e., names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide information copies.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR 1500–1508), and other appropriate Federal laws and regulations, and Service policies and procedures for compliance with those regulations. All comments received from individuals on Service Environmental Assessments and Environmental Impact Statements become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, NEPA (40 CFR 1506.6(f)), and other Departmental and Service policy and procedures. When requested, the Service generally will provide comment letters with the names and addresses of the individuals who wrote the comments. However, the telephone number of the commenting individual will not be provided in response to such requests to the extend permissible by law. Additionally, public comment letters are not required to contain the commentator's name, address, or any other identifying information. Such comments may be submitted anonymously to the Service.

Dated: June 15, 2001.

John A. Blankenship,

Regional Director, Denver, Colorado.

[FR Doc. 01–16380 Filed 6–28–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. TE–043210

Applicant: Damian Fagan, Moab, Utah.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Utah.

Permit No. TE–043231

Applicant: JBR Environmental Consultants, Inc., Sandy, Utah.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Utah, Nevada, Colorado, and California.

Permit No. TE–833868

Applicant: URS Corporation, Tucson, Arizona.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Arizona.

Permit No. TE–042958

Applicant: Southwest Research, Boulder, Colorado.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Utah.

Permit No. TE–043791

Applicant: Christiana Manville, Littleton, Colorado.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Colorado, Arizona and New Mexico.

Permit No. TE–022749

Applicant: Dan Godec, Phoenix, Arizona.

Applicant requests a permit for recovery purposes to conduct surveys for the Southwestern Willow Flycatcher *(Empidonax traillii extimus)* within Arizona.

Permit No. TE–043941

Applicant: James P. Collins, Tempe, Arizona.

Applicant requests a permit for recovery purposes to conduct surveys for the Sonora tiger salamander *(Ambystoma tigrinum stebbinsi)* within Utah.

Permit No. TE–021847

Applicant: U.S. Geological Survey, Columbia Environmental Research Center, Columbia, Missouri.

Applicant requests a permit for recovery purposes to conduct surveys for the Desert pupfish *(Cyprinodon macularius)* within California.

Permit No. TE–043399

Applicant: Eagle Environmental Consulting, Inc., Owasso, Oklahoma.

Applicant requests a permit for recovery purposes to conduct surveys for the American Burying Beetle *(Nicrophorus americanus)* within Oklahoma.

Permit No. TE–044359

Applicant: Enercon Services, Inc., Oklahoma City, Oklahoma

Applicant requests a permit for recovery purposes to conduct surveys for the American Burying Beetle *(Nicrophorus americanus)* within Oklahoma.

DATES: Written comments on these permit applications must be received on or before July 30, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103; (505) 248–6649; Fax (505) 248–6788. Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, Albuquerque, New Mexico, at the above address. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Steve C. Helfert,

Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 01–16396 Filed 6–28–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Caulerpa taxifolia Prevention Committee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a workshop sponsored by the Aquatic Nuisance Species (ANS) Task Force *Caulerpa taxifolia* Prevention Committee. The workshop topics are identified in the **SUPPLEMENTARY INFORMATION.**

DATES: The *Caulerpa taxifolia* Prevention Committee will meet from 8:00 a.m. to 5:00 p.m., Tuesday, July 10, 2001, and 8:00 a.m. to noon on Wednesday, July 11, 2001.

ADDRESSES: The *Caulerpa taxifolia* Prevention Committee workshop will be held at the Holiday Inn-San Diego Bayside, 4875 North Harbor Drive, San Diego, CA 92106–2394.

FOR FURTHER INFORMATION CONTACT: Sandra M. Keppner, *Caulerpa taxifolia* Prevention Committee Chairperson, at 716–691–5456 ext 23 or by e-mail at *sandra_keppner@fws.gov;* or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at *sharon_gross@fws.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a workshop of the Aquatic Nuisance Species *Caulerpa taxifolia* Prevention Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4741). Topics to be addressed at the *Caulerpa taxifolia* Prevention Committee workshop include: the problems, costs, and lessons learned in regional efforts to manage invasive marine algal species; an overview of the coordinated response approach in California including a review of control and eradication efforts planned; an overview of efforts to engage California in ANS management planning: and a working review of an action plan including the draft comprehensive national prevention program developed by the Committee.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 810, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622. Minutes for the meeting will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: June 25, 2001.

Cathleen I. Short,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries and Habitat Conservation.

[FR Doc. 01–16375 Filed 6–28–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved collection (OMB Control Number 1010–0110).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR) titled ''Training and Outreach Evaluation Forms (Forms MMS–4420 A–H) (OMB Control Number 1010–0110). This ICR was originally titled ''Training and Outreach Evaluation Questionnaires.'' We are

requesting an extension of OMB's approval to continue to collect this information. We are also soliciting your comments on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Please submit comments on or before July 30, 2001.

ADDRESSES: Please submit comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0110), 725 17th Street, NW., Washington, DC 20503. Also, please submit copies of your comments to Carol P. Shelby, Regulations and FOIA Team, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225.

PUBLIC COMMENT PROCEDURE: Please submit your comments to the offices listed in the **ADDRESSES** section, or email your comments to us at *MRM.comments@mms.gov.* Include the title of the information collection, the OMB Control Number in the ''Attention'' line of your comments, and your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Ms. Shelby at (303) 231–3151, FAX (303) 231–3385. We will post all comments for public review at *http://www.mrm.mms.gov.*

Also, contact Ms. Shelby to review paper copies of the comments. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the public record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comments. 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.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, telephone (303) 231–3151, FAX (303) 231–3385, email *Carol.Shelby@mms.gov.* You may also contact Ms. Shelby to obtain at no cost a copy of our submission to OMB, which includes Forms MMS–4420 A–H.

SUPPLEMENTARY INFORMATION:

Title: Training and Outreach Evaluation Forms.

OMB Control Number: 1010–0110.

Bureau Form Number: Forms MMS–4420 A–H .

Abstract: The Department of the Interior is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws.

MMS frequently provides training and outreach to its constituents to facilitate their compliance with laws and regulations and to ensure that they are well informed. We present training sessions to the oil and gas payors and solid minerals reporters on various aspects of royalty reporting, production reporting, newly reengineered reporting forms, and new valuation regulations. We also provide outreach sessions to individual Indian minerals owners, Indian Tribes, and the Bureau of Indian Affairs on Indian royalty management issues. Additionally, we provide training sessions to our financial and systems contractors and State and Tribal auditors.

MMS asks participants to complete and return evaluation forms at the end of each training or outreach session. Some questions are uniform across all of the evaluation forms. However, we also ask questions specific to each type of training or outreach or questions specific to that particular group of participants. We use the feedback from these evaluation forms to enhance future training and outreach sessions and to improve our services. Responses are voluntary. No proprietary, confidential, or sensitive information is collected.

Frequency: On occasion.

Estimated Number and Description of Respondents: 5,000 industry representatives; State auditors; Indian Tribes, allottees, and auditors; MMS contractors and employees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 350 hours.

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: There are no ''non-hour costs'' burdens identified for this collection.

Comments: The PRA provides that an agency shall 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. Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a **Federal Register** Notice on August 1, 2000 (65 FR 46942), with the required 60-day comment period, soliciting comments on this information collection. No comments were received.

If you wish to comment in response to this Notice, send your comments directly to the offices listed under the **ADDRESSES** section of this Notice. OMB has up to 60 days to approve or disapprove the information collection but may response after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by July 30, 2001.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744.

Dated: June 21, 2001.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 01–16385 Filed 6–28–01; 8:45 am]

BILLING CODE 4310–MR–U

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–362 and 731–TA–707–710 (Review)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina, Brazil, Germany, and Italy

Determinations

On the basis of the record [1] developed in these subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty orders on certain seamless carbon and alloy steel standard, line, and pressure pipe from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The International Trade Commission also determines [2] that revocation of the antidumping duty and countervailing duty orders on certain seamless carbon and alloy steel standard, line, and pressure pipe from Italy would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on July 3, 2000 (65 FR 41090) and determined on October 5, 2000, that it would conduct full reviews (65 FR 63889, October 25, 2000). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 4, 2001 (66 F.R. 806). The hearing was held in Washington, DC, on May 1, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on June 26, 2001. The views of the Commission are contained in USITC Publication 3429 (June 2001), entitled Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Argentina, Brazil, Germany, and Italy: Investigations Nos. 701–TA–362 and 731–TA–707–710 (Review).

Issued: June 26, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–16460 Filed 6–28–01; 8:45 am]

BILLING CODE 7020–02–P

[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] Commissioner Dennis M. Devaney dissenting.

INTERNATIONAL TRADE COMMISSION

Notice of Opportunity To Comment on Draft Questionnaires To Be Issued in Connection With Investigation Under Section 202 of the Trade Act of 1974 on Certain Steel Products

AGENCY: United States International Trade Commission.

ACTION: Opportunity to comment on draft questionnaires.

SUMMARY: On June 22, 2001, the Commission received a request from the United States Trade Representative to institute an investigation under section 202 of the Trade Act of 1974 (19 U.S.C. 2252) to determine whether certain steel products are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat of serious injury, to the domestic industries producing like or directly competitive products.

Although the Commission has not formally instituted the investigation, it is in the process of finalizing questionnaires to be sent to domestic producers, importers, purchasers, and foreign producers once the investigation is instituted. On June 28, 2001, the Commission posted on its web site, for public comment, draft questionnaires to be issued in connection with the investigation. The web site can be accessed at *http://www.usitc.gov.*

Because time is of the essence, comments must be received in writing not later than 10 a.m. Monday, July 2, 2001. No requests for late filing will be accepted. Comments (an original and 14 copies) must be filed with the Secretary to the Commission, 500 E Street SW., Washington, DC 20436. Neither facsimile copies nor electronic filings will be accepted. There is no service requirement. Comments will be available for public inspection in the Office of the Secretary and electronically through the Commission's EDIS system.

FOR FURTHER INFORMATION: Contact Vera Libeau, Office of Investigations, 202–205–3176. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: June 26, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–16469 Filed 6–27–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting; Record of Vote of Meeting Closure, (Public Law 94–409) (5 U.S.C. Sec. 552b)

I, Edward F. Reilly, Jr., Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 11:30 a.m. on Friday, June 22, 2001, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to 28 CFR 2.27. Four Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Edward F. Reilly, Jr., Timothy E. Jones, Sr., Michael J. Gaines, and John R. Simpson.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: June 25, 2001.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 01–16515 Filed 6–27–01; 10:32 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review: Screening Requirements of Carriers.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on April 25, 2001 at 66 FR 20835, allowing for a 60-day public comment period. No comments were received by the INS on the proposed extension of this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 30, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725-17th Street, NW., Room 10235, Washington, DC 20530; Attention: Robert Buschmann, Department of Justice Desk Officer.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Screening Requirements of Carriers.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File Number OMB–16). Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. This information is used by the Service to determine whether sufficient steps are taken by a carrier demonstrating improvement in the screening of its passengers in order for the carrier to be eligible for automatic fines mitigation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 65 responses at 100 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: June 22, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–16450 Filed 6–28–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used

in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled ''General Wage determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

None

Volume II:

Pennsylvania
PA010001 (Mar. 2, 2001)
PA010002 (Mar. 2, 2001)
PA010003 (Mar. 2, 2001)
PA010004 (Mar. 2, 2001)
PA010042 (Mar. 2, 2001)
WV010006 (Mar. 2, 2001)

Volume III:

Georgia
GA010053 (Mar. 2, 2001)

Volume IV:

Illinois
IL010001 (Mar. 2, 2001)
IL010002 (Mar. 2, 2001)
IL010004 (Mar. 2, 2001)
IL010006 (Mar. 2, 2001)
IL010008 (Mar. 2, 2001)
IL010009 (Mar. 2, 2001)
IL010010 (Mar. 2, 2001)
IL010011 (Mar. 2, 2001)
IL010012 (Mar. 2, 2001)
IL010013 (Mar. 2, 2001)
IL010014 (Mar. 2, 2001)
IL010016 (Mar. 2, 2001)
IL010023 (Mar. 2, 2001)
IL010026 (Mar. 2, 2001)
IL010028 (Mar. 2, 2001)
IL010034 (Mar. 2, 2001)
IL010040 (Mar. 2, 2001)
IL010041 (Mar. 2, 2001)
IL010044 (Mar. 2, 2001)
IL010049 (Mar. 2, 2001)
IL010053 (Mar. 2, 2001)
IL010055 (Mar. 2, 2001)
IL010060 (Mar. 2, 2001)
IL010063 (Mar. 2, 2001)
IL010065 (Mar. 2, 2001)
Indiana
IN010001 (Mar. 2, 2001)
IN010005 (Mar. 2, 2001)
IN010006 (Mar. 2, 2001)
Michigan
MI010030 (Mar. 2, 2001)
MI010031 (Mar. 2, 2001)
MI010034 (Mar. 2, 2001)
MI010035 (Mar. 2, 2001)
MI010035 (Mar. 2, 2001)
MI010036 (Mar. 2, 2001)
MI010040 (Mar. 2, 2001)
MI010041 (Mar. 2, 2001)
MI010046 (Mar. 2, 2001)
MI010047 (Mar. 2, 2001)
MI010049 (Mar. 2, 2001)
MI010050 (Mar. 2, 2001)
Minnesota
MN010005 (Mar. 2, 2001)
MN010007 (Mar. 2, 2001)
MN010058 (Mar. 2, 2001)
MN010059 (Mar. 2, 2001)
MN010061 (Mar. 2, 2001)
Wisconsin
WI010001 (Mar. 2, 2001)
WI010008 (Mar. 2, 2001)

Volume V

Iowa
IA010004 (Mar. 2, 2001)
IA010005 (Mar. 2, 2001)
IA010008 (Mar. 2, 2001)
IA010010 (Mar. 2, 2001)
IA010014 (Mar. 2, 2001)
IA010016 (Mar. 2, 2001)
IA010017 (Mar. 2, 2001)
IA010019 (Mar. 2, 2001)
IA010028 (Mar. 2, 2001)
IA010029 (Mar. 2, 2001)
IA010032 (Mar. 2, 2001)
IA010038 (Mar. 2, 2001)
IA010047 (Mar. 2, 2001)
IA010056 (Mar. 2, 2001)
IA010059 (Mar. 2, 2001)
IA010060 (Mar. 2, 2001)
IA010070 (Mar. 2, 2001)
Kansas
KS010006 (Mar. 2, 2001)

Volume VI

Washington
WA010001 (Mar. 2, 2001)

Volume VII

California
CA010001 (Mar. 2, 2001)
CA010002 (Mar. 2, 2001)
CA010004 (Mar. 2, 2001)
CA010009 (Mar. 2, 2001)
CA010027 (Mar. 2, 2001)
CA010028 (Mar. 2, 2001)
CA010029 (Mar. 2, 2001)
CA010030 (Mar. 2, 2001)
CA010031 (Mar. 2, 2001)
CA010032 (Mar. 2, 2001)
CA010034 (Mar. 2, 2001)
CA010035 (Mar. 2, 2001)
CA010037 (Mar. 2, 2001)
CA010038 (Mar. 2, 2001)
CA010039 (Mar. 2, 2001)
CA010040 (Mar. 2, 2001)
CA010041 (Mar. 2, 2001)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon*. They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 21st day of June 2001.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–16082 Filed 6–28–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–082)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS); Subcommittee Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Astronomical Search for Origins Planetary Systems Subcommittee.

DATES: Wednesday, July 11, 2001, 8:30 a.m. to 5 p.m.; Thursday, July 12, 2001, 8 a.m. to 5 p.m.; Friday, July 13, 2001, 8 a.m. to 12 noon.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 6H46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Anne L. Kinney, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Space Interferometry Update
—Next Generation Space Telescope Update
—Keck Update
—Education and Public Outreach

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 25, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–16449 Filed 6–28–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before July 30, 2001 to be assured of consideration.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Brooke Dickson, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–6730 or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on April 16, 2001 (66 FR 19585). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (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 the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Statistical Research in Archival Records Containing Personal Information.

OMB number: 3095–0002.

Agency form number: None.

Type of review: Regular.

Affected public: Individuals.

Estimated number of respondents: 1.

Estimated time per response: 7 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 7 hours.

Abstract: The information collection is prescribed by 36 CFR 1256.16 and 36 CFR 1256.4. Respondents are researchers who wish to do biomedical statistical research in archival records containing highly personal information. NARA needs the information to evaluate requests for access to ensure that the requester meets the criteria in 36 CFR 1256.4 and that the proper safeguards will be made to protect the information.

Dated: June 21, 2001.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 01–16327 Filed 6–28–01; 8:45 am]

BILLING CODE 7515–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317, 50–318, and 72–8; Renewed License Nos. DPR–53, DPR–69; License No. SNM–2505]

In the Matter of Calvert Cliffs Nuclear Power Plant, Inc.; Order Approving Transfer of Licenses and Conforming Amendments

I

Calvert Cliffs Nuclear Power Plant, Inc. (CCNPPI or the licensee) is the holder of Renewed Facility Operating Licenses Nos. DPR–53 and DPR–69, which authorize operation of Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP or Calvert Cliffs), and Materials License No. SNM–2505, which authorizes operation of the Calvert Cliffs Independent Spent Fuel Storage Installation (ISFSI). The facilities are located at the licensee's site in Calvert County, Maryland. The operating licenses authorize CCNPPI to possess, use, and operate Calvert Cliffs. The materials license authorizes CCNPPI to receive, possess, transfer, and store power reactor spent fuel at the ISFSI.

II

By application dated December 20, 2000, as supplemented by submittals dated February 22, April 10, May 30, and June 7, 2001 (collectively, the application), CCNPPI requested that the Commission consent to certain proposed license transfers that would be necessary in connection with the realignment of the corporate organization of CCNPPI's ultimate parent, Constellation Energy Group, Inc. (CEG, Inc.). Under this realignment, CEG, Inc. is separating its merchant energy business (largely comprising wholesale generation and power marketing) from its retail services

business. With respect to its merchant energy business, several limited liability companies will be formed, including Calvert Cliffs Nuclear Power Plant, LLC (CCNPP LLC). CCNPP LLC will be formed as a subsidiary of Constellation Nuclear Power Plants, Inc., following the formation of Constellation Nuclear Power Plants, Inc. as a subsidiary of Constellation Nuclear, LLC, the current direct parent of CCNPPI. Constellation Nuclear, LLC is a wholly-owned direct subsidiary of CEG, Inc. Following the formation of CCNPP LLC, CCNPPI will be merged into CCNPP LLC, effectively resulting in the assets and associated liabilities of CCNPPI being directly transferred to CCNPP LLC. After this merger, as a subsidiary of Constellation Nuclear Power Plants, Inc., and indirect subsidiary of Constellation Nuclear, LLC, and CEG, Inc., the ultimate parent, CCNPP LLC will be the owner, and have responsibility for the operation, of Calvert Cliffs and the ISFSI. CEG, Inc. will then form New Controlled as a subsidiary, which will acquire Constellation Nuclear, LLC from CEG, Inc. At this point, CEG, Inc. will own New Controlled, which in turn will own Constellation Nuclear, LLC, which in turn will own Constellation Nuclear Power Plants, Inc., which in turn will own CCNPP LLC. New Controlled's acquisition of Constellation Nuclear, LLC will result in an indirect transfer of the licenses for Calvert Cliffs and the ISFSI to New Controlled, albeit with CEG, Inc. remaining, at this point, the ultimate parent of CCNPP LLC.

Following the above realignment of CCNPPI's parent organization, Virgo Holdings, Inc., (Virgo) an indirect subsidiary of The Goldman Sachs Group, Inc., will acquire an equity interest in CCNPP LLC and a corresponding voting interest in New Controlled, up to 17.5%. After the Virgo acquisition of a voting interest in New Controlled, CEG, Inc., the shares of which are widely held, will distribute its shares of New Controlled to current CEG, Inc. shareholders, effectively resulting in Virgo possessing the largest single voting interest in New Controlled, assuming a 17.5% voting interest is acquired. CEG, Inc. will ultimately change its name to BGE Corporation, while New Controlled changes its name to Constellation Energy Group, Inc. No physical changes to the facilities or operational changes were proposed in the application.

Approval of the direct and indirect transfers of the operating licenses and conforming license amendments was requested by CCNPPI pursuant to 10 CFR 50.80 and 50.90, and approval of the direct and indirect transfer of the materials license and conforming amendment was requested by CCNPPI pursuant to 10 CFR 72.50 and 72.56. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on March 13, 2001 (66 FR 14599). No hearing requests or written comments were received.

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. In addition, pursuant to 10 CFR 72.50, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. After reviewing the information in the application from CCNPPI and other information before the Commission and relying upon the representations and agreements contained in the application, the NRC staff has determined that CCNPP LLC is qualified to be the holder of the licenses, that the establishment of New Controlled as a new intermediate parent of CCNPP LLC will not affect the qualifications of CCNPP LLC as the holder of the licenses, that the acquisition by Virgo of up to a 17.5% voting interest in New Controlled coupled with CEG, Inc.'' distribution of its voting shares of New Controlled to CEG, Inc.'s shareholders, resulting in Virgo becoming the largest single voting shareholder of the ultimate corporate parent of CCNPP LLC, will not affect the qualifications of CCNPP LLC as the holder of the licenses, and that the direct transfer of the licenses to CCNPP LLC, and indirect license transfers to the extent effected by the foregoing transactions, are otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that (1) the application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter 1; (2) the facilities will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; (3) there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; (4) the issuance of the proposed license amendments will not be inimical to the common defense and security or the health and safety of the public; and (5) the issuance of the proposed amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations, and all applicable requirements have been satisfied. The foregoing findings are supported by a safety evaluation dated June 19, 2001.

III

Accordingly, pursuant to sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234, and 10 CFR 50.80 and 10 CFR 72.50, *It Is Hereby Ordered* that the direct transfer of the licenses, as described herein, to CCNPP LLC, and the indirect transfer of the licenses, to the extent effected by the proposed transactions described above, are approved, subject to the following conditions:

(1) CCNPP LLC shall, prior to completion of the subject direct transfers, provide the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that CCNPP LLC has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

(2) The decommissioning trust agreement for Calvert Cliffs and the ISFSI, at the time the direct license transfers are effected and thereafter, is subject to the following:

(a) The decommissioning trust agreement must be in a form acceptable to the NRC.

(b) With respect to the decommissioning trust funds, investments in the securities or other obligations of CEG, Inc., New Controlled, or their affiliates, successors, or assigns are and shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

(c) The decommissioning trust agreement must provide that no disbursements or payments from the trusts, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the NRC 30-days prior written notice of the payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the Director of the Office of

Nuclear Reactor Regulation or the Director of the Office of Nuclear Material Safety and Safeguards.

(d) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30-days prior written notification to the Director of the Office of Nuclear Reactor Regulation and the Director of the Office of Nuclear Material Safety and Safeguards.

(e) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trusts shall adhere to a ''prudent investor'' standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(3) CCNPP LLC shall provide decommissioning funding assurance, to be held in decommissioning trusts for Calvert Cliffs and the ISFSI upon the transfer of the licenses to CCNPP LLC, in an amount equal to or greater than the balance in the Calvert Cliffs and ISFSI decommissioning trusts immediately prior to the transfer. In addition, CCNPP LLC shall ensure that all contractual arrangements referred to in the application to obtain necessary decommissioning funds for Calvert Cliffs and the ISFSI through a non-bypassable charge from Baltimore Gas and Electric Company are amended as represented in the application and will be maintained until the decommissioning trusts are fully funded, or shall ensure that other mechanisms that provide equivalent assurance of decommissioning funding in accordance with the Commission's regulations are maintained.

(4) CCNPP LLC shall take all necessary steps to ensure that the decommissioning trusts are maintained in accordance with the application, the requirements of this Order, and the related safety evaluation.

(5) At the time of the direct transfers, CCNPP LLC shall enter or shall have entered into an intercompany credit agreement with CEG, Inc. with substantially the same terms that exist in the current intercompany credit agreement dated July 1, 2000, referenced in the application between CEG, Inc. and CCNPPI. Furthermore, at the time New Controlled becomes the ultimate parent company of CCNPP LLC, CCNPP LLC shall enter or shall have entered into an intercompany credit agreement with New Controlled with substantially the same terms that exist in the current intercompany credit agreement dated July 1, 2000, referenced in the application between CEG, Inc. and CCNPPI. At such time, the intercompany credit agreement between the current CEG, Inc. legal entity and CCNPP LLC may be canceled. Except as otherwise provided above, CCNPP LLC shall take no action to void, cancel, or modify any intercompany credit agreement referenced above, without the prior written consent of the Director of the Office of Nuclear Reactor Regulation and the Director of the Office of Nuclear Material Safety and Safeguards.

(6) CCNPPI shall inform the Director of the Office of Nuclear Reactor Regulation of the date of the closing of the direct transfers no later than two business days prior to such date. If all of the direct and indirect transfers of the licenses approved by this Order are not completed by June 30, 2002, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

It Is Further Ordered that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject direct license transfers are approved. The amendments shall be issued and made effective at the time the proposed direct license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this action, see the initial application dated December 20, 2000, supplemental submittals dated February 22, April 10, May 30, and June 7, 2001, and the safety evaluation dated June 19, 2001, 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. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.

R. William Borchardt,

Acting Director, Office of Nuclear Reactor Regulation.

Martin J. Virgilio,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–16388 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 AND 50–374]

Exelon Generation Company, LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Exelon Generation Company, LLC (the licensee), to withdraw its April 26, 2000, application for proposed amendment to Facility Operating License Nos. NPF–11 and NPF–18 for the LaSalle County Station, Unit Nos. 1 and 2, located in LaSalle County, Illinois.

The proposed amendment would have revised the habitability system requirements associated with the auxiliary electric equipment room.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 28, 2000 (65 FR 39958). However, by letter dated June 8, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 26, 2000, and the licensee's letter dated June 8, 2001, which withdrew the application for license amendment. 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 Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index/html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 25th day of June 2001.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–16389 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–220 and 50–410; License Nos. DPR–63 and NPF–69]

In the Matter of Niagara Mohawk Power Corporation, et al. (Nine Mile Point Nuclear Station Unit Nos. 1 and 2); Order Approving Transfer of Licenses and Conforming Amendments

I

Niagara Mohawk Power Corporation (NMPC) is the exclusive owner and operator of Nine Mile Point Nuclear Station, Unit 1 (NMP–1), and in regard thereto, holds Facility Operating License No. DPR–63. NMPC is also part-owner and exclusive operator of Nine Mile Point Nuclear Station, Unit No. 2 (NMP–2), and in connection therewith, is a holder of Facility Operating License No. NPF–69. The other co-owners of NMP–2 and holders of the license are: New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E), Central Hudson Gas & Electric Corporation (CHGEC), and Long Island Lighting Company (LILCO, which is doing business as Long Island Power Authority). NMP–1 and NMP–2 (the facilities) are located at the licensees' site in Oswego County, New York.

II

By application dated February 1, 2001 (submitted in proprietary and non-proprietary versions), Constellation Nuclear, LLC, on behalf of its indirect subsidiary Nine Mile Point Nuclear Station, LLC (NMP LLC), and NMPC, NYSEG, RG&E, and CHGEC requested the consent of the U.S. Nuclear Regulatory Commission (NRC or Commission) to a proposed direct transfer of the licenses for NMP–1 and NMP–2, to the extent held by the foregoing applicants, to NMP LLC. The application was supplemented by submittals from Constellation Nuclear, LLC, dated March 1, March 16, March 29, April 5, April 27, May 30 and June 7, 2001 (collectively herein referred to as the Application). The Application also requested the approval of conforming license amendments to reflect the direct transfer of the licenses. The Application further requested consent to certain indirect transfers of the licenses, to the extent such would occur following the direct transfers, resulting from (1) a planned realignment or restructuring of the Constellation Energy Group (CEG), Inc. organization of which NMP LLC is a part, and establishment of a new intermediate parent company of NMP LLC referred to as New Controlled, and (2) the acquisition by Virgo Holdings, Inc. (Virgo), an indirect subsidiary of The Goldman Sachs Group, Inc., of an equity interest in NMP LLC and up to a 17.5% voting interest in New Controlled, coupled with the distribution of the remaining voting shares of New Controlled, all of which would be held by CEG, Inc. up to the time of distribution, to the existing public shareholders of CEG, Inc., leaving Virgo with the largest single voting interest in NMP LLC's ultimate parent company.

In connection with the direct transfers, NMP LLC would assume title to NMP–1 following approval of the proposed license transfers, and would assume the 82-percent ownership interest in NMP–2 currently held by NMPC (owner of a 41% interest), NYSEG (18% interest), RG&E (14% interest) and CHGEC (9% interest). LILCO is not involved in the direct transfer of NMP–2 and, therefore, will remain a licensee with respect to its 18% ownership interest. In addition, NMP LLC would become responsible for the operation of both NMP–1 and NMP–2. The Application states that NMP LLC would also assume the decommissioning responsibility of the current owners of NMP–1 and NMP–2 who are transferring their interests in the facilities to NMP LLC. NMP LLC would provide decommissioning funding assurance through the use of decommissioning trusts coupled with parent company guarantees.

The proposed conforming license amendments would replace references to NMPC, NYSEG, RG&E, and CHGEC in the licenses with references to NMP LLC, as appropriate, and make other administrative changes to reflect the proposed direct transfer.

The Application requested approval of the direct transfer of the facility operating licenses, conforming license amendments, and possible indirect license transfers pursuant to 10 CFR 50.80 and 10 CFR 50.90. The staff published a notice of the request for approval and an opportunity for a hearing in the **Federal Register** on April 2, 2001 (66 FR 17584). The Commission received no comments or requests for hearing pursuant to the notice.

Under 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. Upon review of the information in the Application, and relying upon the representations and agreements contained in the Application, the NRC staff has determined that NMP LLC is qualified to hold the licenses to the extent proposed in the Application, that the establishment of New Controlled as a new intermediate parent of NMP LLC, if such follows the direct license transfers, will not affect the qualifications of NMP LLC as the holder of the NMP–1 license and as a holder of the NMP–2 license, that the acquisition by Virgo of up to a 17.5% voting interest in New Controlled coupled with CEG, Inc.''s distribution of its voting shares of New Controlled to CEG, Inc.''s shareholders, resulting in Virgo becoming the largest single voting shareholder of the ultimate corporate parent of NMP LLC, if such follows the direct license transfers, will not affect the qualifications of NMP LLC as the holder of the NMP–1 license and as a holder of the NMP–2 license, and that the direct transfer of the licenses to NMP LLC as proposed and indirect license transfers, to the extent effected by the foregoing transactions if such occur after the direct license transfers, are otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the Application for the proposed license amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facilities will operate in conformity with the Application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendments can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendments will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendments will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

The findings set forth above are supported by a safety evaluation dated June 22, 2001.

III

Accordingly, pursuant to sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C 2201(b), 2201(i), and 2234; and 10 CFR 50.80, It Is Hereby Ordered that the direct transfer of the licenses as described herein to NMP LLC, and the indirect transfer of the licenses, to the

extent effected by the transactions described above that may occur following the direct transfers, are approved, subject to the following conditions:

(1) NMP, LLC shall, prior to the completion of the direct transfers, provide to the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that NMP, LLC has obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

(2) On the closing date of the transfer of NMP1 and NMP2 to it, NMP LLC shall: (1) obtain from the transferors all of their accumulated decommissioning trust funds for NMP1 and NMP2, respectively, and (2) receive [a] parent company guarantee[s] pursuant to 10 CFR 50.75(e)(1)(iii)(B) (to be updated annually as required under 10 CFR 50.75(f)(1), unless otherwise approved by the NRC) in a form acceptable to the NRC and in [an] amount[s] which, when combined with the decommissioning trust funds for NMP1 and NMP2, equals or exceeds the total amounts required for NMP1 and NMP2, respectively, pursuant to 10 CFR 50.75(b) and (c).

(3) The master decommissioning trust agreement for NMP1 and NMP2, at the time the direct transfers are effected and thereafter, is subject to the following:

a. The decommissioning trust agreement must be in a form acceptable to the NRC.

b. With respect to the decommissioning trust funds, investments in the securities or other obligations of CEG Inc., New Controlled, or their affiliates, successors, or assigns, are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

c. The decommissioning trust agreement must provide that no disbursements or payments from the trusts, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the NRC 30 days prior written notice of the payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the Director of the Office of Nuclear Reactor Regulation.

d. The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

e. The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trusts shall adhere to a ''prudent investor'' standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(4) NMP LLC shall take all necessary steps to ensure that the decommissioning trusts are maintained in accordance with the Application, the requirements of this Order, and the related safety evaluation.

(5) At the time of the direct transfers, NMP LLC shall enter or shall have entered into an intercompany credit agreement with CEG, Inc. or New Controlled, whichever entity is the ultimate parent of NMP LLC at that time, in the form and on the terms represented in the Application. Should New Controlled become the ultimate parent of NMP LLC following the direct transfer of the licenses to NMP LLC, NMP LLC shall enter or shall have entered into a substantially identical intercompany credit agreement with New Controlled at the time New Controlled becomes the ultimate parent; in such case, any existing intercompany credit agreement with CEG, Inc. may be canceled once the intercompany credit agreement with New Controlled is established. Except as otherwise provided above, NMP LLC shall take no action to void, cancel, or modify any intercompany credit agreement referenced above, without the prior written consent of the Director of the Office of Nuclear Reactor Regulation.

(6) NMPC shall inform the Director of the Office of Nuclear Reactor Regulation of the date of the closing of the direct transfers no later than two business days prior to such date. If all of the direct and indirect transfers of the licenses approved by this Order are not completed by June 30, 2002, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

It Is Further Ordered that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject direct license transfers are approved. The amendments shall be issued and made effective at the time the proposed direct license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated February 1, 2001, the supplemental submittals dated March 1, March 16, March 29, April 5, April 27, May 30 and June 7, 2001, and the safety evaluation dated June 22, 2001, 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 22nd day of June 2001.

For The Nuclear Regulatory Commission.

Jon R. Johnson,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 01–16387 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982 (47 FR 596 and 47 FR 600), the Nuclear Regulatory Commission (NRC) published in the **Federal Register** final amendments to 10 CFR parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in part 73 is for spent nuclear reactor fuel shipments and the notification for part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR part 73).

The following list updates the names, addresses, and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the **Federal Register** on or about June 30 to reflect any changes in information.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS

State	Part 71	Part 73
Alabama	Col. James H. Alexander, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36102–1511, (334) 242–4394.	Same.
Alaska	Douglas Dasher, Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2172.	Same.
Arizona	Aubrey V. Godwin, Director, Arizona Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, AZ 85040, (602) 255–4845, ext. 222, 24 hours: (602) 223–2212.	Same.
Arkansas	Bernard Bevill, Division of Radiation Control and Emergency Management, Arkansas Department of Health, 4815 West Markham Street, Mail Slot #30, Little Rock, AR 72205–3867, (501) 661–2301, 24 hours: (501) 661–2136.	Same.
California	Captain Jim Abrames, California Highway Patrol, Enforcement Services Division, P.O. Box 942898, Sacramento, CA 94298–0001, (916) 445–3253, 24 hours: 1–(888) 330–2015.	Same
Colorado	Captain Allan M. Turner, Hazardous Materials Section, Colorado State Patrol, 700 Kipling Street, Suite 1000, Denver, CO 80215–5865, (303) 239–4546, 24 hours: (303) 239–4501.	Same.
Connecticut	Dr. Edward L. Wilds, Jr., Director, Division of Radiation, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106–5127, (860) 424–3029, 24 hours: (860) 424–3333.	Same.
Delaware	James L. Ford, Jr., Department of Public Safety, P.O. Box 818, Dover, DE 19903, (302) 744–2680, 24 hours: pager (302) 474–1030.	Same.
Florida	Harlan W. Keaton, Administrator, Bureau of Radiation Control, Environmental Radiation Program, Department of Health, P.O. Box 680069, Orlando, FL 32868–0069, (407) 297–2095.	Same.
Georgia	Al Hatcher, Director, Transportation Division, Public Service Commission, 1007 Virginia Avenue, Suite 310, Hapeville, GA 30354, (404) 559–6600.	Same.
Hawaii	Mr. Gary Gill, Deputy Director for Environmental Health, State of Hawaii Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 586–4424.	Same.
Idaho	Lieutenant Duane Sammons, Deputy Commander, Commercial Vehicle Safety, Idaho State Police, P.O. Box 700, Meridian, ID 83680–0700, (208) 884–7220, 24 hours: (208) 846–7500.	Same.
Illinois	Thomas W. Ortciger, Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, 5th Floor, Springfield, IL 62704, (217) 785–9868, 24 Hours: (217) 785–9900.	Same.
Indiana	Melvin J. Carraway, Superintendent, Indiana State Police, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 232–8248.	Same.
Iowa	Ellen M. Gordon, Administrator, Emergency Management Division, Hoover State Office Building, Des Moines, IA 50319–0113, (515) 281–3231.	Same.
Kansas	Frank H. Moussa, M.S.A., Technological Hazards Administrator, Department of the Adjutant General, Division of Emergency Management, 2800 SW. Topeka Boulevard, Topeka, KS 66611–1287, (785) 274–1409, 24 hours: (785) 296–3176.	Same.
Kentucky	John A. Volpe, Ph.D., Manager Radiation Health and Toxic Agents Branch, Cabinet for Health Services, 275 East Main Street, Frankfort, KY 40621–0001, (502) 564–3700.	Same.
Louisiana	Major Joseph T. Booth, Louisiana State Police, 7901 Independence Boulevard, P.O. Box 66614 (#21), Baton Rouge, LA 70896–6614, (225) 925–6113.	Same.
Maine	Chief of the State Police, Maine Department of Public Safety, 42 State House Station, Augusta, ME 04333, (207) 624–7000.	Same.
Maryland	First Sgt. James M. Forbes, Maryland State Police, Communication Services Division, 1201 Reisterstown Road, Pikesville, MD 21208, (410) 653–4208, 24 hours: (410) 653–4200.	Same.
Massachusetts	Robert M. Hallisey, Director, Radiation Control Program, Massachusetts Department of Public Health, 174 Portland Street, 5th Floor Boston, MA 02114, (617) 727–6214.	Same.
Michigan	Captain John Ort, Commander, Special Operations Division, Michigan State Police 714 South Harrison Road, East Lansing, MI 48823, (517) 336–6263, 24 hours: (517) 336–6100.	Same.
Minnesota	John R. Kerr, Assistant Director Administration and Preparedness Branch, Department of Public Safety, Division of Emergency Management, 444 Cedar St., Suite 223, St. Paul, MN 55101–6223, (651) 296–0481, 24 hours: (651) 649–5451.	Same.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

State	Part 71	Part 73
Mississippi	Robert R. Latham, Jr., Emergency Management Agency, P.O. Box 4501, Fondren Station, Jackson, MS 39296–4501, (601) 352–9100.	Same.
Missouri	Jerry B. Uhlmann, Director, Emergency Management Agency, P.O. Box 116, Jefferson City, MO 65102, (573) 526–9101, 24 hours: (573) 751–2748.	Same.
Montana	Jim Greene, Administrator, Disaster & Emergency Service, P.O. Box 4789, Helena, MT 59604, (406) 841–3911.	Same.
Nebraska	Major Bryan J. Tuma, Nebraska State Patrol, P.O. Box 94907, Lincoln, NE 68509–4907, (402) 479–4950, 24 hours: (402) 471–4545.	Same.
Nevada	Stanley R. Marshall, Supervisor, Radiological Health Section, Health Division, Department of Human Resources 1179 Fairview Drive, Suite 102, Carson City, NV 89701–5405, (775) 687–5394 x276, 24 hours: (775) 688–2830.	Same.
New Hampshire	Richard M. Flynn, Commissioner, New Hampshire Department of Safety, James H. Hayes Building 10 Hazen Drive, Concord, NH 03305, (603) 271–2791, (603) 271–3636 (24 hours).	Same.
New Jersey	Kent Tosch, Chief, Bureau of Nuclear Engineering, Department of Environmental Protection, P.O. Box 415, Trenton, NJ 08625–0415, (609) 984–7701.	Same.
New Mexico	Max D. Johnson, Bureau Chief, Technological Hazards Bureau, Department of Public Safety, P.O. Box 1628, Santa Fe, NM 87504–1628, (505) 476–9620, 24 hours: (505) 827–9126.	Same.
New York	Edward F. Jacoby, Jr., Director, State Emergency Management Office, 1220 Washington Avenue, Building 22—Suite 101, Albany, NY 12226–2251, (518) 457–2222.	Same.
North Carolina	Line Sgt. Mark Dalton, Hazardous Materials Coordinator, North Carolina Highway Patrol Headquarters 4702 Mail Service Center, Raleigh, NC 27699–4702, (919) 733–5282, After hours: (919) 733–3861.	Same.
North Dakota	Jeffery L. Burgess, Director, Division of Environmental Engineering, North Dakota Department of Health, 1200 Missouri Avenue, Box 5520, Bismarck, ND 58506–5520, (701) 328–5188, After hours: (701) 328–2121.	Same.
Ohio	Carol A. O'Claire, Supervisor, Ohio Emergency Management Agency 2855 West Dublin Granville Road, Columbus, OH 43235–2206, (614) 799–3915, 24 hours: (614) 889–7150.	Same.
Oklahoma	Bob A. Ricks, Commissioner, Oklahoma Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136–0145, (405) 425–2001, 24 hours: (405) 425–2424.	Same.
Oregon	David Stewart-Smith, Energy Resources Division, Oregon Office of Energy, 625 Marion Street, NE, Suite 1, Salem, OR 97301–3742, (503) 378–6469.	Same.
Pennsylvania	John Bahnweg, Director of Operations and Training, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110–9364, (717) 651–2001.	Same.
Rhode Island	William A. Maloney, Associate Administrator, Motor Carriers Section, Division of Public Utilities and Carriers, 100 Orange Street, Providence, RI 02903, (401) 222–3500; ext. 150.	Same.
South Carolina	Henry J. Porter, Assistant Director, Division of Waste Management, Bureau of Land and Waste Management, Department of Health & Environmental Control, 2600 Bull Street, Columbia, SC 29201, (803) 896–4245, Emergency: (803) 253–6488.	Same.
South Dakota	John A. Berheim, Director, Division of Emergency Management, 500 E. Capitol Avenue, Pierre, SD 57501–5070, (605) 773–3231.	Same.
Tennessee	John D. White, Jr., Director, Emergency Management Agency, 3041 Sidco Drive, Nashville, TN 37204–1504, (615) 741–0001, After hours: (Inside TN) 1–800–262–3400, (Outside TN) 1–800–258–3300.	Same.
Texas	Richard A. Ratliff, Chief, Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, TX 78756, (512) 834–6679.	Col. Thomas A. Davis, Director, Texas Department of Public Safety, Attn: EMS Preparedness Sec., P.O. Box 4087, Austin, TX 78773–0223, (512) 424–2589, (512) 424–2277 (24 hrs).
Utah	William J. Sinclair, Director, Division of Radiation Control, 168 North 1950 West, P.O. Box 144850, Salt Lake City, UT 84114–4850, (801) 536–4250, After hours: (801) 536–4123.	Same.
Vermont	Lieutenant Col. Thomas A. Powlovich, Director, Division of State Police, Department of Public Safety, 103 South Main Street, Waterbury, VT 05671–2101, (802) 244–7345.	Same.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

State	Part 71	Part 73
Virginia	Brett A. Burdick, Director, Technological Hazards Division, Department of Emergency Management, Commonwealth of Virginia, 10501 Trade Court, Richmond, VA 23236, (804) 897–6500, ext. 6569.	Same.
Washington	Lieutenant Stephen L. Kalmbach, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504–2600, (360) 753–0565.	Same.
West Virginia	Colonel H.E. Hill, Jr., Superintendent, West Virginia State Police, 725 Jefferson Road, South Charleston, WV 25309, (304) 746–2111.	Same
Wisconsin	Edward J. Gleason, Administrator, Wisconsin Division of Emergency Management, P.O. Box 7865, Madison, WI 53707–7865, (608) 242–3232.	Same.
Wyoming	Captain L. S. Gerard, Support Services Officer, Commercial Carrier, Wyoming Highway Patrol, 5300 Bishop Boulevard, Cheyenne, WY 82009–3340, (307) 777–4317, 24 hours: (307) 777–4321.	Same.
District of Columbia	Harold Monroe, Acting Program Manager, Bureau of Food, Drug & Radiation Protection, Department of Health, 51 N Street, NE, Room 6025, Washington, DC 20002, (202) 535–2188, 24 hours: (202) 535–2180.	Same.
Puerto Rico	Gladys Gonzalez, Chairman, Environmental Quality Board, P.O. Box 11488, San Juan, PR 00910, (787) 767–8056 or, (787) 767–8181.	Same.
Guam	Jesus T. Salas, Administrator, Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921, (671) 475–1658/9.	Same.
Virgin Islands	Dean C. Plaskett, Esq., Commissioner, Department of Planning and Natural Resources, Cyril E. King Airport, Terminal Building—Second Floor, St. Thomas, Virgin Islands 00802, (340) 774–3320.	Same.
American Samoa	Pati Fala, Government Ecologist, Environmental Protection Agency, Office of the Governor, Pago Pago, American Samoa 96799, (684) 633–2304.	Same.
Commonwealth of the Northern Mariana Islands.	Joaquin A. Tenorio, Ph.D., Secretary, Department of Lands and Natural Resources, Commonwealth of Northern, Mariana Islands Government, Saipan, MP 96950, (670) 322–9830 or (670) 322–9834.	Same.

Questions regarding this matter should be directed to Spiros Droggitis, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (Internet Address: SCD@NRC.GOV) or at (301) 415–2367.

Dated at Rockville, Maryland this 20th day of June, 2001.

For the Nuclear Regulatory Commission.

Paul H. Lohaus,

Director, Office of State and Tribal Programs.

[FR Doc. 01–16103 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. A–96–44]

Corrections to Multi-Agency Radiation Survey and Site Investigation Manual, Revision 1

AGENCY: Nuclear Regulatory Commission.

ACTION: List of corrections to Multi-Agency Radiation Survey and Site Investigation Manual, revision 1.

SUMMARY: This document presents corrections made to the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), Revision 1, which was published on October 18, 2000 (65 FR 62531). Revision 1 updated the December 1997 MARSSIM to reflect resolution of the comments received and to make editorial corrections.

EFFECTIVE DATE: June 29, 2001.

ADDRESSES: Copies of the MARSSIM, Revision 1, may be purchased by requests in writing to: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or phone 1–800–553–6847 or (703) 605–6000 8 a.m.—6 p.m.; EST, Mon-Fri The NRC document number is NUREG–1575, Rev. 1; the EPA document number is EPA 402-R–97–016, Rev. 1, and the DOE number is DOE/EH–0624, Rev. 1. The manual, the June 2001 corrected pages, and a summary of comments received are also available through the Internet at: http://www.epa.gov/radiation/marssim.

FOR FURTHER INFORMATION CONTACT: Robert A. Meck, Telephone: (301) 415–6205, U.S. Nuclear Regulatory Commission, MS T–9F31, Washington, DC 20555-0001, e-mail: ram2@nrc.gov; Harold Peterson, Telephone: (202) 586–9640, U.S. Department of Energy (EH–412), 1000 Independence Avenue, SW., Washington, DC 20585, e-mail: peterson.harold@eh.doe.gov; or Mark Doehnert; Telephone: (202) 564-9386, U.S. Environmental Protection Agency, Mail Stop 6608J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, e-mail: doehnert.mark@epa.gov.

SUPPLEMENTARY INFORMATION: The MARSSIM provides information on planning, conducting, evaluating, and documenting environmental radiological surveys of surface soils and building surfaces for demonstrating compliance with regulations. The following corrections, dated June 2001, were made to Revision 1 of the MARSSIM by the multi-agency MARSSIM workgroup. The June 2001 corrected pages are also available on the Internet at http://www.epa.gov/radiation/marssim.

1. On page v of the Table of Contents, the August 2000 date was removed from the header of the Errata and Addenda page to facilitate incorporation of future modifications. Pages xi, xii, and xv were corrected to correspond to the correct titles for Appendix C, Section .11 and Table H–3 respectively. Page xxviii was also updated to include these June 2001 corrections to the list of Errata and Addenda.

2. On page xxiii, the Abbreviations page, the abbreviation DARA (Department of the Army Radioactive

Material Authorization) was updated to ARA (Army Radiation Authorization). Also, on page C–19, the list of Army Regulations was updated by deleting AR 40–14 and AR 385–11 and adding AR 11–9 (The Army Radiation Safety Program).

3. On page Roadmap-8, the first bullet included an equation without an equal sign. The equation was corrected to include the equal sign.

4. On page 4–24, the second line of the second paragraph under Section 4.8.3.2 was missing a modifier. The word ''that'' was added to clarify the meaning of the sentence.

5. On page 5–12, the second line of the second paragraph under Section 5.3.3.3 included a typographical error. A space was added between ''samples'' and ''of.''

6. On page 6–16, the second line of the last paragraph under Section 6.5.1.3 was edited for clarification. The word ''fluence'' was added following ''total particle.''

7. On page 6–30, the Greek letter epsilon character in equations 6–3 and 6–4 printed incorrectly. This misprint was corrected.

8. On page 6–37, the example data were modified to reflect the August 2000 Errata and Addenda correction of the conversion factor for converting Bq/m^2 to dpm/100 cm^2.

9. On page 8–19, the example data were modified to reflect the August 2000 Errata and Addenda correction of the conversion factor for converting Bq/m^2 to dpm/100 cm^2.

10. On page 8–23, text was added to the first and third paragraphs to clarify the definition and use of the Greek letter delta (lower case delta) in equation 8–2 on that page.

11. On page 8–23, the Greek letter delta (lower case delta) character in equation 8–2 printed incorrectly. The misprint was corrected.

Dated in Rockville, Maryland, this 25th day of June 2001.

For the U.S. Nuclear Regulatory Commission.

Thomas L. King,

Director, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.

[FR Doc. 01–16392 Filed 6–28–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44471; File No. SR–DTC–2001–07]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to the Movement of All DRS Issues into Profile and the Establishment of the ''S'' Position as the Default Position

June 22, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 25, 2001, 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 would establish a date on which all securities issues which are presently eligible for the Direct Registration System (''DRS'') in DTC and which are not in the Profile Modification System (''Profile''), which is part of DRS, will have to move into Profile. Additionally, a broker-dealer's request for a withdrawal by transfer (W.T.)[2] for a DRS eligible issue which does not specifically request a certificate will automatically default to a DRS book-entry position (an ''S'' position) on the books of the issuer or its transfer agent. Both of these changes would become effective November 1, 2001.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In 1996, the New York Stock Exchange, Inc. modified its listing criteria to permit listed companies to issue securities in book entry form provided that the issue is eligible for DRS processing[4] through a depository.[5] Since them, there has been a steady growth in securities issued through DRS, primarily through corporate action distributions and initial public offerings. An investor may update broker-dealer information directly with the respective DRS limited participant (*i.e.,* the transfer agent) and also may instruct the DRS limited participant to move the investor's share positions to the investor's broker-dealer's participant account at DTC by completing the appropriate information on the transaction advice and submitting the hard copy paper instruction to the DRS limited participant.[6] In 1999, the volume of DRS free deliver order activity moving positions from DRS limited participants to participants (*i.e.,* from transfer agents to broker-dealers) exceeded 183,000 transactions.[7] In 2000, the volume increased to 280,000 transactions, and through March of 2001, the volume was 76,000.

In January 1999, the DRS Committee approved Profile's system specifications and authorized DTC to proceed with the development of Profile.[8] DTC completed production of Profile on June 5, 1999, and it has been available for use since then. Profile allows a DTC participant to submit electronically to a transfer agent who is a DRS limited participant an investor's instruction that its share positions be moved from the investor's DRS account with the DRS limited participant to the investor's broker-

[1] 15 U.S.C. 78s(b)(1).

[2] W.T. is a service that allows participants to withdraw physical stock or registered bond certificates from DTC and have them registered in a name other than Cede & Co., DTC's nominee name.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] In order for an issue to be eligible for DRS processing through DTC, the issue must be ''FAST'' eligible. The issuer or its transfer agent must provide direct mail service and have automated computer links with DTC.

[5] Securities Exchange Act Release No. 37937 (November 8, 1996), 61 FR 58728 [File No. NYSE 96–29].

[6] A DTC participant can establish broker-dealer information on behalf of a customer when submitting a W.T. request to establish a book entry position in DRS on a limited participant's records.

[7] This free deliver order activity is made up of a movement of share positions from DRS limited participants to participants free of payment.

[8] The DRS Committee is comprised of representatives from the Commission, DTC, and the brokerage and transfer agent communities, and is responsible for designing DRS.

dealer's participant account at DTC (''Electronic Participant Instruction'').[9] Similarly, a DRS limited participant using Profile may submit an investor's instruction for the movement of its share position from the investor's broker-dealer's participant account at DTC to an account maintained by the DRS limited participant (''Electronic Limited Participant Instruction'').

At the time that the Commission approved DTC's proposed rule change establishing Profile, it was contemplated that an electronic medallion program would be developed by a party that currently administers a medallion program in connection with transfers of physical certificates and that such an electronic medallion program would become part of Profile.[10] At a meeting held on April 20, 2000, that included representatives of the Securities Transfer Association, the Corporate Transfer Association, the American Society of Corporate Secretaries, the Securities Industry Association, DTC, the staff of the Commission, and the New York Stock Exchange, it was decided that because of its role in DRS, DTC would be a logical party to administer a program that would provide many of the benefits of an electronic medallion program.[11] At that meeting, it was apparent that recipients of Electronic Instructions would like to have the benefits of a surety bond that would be applicable when the obligor did not honor its obligations.

As a result, DTC proposed the DTC Profile Surety Program (''PSP''). PSP is open only to DTC full or limited participants. DTC is the program administrator of PSP. Under PSP, in order to send an Electronic Instruction, an entity is required to procure a surety bond. The surety bond has a limit of $2 million per occurrence with an aggregate limit of $6 million. The surety company issuing the surety bond must be either a company picked by DTC as the administrator of PSP or at the election of the entity procuring the surety bond an other surety company. Any other such surety company must issue its surety bond subject to the terms and conditions established by DTC for the PSP.

The PSP went into operation on May 3, 2001, with over twenty institutions representing 43 participant account numbers. With PSP in place, the DRS Committee at a meeting on April 12, 2001 agreed to take steps to migrate into Profile all securities issues currently in DRS but not in Profile. This migration is scheduled to be completed by November 1, 2001.[12]

In addition to the migration into Profile, DTC would change the DRS default code for a W.T. from the current ''C'' for certificate to ''S'' for statement. The ''S'' default code would be utilized if a broker submitted a W.T. for a DRS eligible issue that omitted a ''C'' certificate request on behalf of an investor.

The proposed rule change is consistent with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder applicable to DTC because the proposed rule change will give participants more efficient usage of DRS and because it will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since the operation of DRS, as modified by the proposed rule change, will be similar to the current operation of the function.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse 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 relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety 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 the self-regulatory organization 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 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 also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–2001–07 and should be submitted by July 20, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–16374 Filed 6–28–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3348]

State of Louisiana; Amendment #2

In accordance with a notice received from the Federal Emergency Management Agency, dated June 22, 2001, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as occurring between June 5, 2001 and continuing through June 22, 2001.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is August 10, 2001, and for loans for economic injury is March 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

[9] A participants can also use Profile's records to electronically append broker-dealer information to a shareholder's record at the limited participant.

[10] Securities Exchange Act Release No. 42704 (April 19, 2000), 65 FR 24242.

[11] Representatives from the above-referenced organizations also sit on the DRS Committee, an industry committee responsible for designing DRS.

[12] If a securities issuer whose issue is currently eligible in DRS does not agree to allow processing of its securities through Profile by November 1, 2001, that issuer will be prohibited from establishing any new DRS positions.

[13] 15 U.S.C. 78q–1.

[14] 17 CFR 200.30–3(a)(12).

Dated: June 25, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16429 Filed 6–28–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3341]

State of Minnesota; Amendment #4

In accordance with a notice received from the Federal Emergency Management Agency, dated June 21, 2001, the above-numbered Declaration is hereby amended to include Crow Wing, Kandiyohi, Lake of the Woods and Meeker Counties in the State of Minnesota as disaster areas caused by severe winter storms, flooding and tornadoes occurring between March 23, 2001 and continuing.

Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is July 15, 2001 and for economic injury the deadline is February 15, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 22, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16433 Filed 6–28–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3350]

State of Pennsylvania

As a result of the President's major disaster declaration on June 21, 2001, I find that Bucks and Montgomery Counties in the State of Pennsylvania constitute a disaster area due to damages caused by Tropical Storm Allison occurring on June 15 through 17, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 20, 2001 and for economic injury until the close of business on March 20, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Fl., Niagara Falls, NY 14303–1192.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Pennsylvania may be filed until the specified date at the above location: Berks, Chester, Delaware, Lehigh, Northampton, and Philadelphia; and Burlington, Hunterdon, Mercer, and Warren counties in the State of New Jersey.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.625
Homeowners Without Credit Available Elsewhere	3.312
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 335008. For economic injury the number is 9L9700 for Pennsylvania, and 9L9800 for New Jersey.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 22, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16431 Filed 6–28–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3347]

State of Texas; Amendment #2

In accordance with a notice received from the Federal Emergency Management Agency, dated June 20, 2001, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as occurring between June 5, 2001 and continuing through June 20, 2001.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is August 8, 2001, and for loans for economic injury is March 8, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 22, 2001.

Herbert L. Mitchell,

Associate Administrator For Disaster Assistance.

[FR Doc. 01–16430 Filed 6–28–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3339]

State of Wisconsin; Amendment #4

In accordance with a notice received from the Federal Emergency Management Agency, dated June 21, 2001, the above-numbered Declaration is hereby amended to include Outagamie and Winnebago Counties as disaster areas caused by flooding, severe storms and tornadoes occurring between April 10, 2001 and continuing.

In addition, applications for economic injury loans from small businesses located in Brown, Calumet, Fond du Lac, Green Lake, Shawano, Waupaca and Waushara Counties in the State of Wisconsin may be filed until the specified date at the previously designated location. Any counties contiguous to the above named primary counties and not listed here have been previously declared.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is July 10, 2001 and for economic injury the deadline is February 11, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 22, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–16432 Filed 6–28–01; 8:45 am]

BILLING CODE 8025–01–P

UNITED STATES TRADE REPRESENTATIVE

Request for Comment on Articles To Be Considered for Accelerated Tariff Elimination Under the North American Free Trade Agreement

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of articles proposed for accelerated tariff elimination under the North American Free Trade Agreement and request for comment.

SUMMARY: Section 201(b) of the North American Free Trade Agreement Implementation Act (''the Act'') (19 U.S.C 3331(b)) grants the President, subject to the consultation and layover

requirements of section 103(a) of the Act (19 U.S.C 3313(a)), the authority to proclaim any accelerated schedule for duty elimination that the United States may agree to with Mexico or Canada regarding the staging of any duty treatment set forth in Annex 302.2 of the North American Free Trade Agreement (''the NAFTA''). This notice is intended to inform the public of the list of products with respect to which the United States has received petitions to accelerate the elimination of duties for Mexican products entering the United States and for U.S. products entering Mexico, and to request comment on these articles.

DATES: Although USTR will accept any comments received during the course of its review, comments should be submitted on or before July 15, 2001, in order to be assured of timely consideration by USTR.

FOR FURTHER INFORMATION CONTACT: Kent Shigetomi, Director, Mexico and NAFTA Affairs, Office of Western Hemisphere Affairs, Office of the United States Trade Representative, Room 523, 600 17th Street, NW., Washington, DC 20508; telephone: (202) 395–3412; fax: (202) 395–9517. The list of products with respect to which the United States has received petitions can be obtained from the USTR Internet Web Page, at www.ustr.gov under [World Regions/ Western Hemisphere/North American Free Trade Agreement/NAFTA Reports and Publications/2001 Tariff Acceleration].

SUPPLEMENTARY INFORMATION: Article 302(3) of the NAFTA provides that two or more Parties to the NAFTA may consider and agree to accelerate the elimination of customs duties set out in their schedules. Since the NAFTA was implemented, the NAFTA governments have completed three rounds of accelerated tariff elimination, in 1994, 1997, and 2000. All duties between the United States and Canada covered by the NAFTA were eliminated on January 1, 1998, so the last two tariff acceleration rounds consisted of two parallel agreements, one between the U.S. and Mexico, and the other between Canada and Mexico.

As part of the third round of tariff acceleration, on May 27, 1999, USTR published a **Federal Register** notice (64 FR 28857) soliciting petitions from interested persons regarding products for which accelerated tariff elimination would be appropriate. The **Federal Register** notice also allowed for annual consideration of new requests, with a closing date of March 1.

USTR received two petitions requesting accelerated elimination of duties on a number of products. The Annexes to this notice list the products for which petitions were filed. Annex I lists subheadings in the Mexican Tariff Schedule of the General Import Duty Act that are proposed for accelerated tariff elimination with respect to goods of the United States. Subsequent to the negotiation of a trade agreement between the European Union and Mexico in 2000, the United States identified 40 products for which the U.S. tariff was already zero, but Mexico's tariff on imports from the U.S. was higher than Mexico's tariff on imports from the European Union. The U.S. is seeking to accelerate the elimination of Mexican duties on these items. These goods are marked with an asterisk (*). Annex II to this notice lists the subheadings in the Harmonized Tariff Schedule of the United States (''HTS'') that are proposed for accelerated tariff elimination with respect to goods of Mexico.

The Mexican Tarifa de la Ley del Impuesto General de Importacion (Tariff Schedule of the General Import Duty Act) should be consulted for a description of the articles covered in the tariff subheadings in Annex I. A description of the articles covered by the HTS subheadings in Annex II is available on the web site of the United States International Trade Commission, www.usitc.gov. An Internet source for tariff subheading descriptions of the United States and Mexico is www.apectariff.org.

USTR invites comments on the advisability of accelerated tariff elimination with respect to the subheadings listed in the annexes to this notice. The U.S. and Mexico will consider accelerated tariff elimination for all products falling under these subheadings. However, acceleration for a subset of the articles covered in a particular subheading will be considered in the alternative, as necessary. Thus, comments should specify if only a subset of all products is of concern to the commenting party.

Request for Comment

Comments should be submitted either via electronic mail to nafta2001@ustr.gov, or in ten type-written copies to the address specified above. USTR prefers that comments be submitted via electronic mail whenever possible. All submissions *must* specify: (1) The tariff subheadings to which the comments refer, and the importing and exporting NAFTA countries (e.g., goods of the United States exported to Mexico, or goods of Mexico exported to the United States); (2) the name, address and telephone number of the person, firm or organization making the comments; and (3) an indication as to whether the submitter represents a producer, importer, exporter, consumer (or any combination), or other party (please specify interest), for each country (for example, a producer and exporter in the United States, and an importer in Mexico). Submissions not meeting these requirements will not be considered.

Comments submitted to USTR will be available for public inspection in the USTR public reading room. Submitters who wish to exempt information from public disclosure should comply with the requirements of 19 CFR 2003.6 regarding submissions containing business confidential information. In addition, such persons should submit a public version of their comments. Submissions containing business confidential information should be submitted in hard copy, rather than by electronic mail.

ITC and Advisory Committee Advice

Pursuant to section 103 of the Act (19 U.S.C. 3313), USTR will request the advice of the United States International Trade Commission concerning the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the proposed accelerated tariff eliminations with respect to the subheadings listed in Annex II. USTR will also obtain the advice of the appropriate private sector advisory committees.

Bennett Harman,

Acting Assistant U.S. Trade Representative for the Western Hemisphere.

Annex I; List of Proposed Subheadings for Which Mexico Would Accelerate the Elimination of Duties for NAFTA Qualifying Goods of the United States

3002.10.08*	6404.11.01	8527.29.99*
3004.90.20*	6404.19.99	8531.90.99*
3005.10.99*	6404.20.01	8536.20.99*
3006.30.01*	6406.10.01	8536.90.11*
3209.90.99*	7307.22.10*	8536.90.16*
3401.11.01*	8426.41.02	8536.90.17*
3402.12.02*	8426.41.99	8548.90.01*
3402.20.99*	8427.10.03	8548.90.03*
3904.90.99*	8427.10.99	8607.11.01*
3908.10.04*	8427.20.01	8704.23.99*
4819.20.01*	8427.20.01*	8704.32.03*
6401.10.01	8429.20.01*	8704.32.05*
6401.91.01	8481.80.24*	8705.10.01*
6402.92.99	8481.90.04*	8705.20.99*
6402.99.99	8504.40.11*	9032.10.03*
6402.30.99	8509.10.01*	9501.00.02*
6402.91.01	8509.40.01*	9502.10.01*
6402.99.99	8509.40.03*	9503.41.01*
6404.11.99	8509.90.99*	

Annex II; List of Proposed Subheadings for Which the United States Would Accelerate the Elimination of Duties for NAFTA Qualifying Goods of Mexico

6401.10.00	6402.91.90	6404.19.25
6401.91.00	6402.99.20	6404.19.30
6401.92.90	6402.99.30	6404.19.60
6401.99.30	6402.99.60	6404.19.80
6401.99.60	6402.99.70	6404.20.60
6401.99.90	6402.99.80	6404.19.35
6402.30.50	6402.99.90	6404.19.50
6402.30.70	6404.11.20	6404.19.70
6402.30.80	6404.44.50	6404.20.20
6402.30.90	6404.11.60	6404.20.40
6402.91.50	6404.11.70	6406.10.05
6402.91.60	6404.11.80	6406.10.10
6402.91.70	6404.19.15	6406.10.20
6402.91.80	6404.19.20	6406.10.45

[FR Doc. 01–16322 Filed 6–28–01; 8:45 am]

BILLING CODE 3901–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33981]

Three Notch Railroad Co., Inc.—Acquisition, Lease and Operation Exemption—Alabama & Florida Railway Company

Three Notch Railroad Co., Inc. (TNR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to: (1) Acquire from Alabama & Florida Railway Company (A&F), its rights and interest in, and to operate, an approximately 34-mile rail line extending approximately from right-of-way station 22+57, at the interchange point with CSX Transportation, Inc. (CSXT), in Georgiana, AL, to A&F milepost 581.3, in Andalusia, AL (Georgiana Line); (2) take assignment of A&F's lease with CSXT to the extent it pertains to the right-of-way underlying the Georgiana Line; and (3) take assignment of A&F's lease with Andalusia & Conecuh Railroad Company (A&C) for the lease and operation of the rail line extending approximately from milepost S428+4706 feet to milepost S425+5170 feet, in Andalusia (A&C Line), in Covington, Butler and Conecuh Counties, AL. The A&C Line connects with the Georgiana Line in Andalusia.[1]

The transaction was expected to be consummated on or shortly after June 8, 2001, the effective date of the exemption.

This transaction is related to STB Finance Docket No. 33982, *Gulf & Ohio Railways Holding Co., Inc., H. Peter Claussen and Linda C. Claussen—Continuance in Control Exemption—Three Notch Railroad Co., Inc.,* wherein Gulf & Ohio Railways Holding Co., Inc. (GORH), H. Peter Claussen and Linda C. Claussen [2] have concurrently filed a verified notice to continue in control of TNR upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33981, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Troy W. Garris, Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036–1609.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.''

Decided: June 22, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–16463 Filed 6–28–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34058]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over 136.5 miles of BNSF trackage extending from BNSF milepost 2.7, near Pasco, WA, to BNSF milepost 11.8, near Spokane, WA.[1]

The transaction is scheduled to be consummated on June 26, 2001. The temporary trackage rights will facilitate maintenance work on UP's lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34058 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: June 22, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–16301 Filed 6–28–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33982]

Gulf & Ohio Railways Holding Co., Inc., H. Peter Claussen and Linda C. Claussen—Continuance in Control Exemption—Three Notch Railroad Co., Inc.

Gulf & Ohio Railways Holding Co., Inc. (GORH), a noncarrier, and H. Peter and Linda C. Claussen (Claussens), have filed a notice of exemption to continue in control of Three Notch Railroad Co., Inc. (TNR), upon TNR's becoming a carrier.

The transaction was scheduled to be consummated on or shortly after June 8, 2001, the effective date of the exemption.

This transaction is related to STB Finance Docket No. 33981, *Three Notch Railroad Co., Inc.—Acquisition, Lease and Operation Exemption—Alabama & Florida Railway Company,* wherein

[1] TNR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenue are not projected to exceed $5 million.

[2] H. Peter Claussen and Linda C. Claussen, who wholly own GORH, also own and control H&S Railroad, Inc., which operates in Alabama.

[1] On June 18, 2001, UP concurrently filed a petition for exemption in STB Finance Docket No. 34058 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* wherein UP requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on September 4, 2001. That petition will be addressed by the Board in a separate decision.

TNR seeks to acquire, lease and operate a rail line from Alabama & Florida Railway Company.

At the time it filed this notice, GORH owned and controlled seven existing Class III rail carriers: Gulf & Ohio Railways, Inc., which operates in Northwestern Mississippi under the trade name Mississippi Delta Railroad (MSDR); [1] Knoxville & Holston River Railroad Co., Inc., which operates in East Tennessee; Laurinburg & Southern Railroad Co., Inc., which operates in North Carolina; Lexington & Ohio Railroad Co., Inc., which operates in North Central Kentucky; Piedmont & Atlantic Railroad, Inc., which operates in Northwestern North Carolina under the trade name of Yadkin Valley Railroad; Rocky Mount & Western Railroad Co., Inc., which operates in Central North Carolina; and Wiregrass Central Railroad Company, Inc., which operates in Southeastern Alabama. Claussens, who wholly own GORH, also own and control H&S Railroad, Inc., which operates in Alabama.

GORH and the Claussens state that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance-in-control is not part of a series of anticipated transactions that would connect the eight railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33982, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Troy W. Garris, Weiner Brodsky Sidman & Kider, PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036–1609.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 22, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–16464 Filed 6–28–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The line is the subject of a petition for exemption in *County of Coahoma, Mississippi—Abandonment Exemption—in Tallahatchie and Coahoma Counties, MS,* STB Docket No. AB–579X, and *Gulf & Ohio Railways, Inc., d/b/a Mississippi Delta Railroad—Discontinuance of Service Exemption—in Tallahatchie and Coahoma Counties, MS,* STB Docket No. AB–580X, that was granted by the Board by decision served June 15, 2001. In that decision, the Board approved the abandonment and discontinuance of service over the County of Coahoma's 51.06-mile rail line consisting of: (1) The 18.6-mile Lula Segment between milepost 55.40 near Lula and milepost 74.00 near Lyon, MS; and (2) the 32.46-mile Swan Lake Line between milepost 74.00 near Lyon and milepost 79.00 near Clarksdale, MS, and between milepost 76.54 near Clarksdale and milepost 104.00 at Swan Lake. The Board also approved the discontinuance of both incidental overhead trackage rights and the lease operating rights over 1.39 miles of an Illinois Central Railroad Company (IC) rail line between milepost 104.00 and the connection with IC's main line at milepost 105.39. This discontinuance involves MSDR's entire railroad operation.

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986):

Bahrain,
Iraq,
Kuwait,
Lebanon,
Libya,
Oman,
Qatar,
Saudi Arabia,
Syria,
United Arab Emirates,
Yemen, Republic of.

Dated: June 22, 2001.

Barbara Angus,

International Tax Counsel, (Tax Policy).

[FR Doc. 01–16416 Filed 6–28–01; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 920]

The Gang Resistance Education and Training Program: Availability of Financial Assistance, Criteria and Application Procedures

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of availability of funds for financial assistance to State and local law enforcement agencies providing or desiring to provide the Gang Resistance Education and Training Program, intended funding priorities, and application procedures.

SUMMARY: Subject to the availability of appropriations, the Bureau of Alcohol, Tobacco and Firearms (ATF) intends to enter into cooperative agreements with State and local law enforcement agencies to assist them in providing the Gang Resistance Education and Training (G.R.E.A.T.) Program. This notice also sets forth the intended funding priorities and the criteria and application procedures that ATF will use to select and award State and local law enforcement agencies Federal funds to provide the G.R.E.A.T. Program.

DATES: Applications must be received on or before September 7, 2001.

ADDRESSES: Send applications to G.R.E.A.T. Branch; Bureau of Alcohol, Tobacco and Firearms; 800 K Street, NW., Suite 600, Washington, DC 20001; *ATTN: Notice No. 920.*

FOR FURTHER INFORMATION CONTACT: James Scott, G.R.E.A.T. Branch; Bureau of Alcohol, Tobacco and Firearms; 800 K Street, NW., Suite 600, Washington, DC 20001 (1–800–726–7070); or by sending electronic mail (E-mail) to: Great@atfhq.atf.treas.gov, or visit the G.R.E.A.T. website at www.atf.treas.gov/great/index.htm.

SUPPLEMENTARY INFORMATION:

Background

G.R.E.A.T. is a gang prevention program designed to educate the youth

about the dangers associated with joining street gangs and participating in violent crime. It functions as a cooperative program that utilizes the skills of ATF, Federal, State and local law enforcement personnel, as well as individuals from the community and civic groups. The G.R.E.A.T. Program trains police officers to provide instruction to grade and middle school aged children in gang prevention and anti-violence techniques. Training may be provided to any Federal, State, or local law enforcement agency, to the extent allocated funds allow. G.R.E.A.T. consists of three major components:

Component I—School-Based Education

Component II—After School/Summer Education/Booster Classes

Component III—Parent Involvement

Although the primary focus of the G.R.E.A.T. Program is Component I, applicants who are selected for financial assistance will be required to develop programs tailored to their respective communities for Components II and III.

Application Procedures

Application for financial assistance must be made on ATF Form 6410.1 (Gang Resistance Education and Training Funding Application). Application forms may be obtained by contacting James Scott, G.R.E.A.T. Branch; Bureau of Alcohol, Tobacco and Firearms; 800 K Street, NW., Suite 600, Washington, DC 20001 (1–800–726–7070). E-mail address: Great@atfhq.atf.treas.gov, or visit the G.R.E.A.T. website at www.atf.treas.gov/great/index.htm.

Funding Categories and Funding Distributions

In order to provide funding to a range of community sizes and locations, the applicants will be divided into five categories based on population. These categories will consist of populations: (A) 1,000,000 and over; (B) 500,000–999,999; (C) 100,000–499,999; (D) 25,000–99,999; (E) 24,999 or less. Each applicant will be required to report its population figures by using the Bureau of Census State Population Report for its entire service area. The population figures may be obtained from the Census Bureau's website at: www.census.gov/population/www/estimates or contacting the Census Bureau at 301–457–4608.

Criteria and Points

Each application will be evaluated and scored on the basis of the following criteria: (1) Juvenile crime statistics—(25%); (2) Percentage of middle school students proposed to be taught and have been taught—(35%); (3) Presence of curriculum reinforcement programs (Elementary, middle and high school life-skills programs, as well as summer, family and after school programs. Community partnerships will also be reviewed.)—(25%); (4) Support of National G.R.E.A.T. Program training—(15%).

Criterion 1. This criterion is designed to measure the magnitude of an applicant's youth crime problem. This criterion will utilize the Uniform Crime Reports (UCR) for the United States that are published annually by the Federal Bureau of Investigation (FBI). The total juvenile crime figures that will be used are the Part I and II offenses reported in the most recent UCR. The Part I and II offenses that are reported in the UCR are enumerated and defined in Appendix II of the UCR. In the event that an applicant does not provide annual data to the FBI for purposes of the UCR, the applicant should contact the G.R.E.A.T. Branch to determine how it can best submit information to measure its youth crime statistics. ATF will obtain the juvenile crime figures directly from the FBI. An applicant must indicate which service area (*i.e.,* city, county, etc.) ATF should use to obtain their juvenile crime figures, as computed using the most recent UCR.

Criterion 2. This criterion will measure middle school participation and consists of two sections, Section A and Section B.

Section A. An applicant will receive points based on the percentage of middle school students proposed to be taught G.R.E.A.T. compared to the total population of middle school students in the jurisdiction.

Section B. An applicant will receive points based on the percentage of middle school students that were taught G.R.E.A.T. in the last school year compared to last year's total population of middle school students.

Criterion 3. This criterion is used to identify applicants who currently have life skills programs in place that reinforce the effectiveness of the G.R.E.A.T. middle school core curriculum. Applicants will be asked to identify elementary, middle and high school programs that they have, as well as other summer, parent/family and after school programs. Applicants will need to include a narrative describing their programs and identify which life skills are being taught. This criterion will also identify applicants who have fostered community partnerships in order to enhance their local programs.

Criterion 4. This criterion will recognize applicants who regularly participate in G.R.E.A.T. sponsored committees, workshops, seminars, and/or have supplied National Training Team members for G.R.E.A.T. officer training.

Other Considerations

Prior year spending of G.R.E.A.T. funds from past year applicants will be taken into consideration when determining their future funding levels. In addition, in order to assure that the G.R.E.A.T. funds are being spent in a fiscally responsible manner, the per child cost for an applicant to conduct the program will be taken into consideration when awarding funds.

Catalog of Federal Domestic Assistance (CFDA)

For the purpose of tracking Federal funds used in grants and cooperative agreements, the G.R.E.A.T. Program has been assigned the CFDA #21.053.

Paperwork Reduction Act

The collection of information contained in this notice has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act (44 U.S.C. 3507(d)) under control number 1512–0548.

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.

Authority and Issuance

This notice is issued pursuant to Office of Management and Budget Circular No. A–102 (Grants and Cooperative Agreements with State and Local Governments).

Approved: June 21, 2001.

Bradley A. Buckles,

Director.

[FR Doc. 01–16393 Filed 6–28–01; 8:45 am]

BILLING CODE 4910–31–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–97–91; PS–101–90]

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, PS–97–91 and PS–101–90 (TD 8448), Enhanced Oil Recovery Credit (Sections 1.43–3(a)(3) and 1.43–3(b)(3)).

DATES: Written comments should be received on or before August 28, 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 Martha Brinson (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Enhanced Oil Recovery Credit

OMB Number: 1545–1292.

Regulation Project Number: PS–97–91 and PS–101–90.

Abstract: This regulation provides guidance concerning the costs subject to the enhanced oil recovery credit, the circumstances under which the credit is available, and procedures for certifying to the Internal Revenue Service that a project meets the requirements of section 43(c) of 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, and business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Respondent: 73 hours.

Estimated Total Annual Burden Hours: 1,460.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16402 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–ES

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 1041–ES, Estimated Income Tax for Estates and Trusts.

DATES: Written comments should be received on or before August 28, 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 Martha Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Estimated Income Tax for Estates and Trusts.

OMB Number: 1545–0971.

Form Number: 1041–ES.

Abstract: Internal Revenue Code section 6654(1) imposes a penalty on trusts, and in certain circumstances, a decedent's estate, for underpayment of estimated tax. Form 1041–ES is used by the fiduciary to make the estimated tax payments. The form provides the IRS with information to give estates and trusts proper credit for estimated tax payments.

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.

Estimated Number of Respondents: 1,200,000.

Estimated Time Per Respondent: 2 hr., 44 min.

Estimated Total Annual Burden Hours: 3,281,200.

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: June 19, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16403 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–79–91]

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, INTL–79–91 (TD 8573), Information Returns Required of United States Persons With Respect To Certain Foreign Corporations (§§ 1.6035–1, 1.6038–2 and 1.6046–1).

DATES: Written comments should be received on or before August 28, 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: Information Returns Required of United States Persons With Respect To Certain Foreign Corporations.

OMB Number: 1545–1317.

Regulation Project Number: INTL–79–91.

Abstract: This regulation amends the existing regulations under sections 6035, 6038, and 6046 of the Internal Revenue Code. The regulation amends and liberalizes certain requirements regarding the format in which information must be provided for purposes of Form 5471, Information Return of U.S. Persons With Respect to Certain Foreign Corporations. The regulation provides that financial statement information must be expressed in U.S. dollars translated according to U.S. generally accepted accounting principles and permits functional reporting of certain items.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

The burden for the collection of information is reflected in the burden for Form 5471, Information Return of U.S. Persons With Respect to Certain Foreign Corporations.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16404 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–118966–97]

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, REG–118966–97, Information Reporting With Respect to Certain Foreign Partnerships and Certain Foreign Corporations (§§ 1.6038–2, 1.6038–3, 1.6038B–1, and 1.6038B–2).

DATES: Written comments should be received on or before August 28, 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 Martha Brinson (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information Reporting With Respect to Certain Foreign Partnerships and Certain Foreign Corporations.

OMB Number: 1545–1617.

Regulation Project Number: REG–118966–97.

Abstract: Section 6038 requires certain U.S. persons who own interests in certain foreign partnerships or certain foreign corporations to annually report information to the IRS. This regulation provides reporting rules to identify foreign partnerships and foreign corporations which are controlled by U.S. persons.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 250.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16405 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–116608–97]

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, REG–116608–97, Eligibility Requirements After Denial of the Earned Income Credit (§ 1.32–3).

DATES: Written comments should be received on or before August 28, 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 Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Eligibility Requirements After Denial of the Earned Income Credit.

OMB Number: 1545–1575.

Regulation Project Number: REG–116608–97.

Abstract: Under section 1.32–3, this regulation provides guidance to taxpayers who have been denied the earned income credit (EIC) as a result of the deficiency procedures and wish to claim the EIC in a subsequent year. The regulation applies to taxpayers claiming the EIC for taxable years beginning after December 31, 1997, where the EIC was denied for a taxable year beginning after December 31, 1996.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

The burden for the reporting requirement in this regulation is reflected in the burden of Form 8862, Information to Claim Earned Income Credit After Disallowance.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16406 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120-RIC

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 1120–RIC, U.S. Income Tax Return for Regulated Investment Companies.

DATES: Written comments should be received on or before August 28, 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:* U.S. Income Tax Return for Regulated Investment Companies.

OMB Number: 1545–1010.

Form Number: 1120–RIC.

Abstract: Internal Revenue Code sections 851 through 855 provide rules for the taxation of a domestic corporation that meets certain requirements and elects to be taxed as a regulated investment company. Form 1120–RIC is filed by a domestic corporation making such an election in order to report its income and deductions and to compute its tax liability. The IRS uses the information on Form 1120–RIC to determine whether the corporation's income, deductions, credits, and tax have been correctly reported.

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.

Estimated Number of Respondents: 3,277.

Estimated Time Per Respondent: 113 hours, 43 minutes.

Estimated Total Annual Burden Hours: 372,660.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16408 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 3800

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 3800, General Business Credit.

DATES: Written comments should be received on or before August 28, 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 Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* General Business Credit.

OMB Number: 1545–0895.

Form Number: 3800.

Abstract: Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, work opportunity credit, welfare-to-work credit, alcohol fuel credit, research credit, low-income housing credit, disabled access credit, enhanced oil recovery credit, etc. Form 3800 is used to figure the correct credit.

Current Actions: A new line has been added to Form 3800 for the new markets tax credit.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms and individuals.

Estimated Number of Respondents: 272,197.

Estimated Time Per Respondent: 20 hrs., 16 min.

Estimated Total Annual Burden Hours: 5,514,712.

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: June 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16407 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040–C

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 1040–C, U.S. Departing Alien Income Tax Return.

DATES: Written comments should be received on or before August 28, 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:* U.S. Departing Alien Income Tax Return.

OMB Number: 1545–0086.

Form Number: 1040–C.

Abstract: Form 1040–C reflects Internal Revenue Code section 6851 and regulation sections 1.6851–1 and 1.6851–2. The form is used by aliens departing the U.S. to report income received or expected to be received for the entire year. The information collected is used to insure that the departing alien has no outstanding U.S. tax liability.

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.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 5 hours, 39 minutes.

Estimated Total Annual Burden Hours: 11,292.

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: June 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16409 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 7018–C

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 7018–C, Order Blank for Forms.

DATES: Written comments should be received on or before August 28, 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 should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Order Blank for Forms.

OMB Number: 1545–1022. *Form Number:* Form 7018–C. *Abstract:* Form 7018–C allows taxpayers who must file information returns a systematic way to order the forms and instructions they need.

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, and business or other for-profit organizations.

Estimated Number of Respondents: 868,432.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 43,422.

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: June 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16410 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 9455 and 9456

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 9455, I.R.S. Taxpayer Education Programs Annual Survey, and Form 9456, I.R.S. Taxpayer Education Programs Annual Survey 2nd Notice.

DATES: Written comments should be received on or before August 28, 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 forms should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Form 9455, I.R.S. Taxpayer Education Programs Annual Survey, and Form 9456, I.R.S. Taxpayer Education Programs Annual Survey 2nd Notice.

OMB Number: 1545–1336. *Form Number:* Forms 9455 and 9456.

Abstract: The information collected will be used to estimate the number of individuals who teach IRS' tax education programs, and the number of students who are exposed to the Understanding Taxes (UT) High School, UT–8th Grade, UT-Post Secondary, and Small Business Tax Education Programs during the course of a year. It will also be used to justify the continued use of these programs. This effort is in line with IRS initiatives on reducing taxpayer burden and Compliance 2000 initiatives to encourage voluntary compliance with the tax laws.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Responses: 120,800.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 20,137.

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: June 22, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16411 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13094

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 13094, Recommendation for Juvenile Employment with the Internal Revenue Service.

DATES: Written comments should be received on or before August 28, 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: Recommendation for Juvenile Employment with the Internal Revenue Service.

OMB Number: 1545–1746.

Form Number: 13094.

Abstract: The data collected on Form 13094 provides the Internal Revenue Service with a consistent method for making suitability determinations on juveniles for employment within the Service.

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 and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 208.

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: June 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16412 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–C

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 990–C, Farmers' Cooperative Association Income Tax Return.

DATES: Written comments should be received on or before August 28, 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 Martha Brinson (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Farmers' Cooperative Association Income Tax Return.

OMB Number: 1545–0051.

Form Number: 990–C.

Abstract: Form 990–C is used by farmers' cooperatives to report the tax imposed by Internal Revenue Code section 1381. The IRS uses the information on the form to determine whether the cooperative has correctly computed and reported its income tax liability.

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 and farms.

Estimated Number of Respondents: 5,600.

Estimated Time Per Respondent: 147 hr., 14 min.

Estimated Total Annual Burden Hours: 824,544.

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: June 19, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16413 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8851

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 8851, Summary of Archer MSAs.

DATES: Written comments should be received on or before August 28, 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: Summary of Archer MSAs.

OMB Number: 1545–1743.

Form Number: 8851.

Abstract: Internal Revenue Code section 220(j)(4) requires trustees, who establish medical savings accounts, to report the following: (a) number of medical savings accounts established before July 1 of the taxable year (beginning January 1, 2001), (b) name

and taxpayer identification number of each account holder and, (c) number of accounts which are accounts of previously uninsured individuals. Form 8851 is used for this purpose.

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.

Estimated Number of Respondents: 200,000.

Estimated Time Per Respondent: 7 hours, 42 minutes.

Estimated Total Annual Burden Hours: 1,540,000.

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: June 20, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–16414 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Florida Citizen Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Florida Citizen Advocacy Panel will be held in Sunrise CAP Office, Florida.

DATES: The meeting will be held Friday, July 27, 2001 and Saturday, July 28, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Ferree at 1–888–912–1227, or 954–423–7973.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday, July 27, 2001 from 6 p.m. to 9 p.m. and Saturday, July 28, 2001 from 9 a.m. to 12 p.m., at Sunrise CAP Office, 7771 W Oakland Park Boulevard, Suite 225, Sunrise, Florida 33351. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 954–423–7973, or write Nancy Ferree, CAP Office, 7771 W. Oakland Park Blvd., Rm. 225, Sunrise, FL 33351, or e-mail *firstcapsfl@mindspring.com.* Due to limited conference space, notification of intent to attend the meeting must be made with Nancy Ferree. Ms. Ferree can be reached at 1–888–912–1227 or 954–423–7973, or e-mail *firstcapsfl@mindspring.com.*

The agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: June 22, 2001.

John J. Mannion,

Director, Program Planning Quality.

[FR Doc. 01–16415 Filed 6–28–01; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 66, No. 126

Friday, June 29, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–001–0033; FRL–6996–9]

Clean Air Act Promulgation of Extension of Attainment Dates for PM $_{10}$ Nonattainment Areas; Utah

Correction

In rule document 01–15031, beginning on page 32752, in the issue of Monday, June 18, 2001, make the following corrections:

1. On page 32754, in the first column, in the 12th line, ''($SOPM_x$)'' should read '' (SO_x)''.

2. On page 32755, in the second column, under the heading **Summary of Public Comments and EPA's Responses**, in the fifth paragraph, the sixth line, after the word ''Area'' remove the ''.''.

3. On page 32760, in the second column, under the heading **List of Subjects**, in the eighth line, after ''part 52'' add ''subpart TT''.

[FR Doc. C1–15031 Filed 6–28–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

AAG/A Order No. 230–2001

Privacy Act of 1974; System of Records

Correction

In notice document 01–13860 beginning on page 29992 in the issue of Monday, June 4, 2001, make the following corrections:

1. On page 29992, in the second column, in the first paragraph, in the seventh line, ''systems'' should read ''Systems''.

2. On the same page, in the third column, in the third paragraph beginning with ''Civil Division'', in the third line, ''(53 FR 4,507, Oct 17, 1988)'' should read ''(53 FR 40,507, Oct 17, 1988)''.

3. On page 29993, in the first column, in the seventh paragraph, in the ninth line, ''[30 days after publication in the Federal Register].'' should read ''July 5, 2001.''.

4. On the same page, in the second column, in the first paragraph, in the third line, ''form'' should read ''from''.

5. On the same page, in the same column, in the same paragraph, in the sixth line from the bottom, ''investigators'' should read ''investigations''.

6. On the same page, in the same column, in the second paragraph, in the second line, ''correspondence's'' should read ''correspondent's ''.

7. On the same page, in the same column, in the same paragraph, in the eleventh line from the bottom, ''goods'' should read ''records''.

8. On the same page, in the same column, in the same paragraph, in the fourth line from the bottom, ''database'' should read ''databases''.

9. On the same page in the same column, in the same paragraph, the last line, ''seperately-notices'' should read ''seperately- noticed''.

10. On the same page, in the same column, in the fourth paragraph, in the first line ''System'' should read ''system''.

11. On the same page, in the third column, in the same paragraph, in the last line, ''response'' should read ''responses''.

12. On the same page, in the same column, in paragraph ''H'', in the fourth line, ''lettering of a letter'' should read ''letting of a license''.

13. On the same page, in the same column, in the same paragraph, in the sixth line, remove the '' ; '' after benefit and replace with a '' , ''.

14. On page 29994, in the first column, in the fifth column under ''RETRIEVABILITY:'', in the third line, ''subject matter of topic'' should read ''subject matter or topic''.

[FR Doc. C1–13860 Filed 6–28–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

[AAG/A Order No. 231–2001]

Privacy Act of 1974, System of Records

Correction

In notice document 01–13861 beginning on page 29994 in the issue of Monday, June 4, 2001, make the following corrections:

1. On page 29994, in the third column, in the first paragraph, in the ninth line, after the word ''Appeals'', insert the following text: ''DOJ/004. Most components of the Department maintain and operate systems of records for their Freedom of Information Act (FOIA), Privacy Act, and Mandatory Declassification Review request and administrative appeals,''.

2. On page 29995, in the first column, in the eleventh paragraph, under ''Office of Legal Policy'', in the third line, ''JUSTICE/OPA–001'' should read ''JUSTICE/OLP–001 ''.

3. On the same page, in the same column, in the thirteenth paragraph, under ''Office of Professional Responsibility'', in the second line, ''Freedom of Informationt/Privacy Act (FOIA) Records,'', should read ''Freedom of Information/Privacy Acts (FOIA) Records,''.

4. On the same page, in the second column, in the second paragraph, in the tenth line ''[30 days after publication in the **Federal Register**]'' should read, ''July 5, 2001''.

[FR Doc. C1–13861 Filed 6–28–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
June 29, 2001

Part II

Environmental Protection Agency

40 CFR Part 8

Environmental Impact Assessment of Nongovernmental Activities in Antarctica; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 8

[FRL–7004–9]

Environmental Impact Assessment of Nongovernmental Activities in Antarctica

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Public Law 104–227, the Antarctic Science, Tourism, and Conservation Act of 1996 (the Act), amends the Antarctic Conservation Act of 1978 to implement the Protocol on Environmental Protection (the Protocol) to the Antarctic Treaty of 1959 (the Treaty). The Act directs the Environmental Protection Agency (EPA) to promulgate regulations that provide for assessment of the environmental impacts of nongovernmental activities in Antarctica and for coordination of the review of information regarding environmental impact assessments received from other Parties under the Protocol. This proposed rule would establish requirements for assessments and coordination.

DATES: Comments must be received on or before July 30, 2001.

ADDRESSES: Send written comments to Mr. Joseph Montgomery; Director, NEPA Compliance Division; Office of Federal Activities (2252A); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW.; Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Montgomery or Ms. Katherine Biggs at telephone: (202) 564–7157 or (202) 564–7144, respectively.

SUPPLEMENTARY INFORMATION: This preamble is organized according to the following outline:

I. Introduction

A. Statutory Background

On October 2, 1996, the President signed into law the Antarctic Science, Tourism, and Conservation Act of 1996 (the Act). The purpose of the Act is to implement the provisions of the Protocol on Environmental Protection (the Protocol) to the Antarctic Treaty of 1959 (the Treaty). The Act provides that: ''The [Environmental Protection Agency] shall within 2 years after the date of * * * enactment * * * promulgate regulations to provide for * * * the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty * * * and * * * coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.'' Regulations must be ''consistent with Annex I to the Protocol.''

B. Background of the Rulemaking

Although the Act gave the Environmental Protection Agency (EPA) two years to promulgate regulations, the United States (U.S.) sought immediate ratification of the Protocol which, in turn, required EPA, contemporaneous with ratification, to have regulations in effect which enabled the U.S. to comply with its obligations under the Protocol. Accordingly, on April 30, 1997, EPA promulgated an interim final rule so that the United States could ratify the Protocol and implement its obligations under the Protocol as soon as the Protocol entered into force.

Because of the importance of facilitating the Protocol's prompt entry into force, EPA believed it had good cause under 5 U.S.C. 553(b)(B) to find that implementation of notice and comment procedures for the interim final rule would be contrary to the public interest and unnecessary. Therefore, the interim final regulations were issued without notice and an opportunity to comment and, for the same reasons, under 5 U.S.C. 553(d)(3), the interim final regulations took effect on April 30, 1997.

Further, EPA believed that public comment on the requirements for environmental documentation, including procedures and content, in the interim final regulations was unnecessary because the interim final regulations incorporated the environmental documentation requirements of the Protocol, which was signed by the U.S. in 1991 and received the advice and consent of the Senate in 1992. Specifically, language from the Protocol was incorporated into the interim final regulations regarding the content of initial environmental evaluation (IEE) and comprehensive environmental evaluation (CEE) documentation as required by the Protocol, and the timing requirements of the interim final regulations were set out to meet those established by Annex I to the Protocol.

At the time the interim final regulations were promulgated, EPA announced its plans to provide extensive opportunities for public comment in the development of the proposed final regulations. EPA stated the final regulations would be proposed and promulgated in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553 *et seq.*), which generally requires notice to the public, description of the substance of the proposed rule and an opportunity for public comment. Further, EPA announced that it would prepare under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) an Environmental Impact Statement (EIS), which would consider the environmental impacts of the proposed rule and alternatives and which would address the environmental and regulatory issues raised by interested agencies, organizations, groups and individuals and that the public would have an opportunity to participate in the scoping process for the EIS. The Notice of Availability for the ''Draft Environmental Impact Statement for the Proposed Rule on Environmental Impact

Assessment of Nongovernmental Activities in Antarctica'' (DEIS) was published in the **Federal Register** on February 16, 2001; the public comment period closed on April 2, 2001. In preparing this proposed rule, EPA has considered the comments received on the issues involved with and the alternatives presented in the DEIS for this regulatory action.

The interim final regulations were intended to be limited in time and effect to provide for a transition period until the final regulations could be developed prior to the statutory deadline of October 2, 1998. However, during scoping, the International Association of Antarctica Tour Operators, individual tour operators, and The Antarctica Project/Antarctic and Southern Ocean Coalition requested that the deadline for the interim final rule be extended to give the operators an opportunity to determine the ''workability'' of the requirements and then to comment to EPA. After consultation with other interested federal agencies, EPA determined that this request was reasonable and that additional time to develop the final rule would be beneficial. Thus, EPA issued a direct amendment to the interim final rule effective July 14, 1998, which extended its applicability through the 2000–2001 austral summer. The interim final regulations served as the model for these proposed regulations which are described below. Certain aspects of these proposed regulations are new or different from the interim final regulations, including a new provision that would allow submission of environmental documentation on a multi-year basis and a definition of the term ''more than a minor or transitory impact.''

II. Description of Program and These Proposed Regulations

A. The Antarctic Treaty and Protocol

The Antarctic Treaty of 1959 entered into force in 1961 and guarantees freedom of scientific research in Antarctica, reserves Antarctica exclusively for peaceful purposes, establishes regular meetings of the Parties to the Treaty (Parties) to develop measures to implement the Treaty and to deal with issues that may arise, and freezes territorial claims. Currently 27 countries participate in decision-making under the Treaty as Consultative Parties. Seventeen other countries are Parties, but may not block decisions taken by consensus of the Consultative Parties.

As human activities in Antarctica intensified, concern grew regarding the effects of such activities on the Antarctic environment and the potential consequences of the development of mineral resources. In 1990, the U.S. Congress responded by passing the Antarctic Protection Act, which prohibited persons subject to U.S. jurisdiction from engaging in Antarctic mineral resource activities and called for the negotiation of an environmental protection agreement.

Over the years, the Antarctic Treaty Parties have adopted a variety of measures to protect the Antarctic environment. In 1991, the Parties adopted the Protocol on Environmental Protection which builds upon the Treaty by extending and strengthening Antarctic environmental protection. The Protocol designates Antarctica as a natural reserve dedicated to peace and science, and bans non-scientific mineral activities. The Protocol requires prior assessment of the possible environmental impacts of all activities to be carried out in Antarctica. It establishes the Committee for Environmental Protection (the Committee) to provide expert scientific and technical advice to the Parties on measures necessary to effectively implement the Protocol. The Protocol requires that draft CEEs for activities likely to have more than a minor or transitory impact on Antarctica and its dependent and associated ecosystems be provided to the Parties and to the Committee. Because legislation was needed in order for the United States to be able to implement its obligations under the Protocol, the Antarctic Science, Tourism, and Conservation Act of 1996 was enacted by Congress. The Act directs EPA to issue regulations implementing the requirements for environmental impact assessments of nongovernmental activities, including tourism, for which the U.S. is required to give advance notice under the Treaty.

B. The Purpose of These Proposed Regulations

The purpose of these proposed regulations is to provide for the evaluation of the potential environmental impact of those nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty. The Treaty requires notice of, *inter alia*, ''all expeditions to Antarctica organized in or proceeding from'' the United States. In addition, these regulations would provide for coordination of reviews of draft CEEs received from other Parties, in accordance with the Protocol. The Act states that these regulations are to be consistent with Annex I to the Protocol.

Among other things, these proposed regulations specify the procedures that would need to be followed by any person or persons organizing a nongovernmental expedition to or within Antarctica ('operator' or 'operators') in evaluating the potential environmental impacts of their activities. These proposed regulations include considerations and elements relevant to environmental documentation of the evaluation, as well as procedures for submission of environmental documentation that would allow the EPA to review whether the evaluation meets the provisions of the proposed regulations and the requirements of Annex I of the Protocol.

Operators currently provide information prior to each Antarctic summer season to the Department of State to meet U.S. obligations for notification pursuant to Article VII of the Treaty, which requires advance notice of expeditions to and within Antarctica. This information is also part of the basic information requirements for preparation of environmental documentation, as addressed in Section 8.4(a) of these proposed regulations. While operators would be required to include this information in environmental documentation, they could also continue to provide this information directly to the Department of State.

C. Summary of the Protocol

This proposed rule would implement Annex I to the Protocol, which describes procedures to be used in conducting environmental impact assessments of effects of activities in Antarctica. Article 8 of the Protocol provides that Parties to the Protocol ensure that the assessment procedures of Annex I are applied in planning processes leading to decisions about any activities, including nongovernmental activities, including tourism, to be undertaken in the Antarctic Treaty area for which advance notice is required under paragraph 5 of Article VII of the Treaty.

The procedures set forth in Annex I require that all proposed activities by operators be assessed, through one or more stages of assessment. If an activity will have an impact that is less than minor or transitory, only a preliminary environmental assessment would need to be submitted under these proposed regulations before the activity proceeds. For an activity that will have no more than a minor or transitory impact, an initial environmental evaluation (IEE) would need to be submitted under these proposed regulations before the activity

proceeds. Finally, if it is determined (through an IEE or otherwise) that an activity is likely to have more than a minor or transitory impact, a comprehensive environmental evaluation (CEE) would need to be submitted under these proposed regulations before the activity proceeds.

An IEE describes an activity's purpose, location, duration and intensity, and considers alternatives and assesses impacts, including cumulative impacts, in light of existing and known proposed activities. A CEE is a detailed analysis that comprehensively evaluates the activity, its impacts, alternatives, mitigation and the like. A draft CEE must be provided to the Parties and the Committee at least 120 days before the next consultative meeting where the draft CEE may be addressed. No final decision shall be taken to proceed with any activity for which a CEE is prepared unless there has been an opportunity for consideration of the draft CEE at an Antarctic Treaty Consultative Meeting (ATCM) on the advice of the Committee (unless the decision to proceed with the activity has already been delayed more than 15 months since the date of circulation of the draft CEE). A final CEE must be circulated at least 60 days before commencement of the proposed activity. Any decision by the operator on whether a proposed activity should proceed in either its original or modified form must be based upon the final CEE as well as other relevant considerations, and procedures must be put in place for monitoring the impact of any activity that proceeds following completion of a CEE.

Evaluations need to address Annex I to the Protocol. The information contained in an evaluation should allow the operator to make decisions based on a sound understanding of factors relevant to the likely impact of the proposed activity. An evaluation should, as appropriate, contain sufficient information to allow assessments of, and informed judgements about, the likely impacts of proposed activities on the Antarctic environment and on the value of the Antarctic environment for the conduct of scientific research. Depending on the specific circumstances surrounding the proposed activities, various factors may be relevant for consideration in the environmental impact assessment process such as the scope, duration and intensity of the activity proposed in Antarctica, cumulative impacts, impacts on other activities in the Antarctic Treaty area, and capacity to assess and verify adverse environmental impacts. Operators may also find it appropriate to consider the availability of technology and procedures for environmentally safe operations and whether there exists the capacity to respond promptly and effectively to accidents with environmental effects.

D. Activities Covered by These Proposed Regulations

1. Persons Required To Carry Out an EIA

The requirements of these proposed regulations would apply to operators of nongovernmental expeditions organized in or proceeding from the territory of the United States to Antarctica. The term ''expedition'' is taken from paragraph 5 of Article VII of the Treaty and encompasses all actions or activities undertaken by a nongovernmental expedition while it is in Antarctica. These proposed regulations would not apply to individual U.S. citizens or groups of citizens planning to travel to Antarctica on an expedition for which they are not acting as an operator.

For a commercial tour, typical functions of an operator would include, for example, acting as the primary person or group of persons responsible for acquiring use of vessels or aircraft, hiring expedition staff, planning itineraries, and other organizational responsibilities. Non-commercial expeditions covered by these proposed regulations would include trips by yachts, skiing or mountaineering expeditions, privately funded research expeditions, and other nongovernmental or nongovernment-sponsored activities.

These proposed regulations would not apply to U.S. citizens who participate in tours organized in and proceeding from countries other than the United States. As provided in the Protocol, the proposed requirements do not apply to activities undertaken in the Antarctic Treaty area that are governed by the Convention on the Conservation of Antarctic Marine Living Resources or the Convention for the Conservation of Antarctic Seals. Persons traveling to Antarctica are subject to the requirements of the Marine Mammal Protection Act, 16 U.S.C. 1371 et seq.

2. Differences Between Governmental and Nongovernmental Activities

These proposed regulations would not apply to governmental activities. C.f. 45 CFR 641.10 through 641.22 (National Science Foundation regulations for assessing impacts of governmental activities in Antarctica). However, EPA believes that, to the extent practicable, similar procedures should generally be used for assessing both governmental and nongovernmental activities. Consistent with this approach, these proposed regulations generally establish procedures for assessing the impacts of nongovernmental activities in Antarctica similar to those used for governmental activities under the National Science Foundation regulations.

However, EPA also recognizes that it will not always be appropriate to apply identical standards and procedures for governmental and nongovernmental activities. Specifically, numerous mechanisms and processes exist to ensure public scrutiny and accountability of governmental activities. In some instances, no comparable mechanisms or processes exist for nongovernmental activities. Thus, these proposed regulations provide for direct federal review of each nongovernmental environmental impact assessment by giving EPA authority to review, in consultation with other interested federal agencies, nongovernmental environmental impact assessments for compliance with the requirements of Annex I to the Protocol and these proposed regulations.

To promote consistency regarding environmental documentation, EPA intends to consult with the National Science Foundation and other U.S. government agencies with appropriate expertise in the course of reviewing the assessments of proposed nongovernmental activities in the Antarctic. Further, following the final response from the operator to EPA's initial comments, EPA would obtain the concurrence of the National Science Foundation in making any determination that the environmental documentation submitted by an operator fails to meet the requirements under Article 8 and Annex I to the Protocol and the provisions of these proposed regulations.

3. Appropriate Level of Environmental Documentation

(a) *Preliminary Environmental Review Memorandum (PERM).* These proposed regulations provide that an operator who asserts that an expedition will have less than a minor or transitory impact would provide a Preliminary Environmental Review Memorandum (PERM) to the EPA no later than 180 days before the proposed departure of the expedition to Antarctica. The timing requirement has been established to provide sufficient time for the operator to prepare an IEE if one is needed. The EPA, in consultation with other interested federal agencies, would review the PERM to determine if it is sufficient to demonstrate that the activity will have less than a minor or transitory impact or whether additional

environmental documentation, i.e., an IEE or CEE, is required to meet the obligations of Annex I. The EPA would provide its comments to the operator within fifteen (15) days of receipt of the PERM, and the operator would have seventy-five (75) days to prepare a revised PERM or an IEE, if necessary. Following the final response from the operator, EPA may make a finding that the environmental documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of these regulations. This finding would be made with the concurrence of the National Science Foundation. If EPA does not provide such notice within thirty (30) days, the operator would be deemed to have met the requirements of these proposed regulations.

If EPA recommends an IEE and one is prepared and submitted within the seventy-five (75) day response period, the schedule for review would follow the time frames set out for an IEE in these regulations. (See: section II.D.3(b), below.) Should EPA recommend a CEE, timing requirements applicable to CEEs may necessitate a delay in plans to initiate a proposed activity. Operators are encouraged to consult with EPA on options in this regard.

(b) *Initial Environmental Evaluation (IEE).* Article 2 of Annex I to the Protocol requires that unless it has been determined that an activity will have less than a minor or transitory impact, or unless a CEE is being prepared in accordance with Article 3 of Annex I, an IEE must be prepared. Among the items to be included in an IEE to document that an activity will have no more than a minor or transitory impact are the cumulative impacts of the proposed activity in light of existing and known proposed activities. Expeditions, by their nature, involve the transport of persons to Antarctica that will result in physical impacts, which may include, but not be limited to: Air emissions, discharges to the ocean, noise from engines, landings for sight-seeing, and activities by visitors near wildlife. Accordingly, it is EPA's view, which has been confirmed by its experience under the interim final regulations, that, at a minimum, an IEE is the appropriate level of environmental documentation for proposed activities where multiples of the activity over time are likely and may create a cumulative impact, unless an existing IEE or CEE supports a finding that the type of activity proposed results in a less than minor or transitory cumulative impact. However, as noted below, it is also EPA's view that the types of nongovernmental activities that are currently being carried out will typically be unlikely to have impacts that are more than minor or transitory assuming that activities will be carried out in accordance with the guidelines set forth in the ATCM Recommendation XVIII–1, Tourism and Non-Governmental Activities, the relevant provisions of other U.S. statutes, and Annexes II-V to the Protocol. In the event that a determination is made that a CEE is needed to meet the requirements of Annex I to the Protocol and the provisions of these proposed regulations, timing requirements applicable to CEEs may necessitate a delay in plans to initiate a proposed activity, and operators are encouraged to consult with EPA on options.

Any operator who wishes to make an expedition to Antarctica would be required to provide an IEE to EPA no less than ninety (90) days prior to the proposed departure of the expedition to Antarctica unless: (1) A decision has been made to prepare a CEE, or (2) the operator has submitted a PERM and there has not been a finding within the time limits of these regulations that the PERM fails to meet the requirements under Annex I to the Protocol and the provisions of these proposed regulations.

The EPA would provide its comments to the operator within thirty (30) days of receipt of the IEE, and the operator would have forty-five (45) days to prepare a revised IEE, if necessary. Following the final response from the operator, EPA may make a finding that the documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of these regulations. This finding would be made with the concurrence of the National Science Foundation. If such a notice is required, EPA would provide it within fifteen (15) days of receiving the final IEE from the operator or, if the operator does not provide a final IEE, within sixty (60) days following EPA's comments on the original IEE. If EPA does not provide notice within these time limits, the operator would be deemed to have met the requirements of these proposed regulations, provided that procedures, which may include appropriate monitoring, are carried out to assess and verify the impact of the activity.

If a CEE is required, the operator must adhere to the time limits applicable to such documentation. (See: section II.D.3.(c), below.) In the event that a determination is made that a CEE is required, EPA, at the operator's request, would consult with the operator regarding possible changes in the proposed activity that would allow preparation of an IEE.

The EPA, upon receipt of an IEE, would electronically publish notice of its receipt on the Office of Federal Activities' World Wide Web Site: *http://www.epa.gov/oeca/ofa/*. The Department of State would circulate to the Parties and make publicly available a copy of an annual list of IEEs prepared by U.S. operators in accordance with Article 2 of Annex I of the Protocol and any decisions taken in consequence thereof. Any IEE prepared in accordance with these regulations would be made available by the EPA on request.

(c) *Comprehensive Environmental Evaluation (CEE).* Article 3(4), of Annex I of the Protocol requires that draft CEEs be distributed to all Parties and the Committee 120 days in advance of the next Antarctic Treaty Consultative Meeting at which the CEE may be addressed. Since the next ATCM is anticipated to be in July 2001, CEEs prepared for nongovernmental activities in the 2001–2002 season would have to have been distributed by March 2001. Operators who are anticipating activities for the 2002–2003 season which would require a CEE are encouraged to consult with the EPA as soon as possible.

In order to meet the requirements of Article 3(4), of Annex I of the Protocol which requires that draft CEEs be distributed to all Parties and the Committee 120 days in advance of the next Antarctic Treaty Consultative Meeting at which the CEE may be addressed, and because the ATCM generally meets in May, the schedule in the proposed regulations for submitting a draft CEE is the preceding November in order to ensure time for its distribution to all Parties and the Committee 120 days in advance of the ATCM. Thus, for example, for the 2002–2003 season, any operator who plans an activity which would require a CEE would need to submit a draft of the CEE to EPA by December 1, 2001. Within fifteen (15) days of receipt of the draft CEE, EPA would send it to the Department of State for transmittal as a draft CEE to other Parties and EPA would publish notice of receipt of the CEE in the **Federal Register** and would provide copies to any person upon request. The EPA would accept public comments on the CEE for a period of ninety (90) days following notice in the **Federal Register**. The EPA would make these public comments available to the operator.

The EPA, in consultation with other interested federal agencies, would review the CEE to determine if it meets the requirements under Annex I to the Protocol and the provisions of these

proposed regulations and transmit its comments to the operator within 120 days following publication of notice of availability in the **Federal Register** to allow for the inclusion of any additional information in the CEE. The operator would need to prepare a final CEE that addresses and includes or summarizes any comments on the draft CEE received from EPA, the public and the Parties. The final CEE would need to be sent to EPA at least seventy-five (75) days before proposed departure. Following the final response from the operator, the EPA would inform the operator if EPA, with the concurrence of the National Science Foundation, makes the finding that the environmental documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of these regulations. This notification would occur within fifteen (15) days of submittal of the final CEE if the CEE is submitted by the operator within the time limits set out in these regulations. If no final CEE is submitted by the operator, or if the operator fails to meet these time limits, EPA would provide such notification sixty (60) days prior to departure of the expedition. If, after receipt of such notification, the operator proceeds with the expedition without fulfilling the requirements of these regulations, the operator would be subject to enforcement proceedings pursuant to Sections 7, 8, and 9 of the Antarctic Conservation Act, as amended by the Act; 16 U.S.C. 2407, 2408, 2409, and 45 CFR part 672. If EPA does not provide notice, the operator would be deemed to have met the requirements of these regulations provided that procedures, which include appropriate monitoring, are carried out to assess and verify the impact of the activity. The EPA would transmit the final CEE to the Department of State which would circulate it to all Parties no later than sixty (60) days before proposed departure of the expedition, along with a notice of any decisions by the operator relating thereto. The EPA would publish a notice of availability of the final CEE in the **Federal Register**.

Operators are encouraged to consult with the EPA as early as possible if there are questions as to whether a CEE would be required for a proposed expedition.

(d) *Mitigation.* If an operator chooses to mitigate and the mitigation measures are the basis for the level of environmental documentation, EPA would assume the operator would proceed with these mitigation measures. Otherwise, the documentation may not have met the requirements of Article 8 and Annex I and the provisions of these proposed regulations.

4. Criteria for a CEE

Article 3 of Annex I to the Protocol requires a CEE when it is determined that an activity is likely to have more than a minor or transitory impact. While the need for a CEE would be evaluated for each activity on a case-by-case basis, it is EPA's view that the type of nongovernmental activities that are currently being carried out will typically be unlikely to have impacts that are more than minor or transitory.

However, the need for a CEE could be triggered by a proposed activity that represents a major departure from current nongovernmental activities, resulting in a large increase in adverse environmental impact at a site. Similarly, a CEE may be required if an activity is likely to give rise to particularly complex, cumulative, large-scale or irreversible effects, such as perturbations in unique and very sensitive biological systems. An example of an activity that might require a CEE would be the construction and operation of a new crushed rock airstrip or runway.

In evaluating whether a CEE is the appropriate level of environmental documentation, the EPA would consider the impact in terms of the context of the Antarctic environment and the intensity of the activity. The Antarctic environment is for the most part unspoiled, has intrinsic value, and is of great value to science and to humankind's overall understanding of the global environment. In addition, because of the location and uniqueness of the ecosystem, there would likely be great difficulty responding to environmental threats and mitigating damage to the Antarctic ecosystem. The EPA believes a comparable threshold should be applied in determining whether an activity may have an impact that is more than minor or transitory under these proposed regulations as is used in determining if a federal activity will have a significant effect for purposes of the National Environmental Policy Act (NEPA). See 40 CFR 1508.27. For this reason, for purposes of these proposed regulations and consistent with the environmental impact assessment regulations for federal activities, the term ''more than a minor or transitory impact'' has been defined to have the same meaning as the term ''significantly'' under NEPA. 16 U.S.C. 2403a(a)(1)(B); 40 CFR 1508.27.

The recommendation to add this definition to these proposed regulations was made to EPA during the scoping process and was considered in the DEIS prepared by EPA that considered the alternatives for this proposed rule. The Agency is interested in receiving comments on this definition in these proposed regulations.

5. Measures To Assess and Verify Environmental Impacts

The Protocol and these proposed regulations require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of any activity that proceeds on the basis of an IEE or CEE. The record developed through these measures would need to be designed to: (a) Enable assessments to be made of the extent to which such impacts are consistent with the Protocol; and (b) provide information useful for minimizing and mitigating those impacts, and, where appropriate, on the need for suspension, cancellation, or modification of the activity. Moreover, an operator would need to monitor key environmental indicators for an activity proceeding on the basis of a CEE. An operator may also need to carry out monitoring in order to assess and verify the impact of an activity for which an IEE has been prepared.

For activities requiring an IEE, an operator should be able to use procedures currently being voluntarily utilized by operators to provide the required information. For example, such information could include, as appropriate and to the best of the operator's knowledge: Identification of the number of tourists put ashore at each site, the number and location of each landing site, the total number of tourists at each site per ship and for the season; the number of times the site has been visited in the past; the number of times the site is expected to be visited in the forthcoming season; the times of the year that visits are expected to occur (e.g., before, during, or after the penguin breeding season); the number of visitors expected to be put ashore at the site at any one time and over the course of a particular visit; what visitors are expected to do while at the site; verification that guidelines for tourists are followed; description of any tourist exceptions to the landing guidelines; and a description of any activity requiring mitigation, the mitigative actions undertaken, and the actual or projected outcome of the mitigation.

These proposed regulations do not set out detailed monitoring procedures for activities requiring a CEE because the Parties are still working to identify monitoring approaches that can best support the Protocol's implementation. Thus, should an activity require a CEE, the operator should consult with EPA

to: (a) identify the monitoring regime appropriate to that activity, and (b) determine whether and how the operator might utilize relevant monitoring data collected by the U.S. Antarctic Program. The EPA would consult with the National Science Foundation and other interested federal agencies regarding this monitoring regime.

E. Incorporation of Information, Consolidation of Environmental Documentation, Waiver or Modification of Deadlines, and Provision for Multi-Year Environmental Documentation

The EPA is strongly committed to minimizing unnecessary paperwork and to implementation of these proposed regulations such that undue burden is not placed on operators, particularly in view of the time requirements associated with environmental documentation requirements. Therefore, provided that documentation complies with all applicable provisions of Annex I to the Protocol and these proposed regulations, and, provided that the environmental documentation is appropriate in light of the specific circumstances of each operator's expedition or expeditions, the EPA would allow the following approaches to documentation: (1) Material may be incorporated by referring to it in the environmental document with its content briefly described when the cited material is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document and may, if appropriate, include a single discussion of components of the environmental analysis that are applicable to some or all of the proposed expeditions; (3) one environmental document may also be used to address expeditions being carried out by more than one operator, provided that the environmental documentation includes the names of each operator for which the environmental documentation is being submitted pursuant to obligations under these proposed regulations; and (4) one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision would also allow operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document without having to revise and re-submit the entire document. Further, the EPA may waive or modify the deadlines of these proposed regulations where EPA determines an operator is acting in good faith and that circumstances outside the control of the operator created delays, provided that environmental documentation fully meets deadlines under the Protocol.

The multi-year documentation provision was recommended to EPA during the scoping process and was considered in the EIS prepared by EPA that considered the alternatives for this proposed rule. The Agency is interested in receiving comments on this provision in these proposed regulations.

F. Submission of Environmental Documents

The operator would need to submit five copies of its environmental documentation, along with an electronic copy in HTML format, if available, to the EPA by mail to: U.S. Environmental Protection Agency, Office of Federal Activities, Director, NEPA Compliance Division—Mail Code 2252A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Environmental documents may also be sent by special delivery (Federal Express, United Parcel Service, etc.) or hand-carried to: U.S. Environmental Protection Agency, Office of Federal Activities, Director, NEPA Compliance Division—Room 7239A, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20044.

An operator who wishes to could notify and submit environmental documentation at an earlier date than required for this proposed rule. The EPA review process, including notification for public review and comment, would commence with the submittal of environmental documentation and would follow deadlines for response indicated in the appropriate sections of this proposed rule.

G. Prohibited Acts, Enforcement and Penalties

It would be unlawful for any operator to violate these proposed regulations. An operator who violates any of these regulations would be subject to enforcement, which may include civil and criminal enforcement proceedings, and penalties, pursuant to sections 7, 8, and 9 of the Antarctic Conservation Act, as amended by the Act; 16 U.S.C. 2407, 2408, 2409, and 45 CFR part 672.

H. Provision for Categorical Exclusions

The National Environmental Policy Act defines ''categorical exclusion'' as ''a category of actions which do not individually or cumulatively have a significant effect on the human environment * * * and for which, therefore, neither an environmental assessment nor an environmental impact statement is required'' (40 CFR 1508.4). Only narrow and specific classes of activities can be categorically excluded from environmental review. For example, EPA in its NEPA regulations at 40 CFR 6.107(d) excludes ''* * * actions which are solely directed toward minor rehabilitation of existing facilities * * *'' and the National Science Foundation in its environmental assessment regulations at 45 CFR part 641(c)(1) and (2) excludes certain scientific activities (e.g., use of weather/research balloons that are to be retrieved) and interior remodeling and renovation of existing facilities. The DEIS considered a modification that would add a provision for categorical exclusion. The DEIS noted that the International Association of Antarctica Tour Operators (IAATO) recommended that Antarctic ship-based tourism organized under the ''Lindblad Model'' be categorically excluded. However, EPA does not have a specific definition for the ''Lindblad Model.'' EPA also believes that a broad categorical exclusion covering ship-based tourism as now conducted does not fit well with the approach used by the U.S. government for categorical exclusions because it does not identify actions to be excluded in sufficient detail. Further, more needs to be known about potential cumulative impacts of nongovernmental activities undertaken by U.S.-based ship-based tour operators before deciding to exclude some or all of these specific activities. EPA is, however, interested in receiving comments on specific activities that the Agency should consider including as categorical exclusions in the final rule including the justification for this proposed designation. It should also be noted that even if EPA does not designate categorical exclusions in the final rule, these can be designated by amendment to the rule if categorical exclusion activities are identified in the future.

III. Coordination of Review of Information Received From Other Parties to the Treaty

Article 6 of Annex I to the Protocol provides that the following information shall be circulated to the Parties, forwarded to the Committee for Environmental Protection, and made publicly available: (1) A description of national procedures for considering the environmental impacts of proposed activities; (2) an annual list of any IEEs and any decisions taken in consequence

thereof; (3) significant information obtained and any action taken in consequence thereof with regard to monitoring from IEEs and CEEs; and (4) information in a final CEE. In addition, Article 6 requires that any IEE be made available on request, and Article 3 requires that draft CEEs be circulated to all Parties, who shall make them publicly available. A period of ninety (90) days is allowed for the receipt of comments. To implement these requirements of the Protocol, this proposed rule sets out the process for circulation of this information within the United States.

Upon receipt of a CEE from another Party, the Department of State would publish notice of receipt in the **Federal Register** and would circulate a copy of the CEE to all interested federal agencies. The Department of State would coordinate responses from federal agencies to the CEE and would transmit the coordinated response, if any, to the Party that has circulated the CEE. The Department of State would make a copy of the CEE available upon request to the public. Members of the U.S. public would comment directly to the operator who has drafted the CEE and provide a copy to the EPA for its consideration.

Upon receipt of the annual list from another Party of IEEs prepared in accordance with Article 2 of Annex I and any decisions taken in consequence thereof, the Department of State would circulate a copy to all interested federal agencies. The Department of State would make a copy of any list of IEEs from other Parties prepared in accordance with Article 2 and any decisions taken in consequence thereof available upon request to the public.

Upon receipt of a description of appropriate national procedures for environmental impact statements from another Party, the Department of State would circulate a copy to all interested federal agencies. The Department of State would make such descriptions available upon request to the public.

Upon receipt from another Party of significant information obtained, and any action taken in consequence therefrom from procedures put in place with regard to monitoring pursuant to Articles 2(2) and 5 of Annex I to the Protocol, the Department of State would circulate a copy to all interested federal agencies. The Department of State would make a copy of this information available upon request to the public.

Upon receipt of a final CEE from another Party, the Department of State would circulate a copy to all interested federal agencies. The Department of State would make a copy available upon request to the public.

IV. Executive Order 12866 Clearance

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

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

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

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

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

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a ''significant regulatory action.'' Although none of the first three criteria apply, this rule raises novel legal or policy issues arising out of legal mandates under Public Law 104–227, the Antarctic Science, Tourism, and Conservation Act of 1996 and the Protocol on Environmental Protection to the Antarctic Treaty of 1959. Accordingly, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

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

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

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration with the North American Industry Classification System (NAICS) code for ''Tour Operators'' (NAICS code 561520) with annual maximum receipts of $5.0 million (13 CFR part 121); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. Note that under the Antarctic Science, Tourism, and Conservation Act of 1996, governmental jurisdictions are not subject to this rulemaking.

For purposes of assessing the potential impacts of the proposed rule on small entities, EPA assessed the potential impacts the proposed rule may have on the U.S.-based operators regulated under the interim final rule, that is, those for which the United States provided advance notice under Paragraph 5 of Article VII of the Treaty for proposed nongovernmental expeditions organized in or proceeding from the U.S. to the Antarctic Treaty area during the austral summer season 2000–2001, and other U.S.-based operators included in such documentation. The screening assessment indicated that of the twelve operators, four would qualify as small entities under the Small Business Administration definition. EPA has estimated that these small entities have annual operating expenditures (small organization) or annual sales (small business) ranging from about $100,000 to about $4,600,000. Based on costs estimated under the interim final rule, EPA estimated the potential impact on these small entities to range from an average of about $1,400 to about $4,200 for the 5-year period a multi-year environmental document could be in effect; this represents an impact in the range of less than 1% to about 1.4%. Even if the small entities did not take advantage of the additional cost-saving alternative provided in the multi-year provision of the proposed rule, the impact of the proposed rule would range from an average of about $2,300 to $6,800 for the same 5-year period. Of the four small entities subject to today's proposed rule, only one may be impacted significantly. Therefore, this proposed rule will not impact a substantial number of small entities. Moreover, the potential impact in that small entity arguably is not significant. In addition, as discussed below, EPA included in both the interim final rule and today's proposed rule cost-saving

alternatives that are available to all operators, including small operators. Under the interim final rule, all operators made use of the cost-saving alternatives and EPA expects them to continue using these alternatives and the additional alternative included in today's rule.

Therefore, after considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The EPA believes that because this proposed rule only requires assessment of environmental impacts the effects on any small entities will be limited primarily to the cost of preparing such an analysis and that the requirements are no greater than necessary to ensure that the United States will be in compliance with its international obligations under the Protocol and the Treaty. The costs are likely to be minimal because it is EPA's view that the types of activities currently being carried out will typically be unlikely to have impacts that are more than minor or transitory assuming that activities will be carried out in accordance with the guidelines set forth in the ATCM Recommendation XVIII–1, Tourism and Non-Governmental Activities, the relevant provisions of other U.S. statutes, and Annexes II–V to the Protocol. Therefore, most activities will likely need only IEE documentation, the cost of which is minimal as shown in section VII, Paperwork Reduction Act. Further, as in the interim final rule, EPA has included provisions in this proposed rule which are available to all respondents, including small entities, which will have a positive effect by minimizing the cost of such an analysis. It has been EPA's experience that respondents used the cost reduction provisions in the interim final regulations. EPA anticipates that respondents will continue to use these provisions and the new provision that would allow submission of environmental documentation on a multi-year basis. The cost reduction provisions in this proposed rule include: (1) Material may be incorporated by referring to it in the environmental document with its content briefly described when the cited material is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document and may, if appropriate, include a single discussion of components of the environmental analysis which are applicable to some or all of the proposed expeditions; (3) one environmental document may also be used to address expeditions being carried out by more than one operator, provided that the environmental documentation includes the names of each operator for which the environmental documentation is being submitted pursuant to obligations under these regulations; and (4) one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision would also allow operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document without having to revise and re-submit the entire document. Further, the EPA may waive or modify the deadlines of these regulations where EPA determines an operator is acting in good faith and that circumstances outside the control of the operator created delays, provided that environmental documentation fully meets deadlines under the Protocol. We have therefore concluded that today's proposed rule will relieve regulatory burden for all small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

VI. Unfunded Mandates Reform Act

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

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The UMRA does not apply to rules that are necessary for the national security or the ratification or implementation of international treaty obligations. These regulations are necessary so that the United States will have the ability to implement its obligations under the Protocol on Environmental Protection to the Antarctic Treaty of 1959. Further, the UMRA excludes from the definitions of ''Federal intergovernmental mandate'' and ''Federal private sector mandate'' duties that arise from conditions of federal assistance. Governmental jurisdictions including Federal, State, local and tribal governments and private sector operators receiving financial assistance from the United States government, are not subject to this rulemaking. In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal

governments, in the aggregate, or the private sector in any one year. For the private sector, there are currently less than 20 regulated operators and, because of the nature of business and the Antarctic location, this number is not expected to increase significantly. Moreover, this proposed rule provides alternatives that may be used by operators to reduce the burden and costs associated with the proposed rule. Expenditures for nongovernmental operators can be minimized through provisions in the rule that provide for the following approaches to submission of the environmental documentation required under the rule: (1) Material may be incorporated by referring to it in the environmental document with its content briefly described when the cited material is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document and may, if appropriate, include a single discussion of components of the environmental analysis which are applicable to some or all of the proposed expeditions; (3) one environmental document may also be used to address expeditions being carried out by more than one operator, provided that the environmental documentation includes the names of each operator for which the environmental documentation is being submitted pursuant to obligations under these regulations; and (4) one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision would also allow operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document without having to revise and re-submit the entire document. Thus, today's proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments under section 203 of the UMRA. Governmental jurisdictions are not subject to this rulemaking.

VII. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 2020–0007) and a copy may be obtained from Sandy Farmer by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by email at *farmer.sandy@epamail.epa.gov,* or by calling (202)260–2740. A copy may also be downloaded off the Internet at *http://www.epa.gov/icr.*

Public Law 104–227, the Antarctic Science, Tourism, and Conservation Act of 1996 (the Act) amends the Antarctic Conservation Act of 1978, 16 U.S.C. 2401 *et seq.*, to implement the provisions of the Protocol on Environmental Protection to the Antarctic Treaty of 1959. The Act provides that EPA must promulgate regulations to provide for the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty, and for coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol. This proposed rule provides nongovernmental operators with the specific environmental documentation requirements they must meet in order to comply with the Protocol.

Nongovernmental operators, including tour operators, conducting expeditions to Antarctica would be required to submit environmental documentation to EPA that evaluates the potential environmental impact of their proposed activities. If EPA has no comments, or if the documentation is satisfactorily revised in response to EPA's comments, and the operator does not receive a notice from EPA that the environmental documentation does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of these regulations, the operator would have no further obligations pursuant to the applicable requirements of these proposed regulations provided that any appropriate measures, which may include monitoring, are put in place to assess and verify the impact of the activity. The type of environmental document required depends upon the nature and intensity of the environmental impacts that could result from the activity under consideration. Nongovernmental operators would be able to use the following approaches for submission of the environmental documentation required under the proposed rule: (1) Material may be incorporated by referring to it in the environmental document with its content briefly described when the cited material is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document and may, if appropriate, include a single discussion of components of the environmental analysis which are applicable to some or all of the proposed expeditions; (3) one environmental document may also be used to address expeditions being carried out by more than one operator, provided that the environmental documentation includes the names of each operator for which the environmental documentation is being submitted pursuant to obligations under these regulations; and (4) one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision would also allow operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document without having to revise and re-submit the entire document. EPA anticipates that operators will make one submittal per year for all of their expeditions for that year and that most operators will be able to use the multi-year environmental documentation provision. EPA does not expect or anticipate receipt of any confidential information. No capital costs or operational and maintenance costs are anticipated to be incurred as a result of this ICR.

Frequency of Reporting: Once per year.

Affected Public: Businesses, other nongovernmental entities including for profit entities, and not-for-profit institutions.

Number of Respondents: 13 to 14.

Estimated Average Time Per Respondent: 29 to 185 Hours depending on the anticipated level of environmental documentation and the paperwork reduction provisions employed by the respondent.

Total Annual Burden Hours: 377 to 562 Hours depending on the anticipated level of environmental documentation and the paperwork reduction provisions employed by the respondent.

Estimated Average Cost Per Respondent to Prepare and Submit Environmental Documentation for the First Year: $2,668 to $13,405 depending on the anticipated level of

environmental documentation and the paperwork reduction provisions employed by the respondent.

Estimated Average Cost Per Respondent to Prepare and Submit Environmental Documentation for Subsequent Years: $1,844 to $14,117 depending on the anticipated level of environmental documentation and the paperwork reduction provisions employed by the respondent.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after June 29, 2001, a comment to OMB is best assured of having its full effect if OMB receives it by July 30, 2001. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

VIII. National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

IX. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 56 FR 7629 (1994), requires each Federal agency, to the greatest extent practicable and permitted by law, to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority or low-income populations, including Indian tribes in the United States and its territories and possessions. The provisions of Executive Order 12898 do not apply to this regulatory action, which relates to environmental impacts of nongovernmental activities in the sovereignless continent of Antarctica.

X. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Governmental jurisdictions including Federal, State, local and tribal governments and private sector operators receiving financial assistance from the United States government, are not subject to this rulemaking. Further, the regulatory responsibilities of the EPA under this rule cannot be delegated to or otherwise made the responsibility of the States. Thus, Executive Order 13132 does not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials. By publishing and inviting comment on this proposed rule, EPA hereby is providing State and local officials notice and an opportunity for appropriate participation.

XI. Executive Order 13175, Tribal Consultation

Executive Order 13175 took effect on January 6, 2001, and revokes Executive Order 13084 (Tribal Consultation) as of that date. EPA developed this proposed rule, however, during the period when Executive Order 13084 was in effect. Thus, EPA addressed tribal considerations under Executive Order 13084. EPA will analyze and fully comply with the requirements of Executive Order 13175 before promulgating the final rule.

XII. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency.

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

List of Subjects in 40 CFR Part 8

Environmental protection, Antarctica, Environmental impact statements, Penalties, Reporting and recordkeeping requirements.

Dated: June 22, 2001.

Christine Todd Whitman,

Administrator.

Therefore, for the reasons set forth in the Preamble, EPA proposes to amend title 40 chapter I of the Code of Federal Regulations by revising part 8 as follows:

PART 8—ENVIRONMENTAL IMPACT ASSESSMENT OF NONGOVERNMENTAL ACTIVITIES IN ANTARCTICA

Sec.

Authority: 16 U.S.C. 2401 *et seq.*, as amended, 16 U.S.C. 2403a.

§ 8.1 Purpose.

(a) This part is issued pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996. As provided in that Act, this part implements the requirements of Article 8 and Annex I to the Protocol on Environmental Protection to the Antarctic Treaty of 1959 and provides for:

(1) The environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959; and

(2) Coordination of the review of information regarding environmental impact assessment received by the United States from other Parties under the Protocol.

(b) The procedures in this part are designed to: ensure that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment; that operators consider these impacts in deciding whether or how to proceed with proposed activities; and that operators provide environmental documentation pursuant to the Act and Annex I of the Protocol. These procedures are consistent with and implement the environmental impact assessment provisions of Article 8 and Annex I to the Protocol on Environmental Protection to the Antarctic Treaty.

§ 8.2 Applicability and effect.

(a) This part is intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable, appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

(b) The requirements set forth in this part apply to nongovernmental activities for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959: All nongovernmental expeditions to and within Antarctica organized in or proceeding from its territory.

(c) This part does not apply to activities undertaken in the Antarctic Treaty area that are governed by the Convention on the Conservation of Antarctic Marine Living Resources or the Convention for the Conservation of Antarctic Seals. Persons traveling to Antarctica are subject to the requirements of the Marine Mammal Protection Act, 16 U.S.C. 1371 *et seq.*

§ 8.3 Definitions.

As used in this part:

Act means 16 U.S.C. 2401 *et seq.*, Public Law 104–227, the Antarctic Science, Tourism, and Conservation Act of 1996.

Annex I refers to Annex I, Environmental Impact Assessment, of the Protocol.

Antarctica means the Antarctic Treaty area; i.e., the area south of 60 degrees south latitude.

Antarctic environment means the natural and physical environment of Antarctica and its dependent and associated ecosystems, but excludes social, economic, and other environments.

Antarctic Treaty area means the area south of 60 degrees south latitude.

Antarctic Treaty Consultative Meeting (ATCM) means a meeting of the Parties to the Antarctic Treaty, held pursuant to Article IX(1) of the Treaty.

Comprehensive Environmental Evaluation (CEE) means a study of the reasonably foreseeable potential effects of a proposed activity on the Antarctic environment, prepared in accordance with the provisions of this part and includes all comments received thereon. (See: 40 CFR 8.8.)

Environmental document or environmental documentation (Document) means a preliminary environmental review memorandum, an initial environmental evaluation, or a comprehensive environmental evaluation.

Environmental impact assessment (EIA) means the environmental review process required by the provisions of this part and by Annex I of the Protocol, and includes preparation by the operator and U.S. government review of an environmental document, and public access to and circulation of environmental documents to other Parties and the Committee on Environmental Protection as required by Annex I of the Protocol.

EPA means the Environmental Protection Agency.

Expedition means any activity undertaken by one or more nongovernmental persons organized within or proceeding from the United States to or within the Antarctic Treaty area for which advance notification is required under Paragraph 5 of Article VII of the Treaty.

Impact means impact on the Antarctic environment and dependent and associated ecosystems.

Initial Environmental Evaluation (IEE) means a study of the reasonably foreseeable potential effects of a proposed activity on the Antarctic environment prepared in accordance with 40 CFR 8.7.

More than a minor or transitory impact has the same meaning as the term ''significantly'' as defined in regulations under the National Environmental Policy Act at 40 CFR 1508.27.

Operator or operators means any person or persons organizing a nongovernmental expedition to or within Antarctica.

Person has the meaning given that term in section 1 of title 1, United States code, and includes any person subject to the jurisdiction of the United States except that the term does not include any department, agency, or other instrumentality of the Federal Government.

Preliminary environmental review means the environmental review described under that term in 40 CFR 8.6.

Preliminary Environmental Review Memorandum (PERM) means the documentation supporting the conclusion of the preliminary environmental review that the impact of a proposed activity will be less than minor or transitory on the Antarctic environment.

Protocol means the Protocol on Environmental Protection to the Antarctic Treaty, done at Madrid October 4, 1991, and all annexes thereto which are in force for the United States.

This part means 40 CFR part 8.

§ 8.4 Preparation of environmental documents, generally.

(a) *Basic information requirements.* In addition to the information required pursuant to other sections of this part, all environmental documents shall contain the following:

(1) The name, mailing address, and phone number of the operator;

(2) The anticipated date(s) of departure of each expedition to Antarctica;

(3) An estimate of the number of persons in each expedition;

(4) The means of conveyance of expedition(s) to and within Antarctica;

(5) Estimated length of stay of each expedition in Antarctica;

(6) Information on proposed landing sites in Antarctica; and

(7) Information concerning training of staff, supervision of expedition members, and what other measures, if any, that will be taken to avoid or minimize possible environmental impacts.

(b) *Preparation of an environmental document.* Unless an operator determines and documents that a proposed activity will have less than a minor or transitory impact on the Antarctic environment, the operator will prepare an IEE or CEE in accordance with this part. In making the determination what level of environmental documentation is appropriate, the operator should consider, as applicable, whether and to what degree the proposed activity:

(1) Has the potential to adversely affect the Antarctic environment;

(2) May adversely affect climate or weather patterns;

(3) May adversely affect air or water quality;

(4) May affect atmospheric, terrestrial (including aquatic), glacial, or marine environments;

(5) May detrimentally affect the distribution, abundance, or productivity of species, or populations of species of fauna and flora;

(6) May further jeopardize endangered or threatened species or populations of such species;

(7) May degrade, or pose substantial risk to, areas of biological, scientific, historic, aesthetic, or wilderness significance;

(8) Has highly uncertain environmental effects, or involves unique or unknown environmental risks; or

(9) Together with other activities, the effects of any one of which is individually insignificant, may have at least minor or transitory cumulative environmental effects.

(c) *Type of environmental document.* The type of environmental document required under this part depends upon the nature and intensity of the environmental impacts that could result from the activity under consideration. A PERM must be prepared by the operator to document the conclusion of the operator's preliminary environmental review that the impact of a proposed activity on the Antarctic environment will be less than minor or transitory. (See § 8.6.) An IEE must be prepared by the operator for proposed activities which may have at least (but no more than) a minor or transitory impact on the Antarctic environment. (See § 8.7.) A CEE must be prepared by the operator if an IEE indicates, or if it is otherwise determined, that a proposed activity is likely to have more than a minor or transitory impact on the Antarctic environment (See § 8.8.)

(d) *Incorporation of information, consolidation of environmental documentation, and multi-year environmental documentation.* (1) An operator may incorporate material into an environmental document by referring to it in the document when the effect will be to reduce paperwork without impeding the review of the environmental document by EPA and other federal agencies. The incorporated material shall be cited and its content briefly described. No material may be incorporated by referring to it in the document unless it is reasonably available to the EPA.

(2) Provided that environmental documentation complies with all applicable provisions of Annex I to the Protocol and this part and is appropriate in light of the specific circumstances of the operator's proposed expedition or expeditions, an operator may include more than one proposed expedition within one environmental document and one environmental document may also be used to address expeditions being carried out by more than one operator provided that the environmental document indicates the names of each operator for which the environmental documentation is being submitted pursuant to obligations under this part.

(e) *Multi-year environmental documentation.* (1) Provided that environmental documentation complies with all applicable provisions of Annex I to the Protocol and this part, an operator may submit environmental documentation for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged and meets the provisions of paragraph (e)(1)(i) through (iii) of this section.

(i) The operator shall identify the environmental documentation submitted for multi-year documentation purposes in the first year it is submitted. If the operator, or operators, fail to make this initial identification to EPA, this provision shall not be in effect although subsequent years' submissions by the operator, or operators, may use this environmental documentation as provided in paragraph (d)(1) and (2) of this section.

(ii) In subsequent years, up to a total maximum of five years, the operator, or operators, shall reference the multi-year documentation identified initially if it is necessary to update the basic information requirements listed in paragraph (a) of this section.

(iii) An operator, or operators, may supplement a multi-year environmental document for an additional activity or activities by providing information regarding the proposed activity in accordance with the appropriate provisions of this part. The operator, or operators, shall identify this submission as a proposed supplement to the multi-year documentation in effect. Addition of the supplemental information shall not extend the period of the multi-year environmental documentation beyond the time period associated with the documentation as originally submitted.

(2) Multi-year environmental documentation may include more than one proposed expedition within the environmental document and the multi-year environmental document may also be used to address expeditions being carried out by more than one operator

provided that the environmental document indicates the names of each operator for which the environmental documentation is being submitted pursuant to obligations under this part.

(3) The schedules for multi-year environmental documentation depend on the level of the environmental document and shall be the same as the schedules for comparable environmental documentation submitted on an annual basis; e.g., a multi-year PERM shall comply with the schedule in § 8.6, a multi-year IEE shall comply with the schedule in § 8.7, and a multi-year CEE shall comply with the schedule in § 8.8. These schedules apply to the operator's submission of the initial multi-year environmental document; the operator's subsequent annual submissions pursuant to paragraph (e)(1)(ii) and (iii) of this section; EPA's review, in consultation with other interested federal agencies, and comment on the multi-year environmental documentation and subsequent annual submissions; and a finding the EPA may make, with the concurrence of the National Science Foundation, that the environmental documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part.

§ 8.5 Submission of environmental documents.

(a) An operator shall submit environmental documentation to the EPA for review. The EPA, in consultation with other interested federal agencies, will carry out a review to determine if the submitted environmental documentation meets the requirements of Article 8 and Annex I of the Protocol and the provisions of this part. The EPA will provide its comments, if any, on the environmental documentation to the operator and will consult with the operator regarding any suggested revisions. If EPA has no comments, or if the documentation is satisfactorily revised in response to EPA's comments, and the operator does not receive a notice from EPA that the environmental documentation does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part, the operator will have no further obligations pursuant to the applicable requirements of this part provided that any appropriate measures, which may include monitoring, are put in place to assess and verify the impact of the activity. Alternatively, following final response from the operator, the EPA, in consultation with other federal agencies and with the concurrence of the National Science Foundation, will inform the operator that EPA finds that the environmental documentation does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part. If the operator then proceeds with the expedition without fulfilling the requirements of this part, the operator is subject to enforcement proceedings pursuant to sections 7, 8, and 9 of the Antarctic Conservation Act, as amended by the Act; 16 U.S.C. 2407, 2408, 2409, and 45 CFR part 672.

(b) The EPA may waive or modify deadlines pursuant to this part where EPA determines an operator is acting in good faith and that circumstances outside the control of the operator created delays, provided that the environmental documentation fully meets deadlines under the Protocol.

§ 8.6 Preliminary environmental review.

(a) Unless an operator has determined to prepare an IEE or CEE, the operator shall conduct a preliminary environmental review that assesses the potential direct and reasonably foreseeable indirect impacts on the Antarctic environment of the proposed expedition. A Preliminary Environmental Review Memorandum (PERM) shall contain sufficient detail to assess whether the proposed activity may have less than a minor or transitory impact, and shall be submitted to the EPA for review no less than 180 days before the proposed departure of the expedition. The EPA, in consultation with other interested federal agencies, will review the PERM to determine if it is sufficient to demonstrate that the activity will have less than a minor or transitory impact or whether additional environmental documentation, i.e., an IEE or CEE, is required to meet the obligations of Article 8 and Annex I of the Protocol. The EPA will provide its comments to the operator within fifteen (15) days of receipt of the PERM, and the operator shall have seventy-five (75) days to prepare a revised PERM or an IEE, if necessary. Following the final response from the operator, EPA may make a finding that the environmental documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part. This finding will be made with the concurrence of the National Science Foundation. If EPA does not provide such notice within thirty (30) days, the operator will be deemed to have met the requirements of this part provided that any required procedures, which may include appropriate monitoring, are put in place to assess and verify the impact of the activity.

(b) If EPA recommends an IEE and one is prepared and submitted within the seventy-five (75) day response period, it will be reviewed under the time frames set out for an IEE in 40 CFR 8.7. If EPA recommends a CEE and one is prepared, it will be reviewed under the time frames set out for a CEE in 40 CFR 8.8.

§ 8.7 Initial environmental evaluation.

(a) *Submission of IEE to the EPA.* Unless a PERM has been submitted pursuant to 40 CFR 8.6 which meets the environmental documentation requirements under Article 8 and Annex I to the Protocol and the provisions of this part or a CEE is being prepared, an IEE shall be submitted by the operator to the EPA no fewer than ninety (90) days before the proposed departure of the expedition.

(b) *Contents.* An IEE shall contain sufficient detail to assess whether a proposed activity may have more than a minor or transitory impact on the Antarctic environment and shall include the following information:

(1) A description of the proposed activity, including its purpose, location, duration, and intensity; and

(2) Consideration of alternatives to the proposed activity and any impacts that the proposed activity may have on the Antarctic environment, including consideration of cumulative impacts in light of existing and known proposed activities.

(c) *Further environmental review.* (1) The EPA, in consultation with other interested federal agencies, will review an IEE to determine whether the IEE meets the requirements under Annex I to the Protocol and the provisions of this part. The EPA will provide its comments to the operator within thirty (30) days of receipt of the IEE, and the operator will have forty-five (45) days to prepare a revised IEE, if necessary. Following the final response from the operator, EPA may make a finding that the documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part. This finding will be made with the concurrence of the National Science Foundation. If such a notice is required, EPA will provide it within fifteen (15) days of receiving the final IEE from the operator or, if the operator does not provide a final IEE, within sixty (60) days following EPA's comments on the original IEE. If EPA does not provide notice within these time limits, the operator will be deemed to have met the requirements of this part provided that any required procedures, which may include appropriate

monitoring, are put in place to assess and verify the impact of the activity.

(2) If a CEE is required, the operator must adhere to the time limits applicable to such documentation. (See: 40 CFR 8.8.) In this event EPA, at the operator's request, will consult with the operator regarding possible changes in the proposed activity which would allow preparation of an IEE.

§ 8.8 Comprehensive environmental evaluation.

(a) *Preparation of a CEE.* Unless a PERM or an IEE has been submitted and determined to meet the environmental documentation requirements of this part, the operator shall prepare a CEE. A CEE shall contain sufficient information to enable informed consideration of the reasonably foreseeable potential environmental effects of a proposed activity and possible alternatives to that proposed activity. A CEE shall include the following:

(1) A description of the proposed activity, including its purpose, location, duration and intensity, and possible alternatives to the activity, including the alternative of not proceeding, and the consequences of those alternatives;

(2) A description of the initial environmental reference state with which predicted changes are to be compared and a prediction of the future environmental reference state in the absence of the proposed activity;

(3) A description of the methods and data used to forecast the impacts of the proposed activity;

(4) Estimation of the nature, extent, duration and intensity of the likely direct impacts of the proposed activity;

(5) A consideration of possible indirect or second order impacts from the proposed activity;

(6) A consideration of cumulative impacts of the proposed activity in light of existing activities and other known planned activities;

(7) Identification of measures, including monitoring programs, that could be taken to minimize or mitigate impacts of the proposed activity and to detect unforeseen impacts and that could provide early warning of any adverse effects of the activity as well as to deal promptly and effectively with accidents;

(8) Identification of unavoidable impacts of the proposed activity;

(9) Consideration of the effects of the proposed activity on the conduct of scientific research and on other existing uses and values;

(10) An identification of gaps in knowledge and uncertainties encountered in compiling the information required under this section;

(11) A non-technical summary of the information provided under this section; and

(12) The name and address of the person or organization which prepared the CEE and the address to which comments thereon should be directed.

(b) *Submission of draft CEE to the EPA and circulation to other parties.* (1) Any operator who plans a nongovernmental expedition that would require a CEE must submit a draft of the CEE by December 1 of the preceding year. Within fifteen (15) days of receipt of the draft CEE, EPA will: Send it to the Department of State which will circulate it to all Parties to the Protocol and forward it to the Committee for Environmental Protection established by the Protocol, and publish notice of receipt of the CEE and request for comments on the CEE in the **Federal Register**, and will provide copies to any person upon request. The EPA will accept public comments on the CEE for a period of ninety (90) days following notice in the **Federal Register**. The EPA, in consultation with other interested federal agencies, will evaluate the CEE to determine if the CEE meets the requirements under Article 8 and Annex I to the Protocol and the provisions of this part and will transmit its comments to the operator within 120 days following publication in the **Federal Register** of the notice of availability of the CEE.

(2) The operator shall send a final CEE to EPA at least seventy-five (75) days before commencement of the proposed activity in the Antarctic Treaty area. The CEE must address and must include (or summarize) any comments on the draft CEE received from EPA, the public, and the Parties. Following the final response from the operator, the EPA will inform the operator if EPA, with the concurrence of the National Science Foundation, makes the finding that the environmental documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of this part. This notification will occur within fifteen (15) days of submittal of the final CEE by the operator if the final CEE is submitted by the operator within the time limits set out in this section. If no final CEE is submitted or the operator fails to meet these time limits, EPA will provide such notification sixty (60) days prior to departure of the expedition. If EPA does not provide such notice, the operator will be deemed to have met the requirements of this part provided that procedures, which include appropriate monitoring, are put in place to assess and verify the impact of the activity. The EPA will transmit the CEE, along with a notice of any decisions by the operator relating thereto, to the Department of State which shall circulate it to all Parties no later than sixty (60) days before commencement of the proposed activity in the Antarctic Treaty area. The EPA will also publish a notice of availability of the final CEE in the **Federal Register**.

(3) No final decision shall be taken to proceed with any activity for which a CEE is prepared unless there has been an opportunity for consideration of the draft CEE by the Antarctic Treaty Consultative Meeting on the advice of the Committee for Environmental Protection, provided that no expedition need be delayed through the operation of paragraph 5 of Article 3 to Annex I of the Protocol for longer than 15 months from the date of circulation of the draft CEE.

(c) *Decisions based on CEE.* The decision to proceed, based on environmental documentation that meets the requirements under Article 8 and Annex I to the Protocol and the provisions of this part, rests with the operator. Any decision by an operator on whether to proceed with or modify a proposed activity for which a CEE was required shall be based on the CEE and other relevant considerations.

§ 8.9 Measures to assess and verify environmental impacts.

(a) The operator shall conduct appropriate monitoring of key environmental indicators as proposed in the CEE to assess and verify the potential environmental impacts of activities which are the subject of a CEE. The operator may also need to carry out monitoring in order to assess and verify the impact of an activity for which an IEE has been prepared.

(b) All proposed activities for which an IEE or CEE has been prepared shall include procedures designed to provide a regular and verifiable record of the impacts of these activities, in order, *inter alia*, to:

(1) Enable assessments to be made of the extent to which such impacts are consistent with the Protocol; and

(2) Provide information useful for minimizing and mitigating those impacts, and, where appropriate, information on the need for suspension, cancellation, or modification of the activity.

§ 8.10 Cases of emergency.

This part shall not apply to activities taken in cases of emergency relating to the safety of human life or of ships, aircraft, equipment and facilities of high value, or the protection of the environment, which require an activity

to be undertaken without completion of the procedures set out in this part. Notice of any such activities which would have otherwise required the preparation of a CEE shall be provided within fifteen (15) days to the Department of State, as provided below, for circulation to all Parties to the Protocol and to the Committee on Environmental Protection, and a full explanation of the activities carried out shall be provided within forty-five (45) days of those activities. Notification shall be provided to: The Director, The Office of Oceans Affairs, OES/OA, Room 5805, Department of State 2201 C Street, NW., Washington, DC 20520–7818.

§ 8.11 Prohibited acts, enforcement and penalties.

(a) It shall be unlawful for any operator to violate this part.

(b) An operator who violates any of this part is subject to enforcement, which may include civil and criminal enforcement proceedings, and penalties, pursuant to sections 7, 8, and 9 of the Antarctic Conservation Act, as amended by the Act; 16 U.S.C. 2407, 2408, 2409, and 45 CFR part 672.

§ 8.12 Coordination of reviews from other Parties.

(a) Upon receipt of a draft CEE from another Party, the Department of State shall publish notice in the **Federal Register** and shall circulate a copy of the CEE to all interested federal agencies. The Department of State shall coordinate responses from federal agencies to the CEE and shall transmit the coordinated response to the Party which has circulated the CEE. The Department of State shall make a copy of the CEE available upon request to the public.

(b) Upon receipt of the annual list of IEEs from another Party prepared in accordance with Article 2 of Annex I and any decisions taken in consequence thereof, the Department of State shall circulate a copy to all interested federal agencies. The Department of State shall make a copy of the list of IEEs prepared in accordance with Article 2 and any decisions taken in consequence thereof available upon request to the public.

(c) Upon receipt of a description of appropriate national procedures for environmental impact statements from another Party, the Department of State shall circulate a copy to all interested federal agencies. The Department of State shall make a copy of these descriptions available upon request to the public.

(d) Upon receipt from another Party of significant information obtained, and any action taken in consequence therefrom from procedures put in place with regard to monitoring pursuant to Articles 2(2) and 5 of Annex I to the Protocol, the Department of State shall circulate a copy to all interested federal agencies. The Department of State shall make a copy of this information available upon request to the public.

(e) Upon receipt from another Party of a final CEE, the Department of State shall circulate a copy to all interested federal agencies. The Department of State shall make a copy available upon request to the public.

[FR Doc. 01–16436 Filed 6–28–01; 8:45 am]

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Federal Register

Friday,
June 29, 2001

Part III

Department of Education

34 CFR Parts 682 and 685

Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 682 and 685

Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: This document contains technical corrections and changes to the regulations for the Federal Family Education Loan (FFEL) Program in 34 CFR part 682 and the William D. Ford Federal Direct Loan (Direct Loan) Program in 34 CFR part 685. The regulations govern the Federal Stafford Loan Program, the Federal Supplemental Loans for Students (Federal SLS) Program, the Federal PLUS Program, and the Federal Consolidation Loan Program, collectively referred to as the FFEL Program and the Federal Direct Stafford Loan Program, the Federal Direct PLUS Loan Program, and the Federal Direct Consolidation Loan Program, collectively referred to as the Direct Loan Program.

EFFECTIVE DATE: These regulations are effective July 1, 2001.

FOR FURTHER INFORMATION CONTACT: For the FFEL Program, Ms. Patricia Beavan, or for the Direct Loan Program, Ms. Nicki Meoli, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3053, ROB–3) Washington, D.C. 20202–5449. Telephone 202–708–8242. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to one of the contact persons listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: These corrections and changes incorporate technical corrections to the existing FFEL and Direct Loan program regulations in 34 CFR parts 682 and 685 and final regulations published in the **Federal Register** on November 1, 2000 (65 FR 65616, 65624, and 65632).

In addition, these final regulations change the existing regulations to reflect the change in the formula for calculating interest rates for certain Federal PLUS Loans and Federal Direct PLUS Loans made by Section 318 of Appendix D to Pub. L. 106–554, the Consolidated Appropriations Act 2001. The final regulations also add to the existing regulations a reference to a statutory termination date for the exemption from certain loan disbursement requirements for schools with cohort default rates below 10 percent.

Waiver of Proposed Rulemaking and Negotiated Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the provisions in these final regulations reflect needed technical corrections and other clarifying changes to the FFEL and Direct Loan program regulations. These corrections and changes do not affect the substantive rights or obligations of any affected parties. Therefore, the Secretary has concluded that solicitation of public comment is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B) and that a deferred effective date is not required under 5 U.S.C. 553(d).

For the same reasons, the Secretary has determined, under section 492(b)(2) of the Higher Education Act of 1965, as amended, that these regulations should not be subject to negotiated rulemaking.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. These regulations also affect guaranty agencies and lenders that participate in the FFEL Program, as well as individual FFEL and Direct Loan borrowers, as described in the NPRM published on July 27, 2000 (65 FR 46316). These regulations contain technical corrections and other changes to current regulations. The technical corrections and changes will not have a significant economic impact.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Assessment of Educational Impact

Based on our own review, we have determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

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(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Family Education Loan Program, and 84.268 William D. Ford Federal Direct Loan Program)

List of Subjects in 34 CFR Parts 682 and 685

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: June 26, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary, Policy, Planning and Innovation, Office of Postsecondary Education.

For the reasons discussed in the preamble, the Secretary amends title 34 of the Code of Federal Regulations parts 682 and 685 as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

1. The authority citation for Part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

§ 682.100 [Amended]

2. Section 682.100(b)(2)(i)(C) is amended by removing the comma after ''1994'', and adding, in its place, a semi-colon.

§ 682.101 [Amended]

3. Section 682.101(b) is amended by removing '', technical, and correspondence'', and adding, in its place, ''technical''.

4. Section 682.202(a)(2) is amended by adding a new paragraph (vi); and paragraph (a)(3) is amended by adding a new paragraph (iv) to read as follows:

§ 682.202 Permissible charges by lenders to borrowers.

* * * * *

(a) * * *

(2) * * *

(vi)(A) Beginning on July 1, 2001, the interest rate on the loans described in paragraphs (a)(2)(ii) through (iv) of this section is a variable rate applicable to each July 1–June 30, as determined on the preceding June 26, and is equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus—

(*1*) 3.25 percent for loans described in paragraph (a)(2)(ii) of this section; or

(*2*) 3.1 percent for loans described in paragraphs (a)(2)(iii) and (iv) of this section.

(B) The interest rates calculated under paragraph (a)(2)(vi)(A) of this section shall not exceed the limits specified in paragraphs (a)(2)(ii)(B), (a)(2)(iii)(B), and (a)(2)(iv)(B) of this section, as applicable.

(3) * * *

(iv)(A) Beginning on July 1, 2001, the interest rate on the loans described in paragraphs (a)(3)(ii) and (iii) of this section is a variable rate applicable to each July 1–June 30, as determined on the preceding June 26, and is equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus—

(*1*) 3.25 percent for loans described in paragraph (a)(3)(ii) of this section; or

(*2*) 3.1 percent for loans described in paragraph (a)(3)(iii) of this section.

(B) The interest rates calculated under paragraph (a)(3)(iv)(A) of this section shall not exceed the limits specified in paragraphs (a)(3)(ii)(B) and (a)(3)(iii)(B) of this section, as applicable.

* * * * *

§ 682.204 [Amended]

5. Section 682.204 is amended:

A. In paragraph (a)(1)(iii), in the second formula, by removing ''Number of weeks in program'', and adding, in its place, ''Number of weeks enrolled''.

B. In paragraph (c)(2), by adding, ''under the conditions specified in § 682.201(a)(3)'' after ''dependent undergraduate students''.

C. In paragraph (d), by adding, ''under the conditions specified in § 682.201(a)(3)'', after ''dependent undergraduate students''.

D. In paragraph (f)(2)(ii), by removing the reference to ''(f)(4)'', and adding, in its place, ''(f)(3)''.

E. By redesignating paragraph (f)(4) as paragraph (f)(3).

F. In redesignated paragraph (f)(3)(ii), by removing reference to ''(f)(4)(i)'', and adding, in its place, ''(f)(3)(i)''.

6. Section 682.206(e)(2) is amended to read as follows:

§ 682.206 Due diligence in making a loan.

* * * * *

(e) * * *

(2) A Federal PLUS Program Loan may be made to an eligible borrower with an endorser who is secondarily liable for repayment of the loan.

* * * * *

§ 682.207 [Amended]

7. Section 682.207(b)(1)(ii)(B) is amended in the first sentence by removing ''a'', and adding, in its place, ''an''; by removing ''§ 688.163'', and adding, in its place, ''§ 668.163''; by removing ''written''; by adding a period after the second occurrence of the word ''borrower''; and by removing the remainder of the sentence.

§ 682.209 [Amended]

8. Section 682.209(a)(7)(viii)(C) is amended by removing ''Except in the case of a Consolidation Loan, if'', and adding in its place, ''If''; and by removing ''maximum 10-year'', and adding, in its place, ''applicable maximum''.

§ 682.210 [Amended]

9. Section 682.210(s)(6) introductory text is amended by adding ''of up to one year at a time'' after ''periods''.

§ 682.211 [Amended]

10. Section 682.211 is amended by removing from paragraph (i)(4) ''sections 672(a), 672(g), 673, 673(b), 674, or 688 of title 10,'', and adding, in its place, ''sections 688, 12301(a), 12301(g), 12302, 12304, and 12306 of title 10,''.

§ 682.215 [Amended]

11. Section 682.215 is amended:

A. In paragraph (b), in the definition of *Academic year,* in the last sentence, by adding ''a minimum of'', before ''nine''.

B. In paragraph (e)(1), by removing ''At the borrower's request, a'' and adding, in its place, ''A''.

C. In paragraph (e)(1)(i), by removing the second occurrence of the word ''each'', and adding, in its place, ''the borrower's''.

D. In paragraph (f)(2)(iii), by removing, ''on the loan'' both times it appears, and adding, in its place, ''on the discharged amount''.

E. In paragraph (f)(3)(ii), by removing ''and (d)(2)'', and adding, in its place, '', (d)(2), and (f)(2)(iii)''.

§ 682.300 [Amended]

12. Section 682.300(b)(2)(viii) is amended by removing the reference to ''§ 682.402(d) or (e)'', and adding, in its place, ''§ 682.402(d), (e), or (l)''.

§ 682.302 [Amended]

13. Section 682.302 is amended:

A. In paragraph (b)(2)(iv), by removing ''October 1, 1998'', and adding, in its place, ''July 1, 1998''.

B. In paragraph (c)(2), by removing ''(c)(1)(iii)(D)'', and adding, in its place, ''(c)(1)(iii)(F)''.

C. In paragraph (c)(3)(i), by removing ''(c)(1)(iii)(D)'', and adding, in its place, ''(c)(1)(iii)(F)''.

D. In paragraph (c)(4), by adding ''tax-exempt'' before ''obligations''.

E. In paragraphs (d)(2)(i) and (ii), by removing ''restricted''.

14. Section 682.401 is amended:

A. In paragraph (b)(5)(ii), by removing ''Stafford or''.

B. In paragraph (b)(5)(ii)(B), by removing ''to borrow or''.

C. In paragraph (b)(5)(ii)(C), by removing ''by or''.

D. By revising paragraph (d)(4)(iii) to read as follows:

§ 682.401 Basic program agreement.

* * * * *

(d) * * *

(4) * * *

(iii) A student or parent borrower who is borrowing funds for attendance at a school for which the multi-year feature of the MPN has not been authorized must complete a new promissory note for each academic year.

* * * * *

§ 682.402 [Amended]

15. Section 682.402 is amended:

A. In paragraph (g)(1)(i), by removing ''accurate'', and adding, in its place, ''exact''.

A. In paragraph (i)(1)(iii) by adding a new sentence at the end of the paragraph, ''If the guaranty agency has determined that the expected costs of opposing the discharge petition will exceed one-third of the total amount of the loan, it may, but is not required to, engage in the activities described in paragraph (i)(1)(iv) of this section.''

C. In paragraph (l)(1), by adding, '', in whole or in part,'', after ''disbursed''.

D. In paragraph (l)(2), by adding, '', in whole or in part,'', after ''disbursed''.

E. In paragraph (l)(2)(i), by removing ''has ceased to attend'', and adding, in its place, ''is not attending''.

F. In paragraph (l)(2)(ii), by removing ''borrower submits'', and adding, in its place, ''guarantor receives''.

G. In paragraph (l)(4)(i)(A), by adding, '', in whole or in part,'', after ''loan''.

H. In paragraph (l)(5)(vii)(A), by removing ''The'', and adding, in its place, ''Within 30 days of the

guarantor's determination, the''; and by adding ''. The guaranty agency must make a determination'' after ''agency's determination''.

I. In paragraph (l)(5)(vii)(B), by removing ''for the'', and adding, in its place, ''for any''; by adding, ''under this section'' after ''suspended''; and by removing ''the review period'' and adding, in its place, ''these periods''.

§ 682.405 [Amended]

16. Section 682.405(b)(2) is amended by adding ''and that the default is to be removed from the borrower's credit history'' before the period.

§ 682.406 [Amended]

17. Section 682.406 is amended:

A. In paragraph (a)(11), by removing the period, and adding, in its place, a semi-colon.

B. In paragraph (a)(12)(v), by removing ''preclaims'', and adding, in its place, ''default aversion''.

§ 682.410 [Amended]

18. Section 682.410(a)(2) is amended by removing paragraph (iii); and by redesignating paragraphs (iv) through (xii) as paragraphs (iii) through (xi).

19. Section 682.414 is amended:

A. In paragraph (a)(1)(ii)(D), by removing ''preclaims and supplemental preclaims assistance'', and adding, in its place, ''default aversion assistance''.

B. In paragraph (a)(4)(i), by removing the reference to ''(a)(3)(ii)'', and adding, in its place, ''(a)(4)(ii)''.

C. In paragraph (a)(4)(ii)(J), by removing ''preclaims assistance'', and adding, in its place, ''default aversion assistance''.

D. In paragraph (a)(5), by redesignating paragraph (a)(5)(ii) as paragraph (a)(5)(iii) and by adding a new paragraph (a)(5)(ii) to read as follows:

§ 682.414 Records, reports, and inspection requirements for guaranty agency programs.

(a) * * *

(5) * * *

(ii) A guaranty agency or lender may store a promissory note in accordance with 34 CFR 668.24(d)(3)(i) through (iv) only if the promissory note was signed electronically.

* * * * *

§ 682.415 [Amended]

20. Section 682.415 is amended:

A. In paragraph (a)(6)(iii), by removing the reference to ''(a)(6)'', and adding, in its place, ''(a)(6)(ii)''.

B. In paragraph (c)(2)(i), by removing ''§§ 682.410(b)(6)(iii) through (xii), and 682.406(a)(8) and (a)(9), or §§ 682.410(b)(7)'', and adding, in its place, ''§§ 682.410(b)(6)(i) through (xii)''.

C. In paragraph (c)(4), by removing ''§§ 682.410(b)(6)(iii) through (xii) and 682.406(a)(8) and (a)(9) or §§ 682.410(b)(7)'' and adding, in its place, ''§§ 682.410(b)(6)(i) through (xii)''.

D. In paragraph (c)(6)(i), by removing ''§§ 682.410(b)(6)(iii) through (xii) and 682.406(a)(8) and (a)(9) or 682.410(b)(7)'', and adding, in its place, ''§§ 682.410(b)(6)(i) through (xii)''.

E. In paragraph (d)(1), by removing ''§§ 682.410(b)(6)(iii) through (xii) and 682.406(a)(8) and (a)(9) or §§ 682.410(b)(7)'', and adding, in its place, ''§§ 682.410(b)(6)(i) through (xii)''.

§ 682.416 [Amended]

21. Section 682.416(f) is amended by removing the reference to ''§ 682.414(a)(3)(ii)'' and adding, in its place, ''§ 682.414(a)(4)(ii)''.

§ 682.601 [Amended]

22. Section 682.601(c)(1)(ii) is amended by removing '', SLS,''.

23. Section 682.603 is amended:

A. By revising paragraphs (f)(1) and (f)(2).

B. By revising paragraph (g).

C. In paragraph (i) by removing ''(1)''; and by removing the reference to ''(b)(5)'' and adding, in its place, ''(b)(3)''.

D. By removing paragraph (i)(2).

The amendments read as follows:

§ 682.603 Certification by a participating school in connection with a loan application.

* * * * *

(f)(1) The minimum period of enrollment for which a school may certify a loan application is—

(i) At a school that measures academic progress in credit hours and uses a semester, trimester, or quarter system, a single academic term (e.g., a semester or quarter); or

(ii) At a school that measures academic progress in clock hours, or measures academic progress in credit hours but does not use a semester, trimester, or quarter system, the lesser of—

(A) The length of the student's program at the school; or

(B) The academic year as defined by the school in accordance with 34 CFR 668.2.

(2) The maximum period for which a school may certify a loan application is—

(i) Generally an academic year, as defined by 34 CFR 668.2, except that a guaranty agency may allow a school to use a longer period of time, not to exceed 12 months, corresponding to the period to which the agency applies the annual loan limits under § 682.401(b)(2)(ii); or

(ii) For a defaulted borrower who has regained eligibility under § 682.401(b)(4), the academic year in which the borrower regained eligibility.

* * * * *

(g)(1) A school must cease certifying loans based on the exceptions in § 682.604(c)(5)(i) and § 682.604(c)(10)(i) no later than—

(i) 30 days after the date the school receives notification from the Secretary of an FFEL cohort default rate, calculated under subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in those paragraphs; or

(ii) October 1, 2002.

(2) A school must cease certifying loans based on the exceptions in § 682.604(c)(5)(ii) and § 682.604(c)(10)(ii) no later than 30 days after the date the school receives notification from the Secretary of an FFEL cohort default rate, calculated under subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in those paragraphs.

* * * * *

24. Section 682.604 is amended:

A. In paragraph (a)(1) by removing '', PLUS, or SLS'' and adding, in its place, ''or PLUS''.

B. In paragraph (b)(1), by removing '', SLS''.

C. In paragraph (c)(3), by adding ''or'' after ''application''.

D. By adding a new paragraph (c)(11).

E. In paragraph (e)(1), by removing the reference to ''§ 682.207(d)'' and adding, in its place, ''§ 682.207(f)''.

The amendments read as follows:

§ 682.604 Processing the borrower's loan proceeds and counseling borrowers.

* * * * *

(c) * * *

(11) A school may deliver loan proceeds in accordance with paragraphs (c)(5) and (c)(10) of this section, if the school certified the loan prior to the deadline as provided for in § 682.603(g).

* * * * *

§ 682.610 [Amended]

25. Section 682.610(b)(5) is amended by adding '', if applicable,'' before ''to deliver''.

§ 682.705 [Amended]

26. Section 682.705(b)(2)(v) is amended by removing the reference to ''(c)(8)'' and adding, in its place, ''(c)(9)''.

§ 682.707 [Amended]

27. Section 682.707(a) introductory text is amended by removing the cross reference to ''§ 682.706(b)(9)'' and adding, in its place, ''§ 682.706(b)(10)''.

Appendix D—[Amended]

28. Appendix D is amended by:

A. In the introduction, in paragraph (2), in the last sentence, by removing the references to ''682.300(b)(2)(vi), 682.300(b)(2)(vii)'' and adding, in their place, ''682.300(b)(2)(vii), 682.302(d)(1)(iv)''.

B. In Appendix D, I.B.5., by removing ''180/270'' and adding, in its place, ''180/240''.

C. In Appendix D, I.D.1.a., by removing ''ten-year repayment'', and adding, in its place, ''repayment period'', by removing the reference to ''682.209(a)(7)'' and adding, in its place, ''682.209(a)(8) and 682.209(h)(2)''.

D. In Appendix D, I.E.2., in the eighth sentence, by adding, ''and § 682.402(f)(5)(ii) and (f)(6)'' after ''§ 682.211 (f)(4)''.

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

29. The authority citation for Part 685 continues to read as follows:

Authority: 20 U.S.C. 1087a *et seq.*, unless otherwise noted.

§ 685.102 [Amended]

30. Section 685.102(b) is amended as follows:

A. By indenting paragraph (b)(2)(i)(C) as a separate paragraph.

B. By removing, in the definition of ''Half-time student'', ''a school participating in the FFEL Program or the Direct Loan Program'' and adding, in its place, ''an institution of higher education''.

§ 685.200 [Amended]

31. Section 685.200 is amended as follows:

A. By removing in paragraph (a)(1)(v) ''any'' and adding, in its place, ''a''.

B. By removing in paragraph (a)(1)(v) ''34 CFR 668.32(e)(2) or (3)'' and adding, in its place, ''34 CFR 668.32(e)(2), (3), or (4)''.

C. By removing in paragraph (b)(1)(iii) ''34 CFR 668.7'' and adding, in its place, ''34 CFR 668.33''.

32. Section 685.202 is amended as follows:

A. By revising paragraph (a)(2)(i).

B. By removing in paragraph (a)(3)(i)(C) ''District'' and adding, in its place, ''Direct''.

The amendments read as follows:

§ 685.202 Charges for which Direct Loan Program borrowers are responsible.

(a) * * *

(2) * * *

(i) *Loans first disbursed before July 1, 1998.* (A) *Interest rates for periods ending before July 1, 2001.* During all periods, the interest rate during any twelve-month period beginning on July 1 and ending on June 30 is determined on the June 1 preceding that period. The interest rate is equal to the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to that June 1 plus 3.1 percentage points, but does not exceed 9 percent.

(B) *Interest rates for periods beginning on or after July 1, 2001.* During all periods, the interest rate during any twelve-month period beginning on July 1 and ending on June 30 is determined on the June 26 preceding that period. The interest rate is equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before that June 26 plus 3.1 percentage points, but does not exceed 9 percent.

* * * * *

§ 685.205 [Amended]

33. Section 685.205 is amended by redesignating paragraph (c)(9) as paragraph (b)(9).

§ 685.208 [Amended]

34. Section 685.208(f)(2) is amended by removing ''borrowers's'' and adding, in its place, ''borrower's''.

35. Section 685.211 is amended by italicizing the paragraph (c) heading to read as follows:

§ 685.211 Miscellaneous repayment provisions.

* * * * *

(c) *Refunds and returns of title IV, HEA program funds from schools.* * * * * * * * *

§ 685.212 [Amended]

36. Section 685.212 is amended as follows:

A. By adding in paragraph (d) '', in whole or in part,'' after ''disbursed''.

B. By adding in paragraph (e) '', in whole or in part,'' after ''disbursed''.

C. By adding in paragraph (f) '', in whole or in part,'' after ''disbursed''.

§ 685.214 [Amended]

37. Section 685.214(c)(1)(i) is amended by adding '', in whole or in part, on or after January 1, 1986'' after ''loan''.

§ 685.215 [Amended]

38. Section 685.215(c)(1)(i) is amended by adding '', in whole or in part, on or after January 1, 1986'' after ''loan''.

§ 685.216 [Amended]

39. Section 685.216 is amended as follows:

A. By removing in paragraph (a)(2)(i)(A) ''has ceased to attend'' and adding, in its place, ''is not attending''.

B. By adding in paragraph (c)(1)(i)(A) '', in whole or in part,'' after ''loan''.

40. Section 685.220 is amended by italicizing the paragraph (k) heading to read as follows:

§ 685.220 Consolidation.

* * * * *

(k) *Refunds and returns of title IV, HEA program funds received from schools.*

* * * * *

41. Section 685.301 is amended as follows:

A. By adding new paragraph (a)(9).

B. By adding new paragraphs (b)(3)(i) and (ii).

C. By revising paragraph (b)(8)(ii).

D. By adding a new paragraph (b)(8)(iii).

E. By revising paragraph (d).

The revisions and additions read as follows:

§ 685.301 Origination of a loan by a Direct Loan Program school.

(a) * * *

(9)(i) The minimum period of enrollment for which a school may originate a Direct Loan is—

(A) At a school that measures academic progress in credit hours and uses a semester, trimester, or quarter system, a single academic term (e.g., a semester or quarter); or

(B) At a school that measures academic progress in clock hours, or measures academic progress in credit hours but does not use a semester, trimester, or quarter system, the lesser of—

(*1*) The length of the student's program at the school; or

(*2*) The academic year as defined by the school in accordance with 34 CFR 668.2.

(ii) The maximum period for which a school may originate a Direct Loan is—

(A) Generally an academic year, as defined by 34 CFR 668.2, except that a school may use a longer period of time, not to exceed 12 months, corresponding to the period to which the school applies the annual loan limits under § 685.203; or

(B) For a defaulted borrower who has regained eligibility, the academic year in which the borrower regained eligibility.

(b) * * *

(3) * * *

(i) If a loan period is more than one payment period, the school must disburse loan proceeds at least once in each payment period; and

(ii) If a loan period is one payment period, the school must make at least two disbursements during that payment period. The school may not make the second disbursement until the calendar midpoint between the first and last scheduled days of class of the loan period.

* * * * *

(8) * * *

(ii) Paragraph (b)(8)(i)(A) of this section does not apply to any loans originated by the school beginning—

(A) 30 days after the date the school receives notification from the Secretary of a cohort default rate, calculated under subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in that paragraph; or

(B) October 1, 2002.

(iii) Paragraph (b)(8)(i)(B) of this section does not apply to any loans originated by the school beginning 30 days after the date the school receives notification from the Secretary of a cohort default rate, calculated under subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in that paragraph.

* * * * *

(d) *Reporting to the Secretary.* (1) A school that participates under school origination option 2 must submit the promissory note, loan origination record, and initial disbursement record for a loan to the Secretary no later than 30 days following the date of the initial disbursement. The school must submit subsequent disbursement records, including adjustment and cancellation records, to the Secretary no later than 30 days following the date the disbursement, adjustment, or cancellation is made.

(2) A school that participates under school origination option 1 or standard origination must submit the initial disbursement record for a loan to the Secretary no later than 30 days following the date of the initial disbursement. The school must submit subsequent disbursement records, including adjustment and cancellation records, to the Secretary no later than 30 days following the date the disbursement, adjustment, or cancellation is made.

42. Section 685.303 is amended as follows:

A. By revising paragraph (b)(4)(ii).

B. By adding a new paragraph (b)(4)(iii).

C. By adding in the introductory text of paragraph (e) ''(except for Federal Work-Study Program funds up to $300)'' after ''eligible''.

The amendments read as follows:

§ 685.303 Processing loan proceeds.

* * * * *

(b) * * *

(4) * * *

(ii) Paragraph (b)(4)(i)(A) of this section does not apply to any loans originated by the school beginning—

(A) 30 days after the date the school receives notification from the Secretary of a cohort default rate, calculated under subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in that paragraph; or

(B) October 1, 2002.

(iii) Paragraph (b)(4)(i)(B) of this section does not apply to any loans originated by the school beginning 30 days after the date the school receives notification from the Secretary of a cohort default rate, calculated under Subpart M of 34 CFR part 668, that causes the school to no longer meet the qualifications outlined in that paragraph.

* * * * *

§ 685.304 [Amended]

43. Section 685.304 is amended in paragraph (a)(1) by removing ''(a)(5)'' and adding, in its place, ''(a)(4)''.

44. Section 685.400 is amended by revising the section heading to read as follows:

§ 685.400 School participation requirements.

* * * * *

45. Section 685.402 is amended by revising the section heading to read as follows:

§ 685.402 Criteria for schools to originate loans.

* * * * *

[FR Doc. 01–16470 Filed 6–28–01; 8:45 am]

BILLING CODE 4001–01–P

Federal Register

Friday,
June 29, 2001

Part IV

Department of Education

William D. Ford Federal Direct Loan Program; Notice

DEPARTMENT OF EDUCATION

William D. Ford Federal Direct Loan Program

AGENCY: Department of Education.

ACTION: Notice of the annual updates to the income contingent repayment (ICR) plan formula.

SUMMARY: The Secretary announces the annual updates to the ICR plan formula for 2001. Under the William D. Ford Federal Direct Loan (Direct Loan) Program, borrowers may choose to repay their student loans under the ICR plan, which bases the repayment amount on the borrower's income, family size, loan amount, and interest rate. Each year, we adjust the formula for calculating a borrower's payment to reflect changes due to inflation. This notice contains the required updates based on inflation, examples of how the calculation of the monthly ICR amount is performed, the income percentage factors, the constant multiplier chart, and charts showing sample repayment amounts. These updates are effective from July 1, 2001 to June 30, 2002.

FOR FURTHER INFORMATION CONTACT: Don Watson, U.S. Department of Education, room 3045, ROB–3, 400 Maryland Avenue, SW., Washington, DC 20202–5400. Telephone: (202) 708–8242. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: Direct Loan Program borrowers may choose to repay their Direct Loans under the ICR plan. The attachment to this notice provides updates to four sources of information: examples of how the calculation of the monthly ICR amount is performed, the income percentage factors, the constant multiplier chart, and charts showing sample repayment amounts.

We have updated the income percentage factors to reflect changes based on inflation. We have revised the income percentage factor table by changing the dollar amounts of the incomes shown by a percentage equal to the estimated percentage change in the Consumer Price Index for all urban consumers from December 2000 to December 2001. Further, we provide examples of monthly repayment amount calculations and two charts that show sample repayment amounts for single and married or head-of-household borrowers at various income and debt levels based on the updated income percentage factors.

The updated income percentage factors, at any given income, may cause a borrower's payments to be slightly lower than they were in prior years. This updated amount more accurately reflects the impact of inflation on a borrower's current ability to repay.

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(Catalog of Federal Domestic Assistance Number 84.268 William D. Ford Federal Direct Loan Program)

Program Authority: 20 U.S.C. 1087 *et seq.*

Dated: June 27, 2001.

Greg Woods,

Chief Operating Officer.

Attachment—Examples of the Calculations of Monthly Repayment Amounts

Example 1 This example assumes you are a single borrower with $15,000 in Direct Loans, the interest rate being charged is 8.25 percent, and you have an adjusted gross income (AGI) of $31,455.

Step 1: Determine your annual payments based on what you would pay over 12 years using standard amortization. To do this, multiply your loan balance by the constant multiplier for 8.25 percent interest (0.1315449). The constant multiplier is a factor used to calculate amortized payments at a given interest rate over a fixed period of time. (The 8.25 percent interest rate used in this example is the maximum interest rate charged for all Direct Loans excluding Direct PLUS Loans and may not be your actual interest rate. You can view the constant multiplier chart at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest for estimation purposes.)

- $0.1315449 \times \$15{,}000 = \$1{,}973.17$

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table that corresponds to your income and then divide the result by 100. (If your income is not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the ''Interpolation'' heading later in this notice.):

- $88.77 \times \$1{,}973.17 \div 100 = \$1{,}751.58$

Step 3: Determine 20 percent of your discretionary income. Because you are a single borrower, subtract the poverty level for a family of one, as published in the **Federal Register** on February 16, 2001 (66 FR 10695), from your income and multiply the result by 20 percent:

- $\$31{,}455 - \$8{,}590 = \$22{,}865$
- $\$22{,}865 \times 0.20 = \$4{,}573$

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be your annual payment amount. In this example, you will be paying the amount calculated under Step 2. To determine your monthly repayment amount, divide the annual amount by 12.

- $\$1{,}751.58 \div 12 = \$145.97$

Example 2. In this example, you are married. You and your spouse have a combined AGI of $59,440 and are repaying your loans jointly under the ICR plan. You have no children. You have a Direct Loan balance of $10,000, and your spouse has a Direct Loan balance of $15,000. Your interest rate is 8.25 percent.

Step 1: Add your and your spouse's Direct Loan balances together to determine your aggregate loan balance:

- $\$10{,}000 + \$15{,}000 = \$25{,}000$

Step 2: Determine the annual payment based on what you would pay over 12 years using standard amortization. To do this, multiply your aggregate loan balance by the constant multiplier for 8.25 percent interest (0.1315449). (The 8.25 percent interest rate used in this example is the maximum interest rate charged for all Direct Loans excluding Direct PLUS Loans and may not be your actual interest rate. You can view the constant multiplier chart at the end of this notice to determine the constant multiplier that you should use for the interest rate on your loan. If your exact interest rate is not listed, use the next highest for estimation purposes.)

- $0.1315449 \times \$25{,}000 = \$3{,}288.62$

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table that corresponds to your and your spouse's income and then divide the result by 100. (If your and your spouse's aggregate income is not listed in the income percentage factors table, calculate the applicable income percentage factor by following the instructions under the ''Interpolation'' heading later in this notice.):

- $109.40 \times \$3{,}288.62\ 100 = \$3{,}597.75$

Step 4: Determine 20 percent of your discretionary income. To do this, subtract the poverty level for a family of 2, as published in the **Federal Register** on February 16, 2001 (66 FR 10695), from your aggregate income and multiply the result by 20 percent:

- $\$59{,}440 - \$11{,}610 = \$47{,}830$
- $\$47{,}830 \times 0.20 = \$9{,}566$

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be your annual payment amount. You and your spouse will pay the

amount calculated under Step 3. To determine your monthly repayment amount, divide the annual amount by 12.

- $3,597.75 ÷ 12 = $299.81

Interpolation: If your income does not appear on the income percentage factors table, you will have to calculate the income percentage factor through interpolation. For example, assume you are single and your income is $25,000.

Step 1: Find the closest income listed that is less than your income of $25,000 and the closest income listed that is greater than your income of $25,000.

Step 2: Subtract the lower amount from the higher amount (for this discussion, we will call the result the ''income interval''):

- $25,042 − $21,046 = $3,996

Step 3: Determine the difference between the two income percentage factors that are given for these incomes (for this discussion, we will call the result, the ''income percentage factor interval''):

- 80.33% − 71.89% = 8.44%

Step 4: Subtract from your income the closest income shown on the chart that is less than your income of $25,000:

- $25,000 − $21,046 = $3,954

Step 5: Divide the result of Step 4 by the income interval determined in Step 2:

- $3,954 ÷ $3,996 = 0.98949

Step 6: Multiply the result of Step 5 by the income percentage factor interval:

- 8.44% × 0.98949% = 8.35%

Step 7: Add the result of Step 6 to the lower of the two income percentage factors used in Step 3 to calculate the income percentage factor interval for $25,000 in income:

- 8.35% + 71.89% = 80.24% (rounded to the nearest hundredth)

The result is the income percentage factor that will be used to calculate the monthly repayment amount under the ICR plan.

BILLING CODE 4000–01–P

Income Percentage Factors			
(Based on Annual Income)			
Single		Married/ Head of Household	
Income	% Factor	Income	% Factor
8,222	55.00%	8,222	50.52%
11,314	57.79%	12,975	56.68%
14,558	60.57%	15,463	59.56%
17,877	66.23%	20,214	67.79%
21,046	71.89%	25,042	75.22%
25,042	80.33%	31,455	87.61%
31,455	88.77%	39,448	100.00%
39,449	100.00%	47,445	100.00%
47,445	100.00%	59,440	109.40%
57,023	111.80%	79,427	125.00%
73,016	123.50%	107,410	140.60%
103,414	141.20%	150,218	150.00%
118,574	150.00%	245,468	200.00%
211,202	200.00%		

Constant Multiplier Chart for 12-Year Amortization	
Interest Rate	Annual Constant Multiplier
7.00%	0.1234057
7.25%	0.1250107
7.46%	0.1263678
7.50%	0.1266272
7.75%	0.1282550
8.00%	0.1298943
8.25%	0.1315449
8.38%	0.1324076
8.50%	0.1332067
8.75%	0.1348796
9.00%	0.1365637

Sample First-Year Monthly Repayment Amounts for a Single Borrower at various Income and Debt Levels

Income	Initial Debt																							
	$2,500	$5,000	$ 7,500	$10,000	$12,500	$15,000	$17,500	$20,000	$22,500	$25,000	$30,000	$35,000	$40,000	$45,000	$50,000	$55,000	$60,000	$65,000	$70,000	$75,000	$80,000	$85,000	$90,000	$100,000
$ 1,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,000	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
10,000	16	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24
12,500	16	32	48	64	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65	65
15,000	17	34	50	67	84	101	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107
17,500	18	36	54	72	90	108	126	144	149	149	149	149	149	149	149	149	149	149	149	149	149	149	149	149
20,000	19	38	58	77	96	115	134	154	173	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190
22,500	21	41	62	82	103	123	144	164	185	205	232	232	232	232	232	232	232	232	232	232	232	232	232	232
25,000	22	44	66	88	110	132	154	176	198	220	264	274	274	274	274	274	274	274	274	274	274	274	274	274
30,000	24	48	71	95	119	143	167	190	214	238	286	333	357	357	357	357	357	357	357	357	357	357	357	357
35,000	26	51	77	103	128	154	180	206	231	257	308	360	411	440	440	440	440	440	440	440	440	440	440	440
40,000	27	55	82	110	137	164	192	219	247	274	329	384	384	384	384	384	384	384	384	384	384	384	384	384
45,000	27	55	82	110	137	164	192	219	247	274	329	384	438	493	548	603	607	607	607	607	607	607	607	607
50,000	28	57	85	113	141	170	198	226	254	283	339	396	452	509	565	622	678	690	690	690	690	690	690	690
55,000	30	60	90	120	150	180	210	240	270	300	359	419	479	539	599	659	719	774	774	774	774	774	774	774
60,000	31	62	94	125	156	187	219	250	281	312	375	437	500	562	625	687	750	812	857	857	857	857	857	857
65,000	32	64	97	129	161	193	226	258	290	322	387	451	516	580	645	709	774	838	903	940	940	940	940	940
70,000	33	66	100	133	166	199	233	266	299	332	399	465	532	598	665	731	798	864	931	997	1024	1024	1024	1024
75,000	34	68	102	137	171	205	239	273	307	342	410	478	547	615	683	752	820	888	957	1025	1093	1107	1107	1107
80,000	35	70	103	140	175	210	245	280	315	350	420	489	559	629	699	769	839	909	979	1049	1119	1189	1190	1190
85,000	36	72	107	143	179	215	250	286	322	358	429	501	572	643	715	787	858	930	1001	1073	1144	1216	1274	1274
90,000	37	73	110	146	183	219	256	292	329	366	439	512	585	658	731	804	877	950	1024	1097	1170	1243	1316	1357
95,000	37	75	112	149	187	224	261	299	336	374	448	523	598	672	747	822	896	971	1046	1121	1195	1270	1345	1440
100,000	38	76	114	153	191	229	267	305	343	381	458	534	610	687	763	839	916	992	1068	1145	1221	1297	1373	1524

Sample repayment amounts are based on an interest rate of 8.25%.

Sample First-Year Monthly Repayment Amounts for a Married or Head-of-household Borrower at various Income and Debt Levels

Family Size = 3

Income	Initial Debt																							
	$ 2,500	$ 5,000	$ 7,500	$ 10,000	$ 12,500	$ 15,000	$ 17,500	$ 20,000	$ 22,500	$ 25,000	$ 30,000	$ 35,000	$ 40,000	$ 45,000	$ 50,000	$ 55,000	$ 60,000	$ 65,000	$ 70,000	$ 75,000	$ 80,000	$ 85,000	$ 90,000	$ 100,000
$ 1,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12,500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15,000	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
17,500	17	35	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48
20,000	18	37	55	74	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90	90
22,500	20	39	59	79	98	118	131	131	131	131	131	131	131	131	131	131	131	131	131	131	131	131	131	131
25,000	21	42	63	84	104	125	146	167	173	173	173	173	173	173	173	173	173	173	173	173	173	173	173	173
30,000	23	46	70	93	116	139	163	186	209	232	256	256	256	256	256	256	256	256	256	256	256	256	256	256
35,000	26	51	77	102	128	153	179	204	230	255	306	340	340	340	340	340	340	340	340	340	340	340	340	340
40,000	27	55	82	110	137	164	192	219	247	274	329	384	423	423	423	423	423	423	423	423	423	423	423	423
45,000	27	55	82	110	137	164	192	219	247	274	329	384	438	493	506	506	506	506	506	506	506	506	506	506
50,000	28	56	84	112	140	168	196	224	252	280	335	391	447	503	559	590	590	590	590	590	590	590	590	590
55,000	29	58	87	116	145	174	203	232	261	290	348	406	464	523	581	639	673	673	673	673	673	673	673	673
60,000	30	60	90	120	151	181	211	241	271	301	361	421	482	542	602	662	722	756	756	756	756	756	756	756
65,000	31	62	94	125	156	187	218	249	281	312	374	436	499	561	623	686	748	810	840	840	840	840	840	840
70,000	32	64	97	129	161	193	226	258	290	322	387	451	516	580	645	709	774	838	903	923	923	923	923	923
75,000	33	67	100	133	167	200	233	266	300	333	400	466	533	600	666	733	799	866	933	999	1006	1006	1006	1006
80,000	34	69	103	137	172	206	240	275	309	343	412	481	550	618	687	756	824	893	962	1030	1090	1090	1090	1090
85,000	35	70	105	140	176	211	246	281	316	351	421	492	562	692	702	772	843	913	983	1053	1123	1173	1173	1173
90,000	36	72	108	143	179	215	251	287	323	359	430	502	574	646	717	789	861	933	1004	1076	1148	1220	1256	1256
95,000	37	73	110	147	183	220	256	293	330	366	440	513	586	659	733	806	879	953	1026	1099	1172	1246	1319	1340
100,000	37	75	112	150	187	228	262	299	337	374	449	524	598	673	748	823	898	972	1047	1122	1197	1272	1346	1423

Sample repayment amounts are based on an interest rate of 8.25%.

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[FR Doc. 01–16573 Filed 6–28–01; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Friday,
June 29, 2001

Part V

The President

Proclamation 7452—Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Actions That Threaten International Stabilization Efforts in the Western Balkans, and Persons Responsible for Wartime Atrocities in That Region

Executive Order 13219—Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans

Federal Register
Vol. 66, No. 126
Friday, June 29, 2001

Presidential Documents

Title 3—

The President

Proclamation 7452 of June 26, 2001

Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Actions That Threaten International Stabilization Efforts in the Western Balkans, and Persons Responsible for Wartime Atrocities in That Region

By the President of the United States of America

A Proclamation

The United States has a vital interest in assuring peace and stability in Europe. In the Western Balkans, the United States is engaged, together with North Atlantic Treaty Organization Allies, the Organization for Security and Cooperation in Europe, United Nations missions, the European Union, and other international organizations in an effort to achieve peace, stability, reconciliation, and democratic development and to facilitate the region's integration into the European mainstream. The United States views full implementation of the Dayton Peace Accords in Bosnia and United Nations Security Council Resolution 1244 in Kosovo as critical to these efforts.

In furtherance of these objectives, the United States has provided military, diplomatic, financial, and logistical support to international institutions established in the region and to civil and security authorities. The United States has a direct and significant interest in the success of such initiatives and in the safety of personnel involved in them, including numerous United States military and Government officials.

In light of these objectives, I have determined that it is in the interests of the United States to restrict the entry into the United States of persons responsible for actions that threaten international stabilization efforts in the Western Balkans region, and of persons responsible for wartime atrocities committed in that region since 1991.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in sections 2 and 3 of this proclamation, be detrimental to the interests of the United States. I therefore hereby proclaim that:

Section 1. The immigrant and nonimmigrant entry into the United States of the following persons is hereby suspended:

(a) Persons who, through violent or other acts: (i) seek to obstruct the implementation of the Dayton Peace Accords (the ''Dayton Agreements'') or United Nations Security Council Resolution 1244 of June 10, 1999; (ii) seek to undermine the authority or security of the United Nations Interim Administration Mission in Kosovo, the international security presence in Kosovo known as the Kosovo Force, the Office of the High Representative in Bosnia and Herzegovina, the international security presence in Bosnia known as the Stabilization Force, the Organization for Security and Cooperation in Europe, the International Criminal Tribunal for the former Yugoslavia, or other international organizations and entities present in the region pursuant to the Dayton Agreement or United Nations Security Council resolutions,

including but not limited to Resolutions 827, 1031, and 1244; (iii) seek to intimidate or to prevent displaced persons or refugees from returning to their places of residence in any area or state of the Western Balkans region; or (iv) otherwise seek to undermine peace, stability, reconciliation, or democratic development in any area or state of the Western Balkans region.

(b) Persons who are responsible for directing, planning, or carrying out wartime atrocities, including but not limited to acts in furtherance of ''ethnic cleansing,'' committed in any area or state of the Western Balkans region since 1991.

Sec. 2. Section 1 of this proclamation shall not apply with respect to any person otherwise covered by section 1 where entry of such person would not be contrary to the interest of the United States.

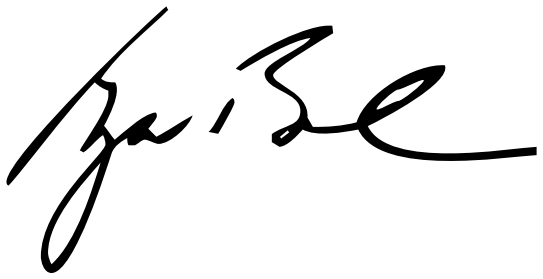
Sec. 3. Persons covered by sections 1 and 2 of this proclamation shall be identified by the Secretary of State or the Secretary's designee, in his or her sole discretion, pursuant to such procedures as the Secretary may establish under section 5 of this proclamation.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. The Secretary of State shall have responsibility for implementing this proclamation pursuant to such procedures as the Secretary may establish.

Sec. 6. This proclamation is effective immediately and shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated, either in whole or in part. The Secretary of State shall advise the Attorney General of such determination, which shall become effective upon publication in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of June, 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. 01–16667
Filed 6–28–01; 11:33 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13219 of June 26, 2001

Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, threaten the peace in or diminish the security and stability of those areas and the wider region, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. I find that such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat. I hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, all property and interests in property of:

(i) the persons listed in the Annex to this order; and

(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or,

(B) to have actively obstructed, or to pose a significant risk of actively obstructing, implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 in Kosovo, or

(C) materially to assist in, sponsor, or provide financial or technological support for, or goods or services in support of, such acts of violence or obstructionism, or

(D) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the foregoing persons, that are

or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons designated in or pursuant to paragraph (a) of this section would seriously impair my ability to deal with the national emergency declared in this order. Accordingly, the blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making by a United States person of any such donation to any such designated person, except as otherwise authorized by the Secretary of the Treasury.

(c) The blocking of property and interests in property pursuant to paragraph (a) of this section includes, but is not limited to, the prohibition of the making or receiving by a United States person of any contribution or provision of funds, goods, or services to or for the benefit of a person designated in or pursuant to paragraph (a) of this section.

Sec. 2. Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of this order is prohibited.

Sec. 3. For the purposes of this order:

(a) The term ''person'' means an individual or entity;

(b) The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

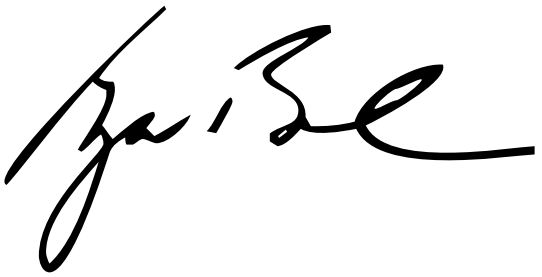
(c) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 6. (a) This order is effective at 12:01 eastern daylight time on June 27, 2001;

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
June 26, 2001.

Billing code 3195–01–P

ANNEX

I. Individuals

Name/DPOB (If Available)	Affiliation
Ademi, Xhevat DOB: 8 Dec 1962 POB: Tetovo, FYROM	NLA
Ahmeti, Ali DOB: 4 Jan 1959 POB: Kicevo, FYROM	NLA
Bexheti, Nuri DOB: 1962 POB: Tetovo, FYROM	NLA
Dalipi, Tahir DOB: 1958 POB: Ilince, Presevo mun., FRY	PCPMB
Elshani, Gafur DOB: 29 March 1958 POB: Suva Reka, FRY	LPK
Gashi, Sabit DOB: 30 December 1967 POB: Suva Reka, FRY	LKCK
Habibi, Skender DOB: 13 July 1968 POB: Ljubiste, FRY	PDK
Haradinaj, Daut DOB: 6 April 1978 POB: Goldane, FRY	Chief of Staff, KPC
Hasani, Xhavit DOB: 5 May 1957 POB: Tanishec, FYROM	NLA
Lladrovici, Ramiz DOB: 3 January 1966 POB:	Deputy Commander, Guard & Rapid Reaction Group, KPC
Lushtaku, Sami DOB: 20 February 1961 POB: Srbica, FRY	RTG 2 Commander, KPC
Musliu, Jonusz DOB: 5 January 1959 POB: Konculj, FRY	PCPMB
Musliu, Shefqet DOB: 12 February 1963 POB: Konculj, FRY	UCPMB
Mustafa, Rrustem DOB: 27 February 1971 POB: Podujevo, FRY	RTG 6 Commander, KPC
Ostremi, Gezim DOB: 1 November 1942 POB: Debar, Macedonia	NLA
Selimi, Rexhep DOB: 15 March 1971 POB: Iglarevo, FRY	Commander, Guard & Rapid Reaction Group, KPC
Shakiri, Hisni DOB: 1 March 1949 POB: Otlja, FYROM	NLA
Shaqiri, Shaqir DOB: 1 September 1964 POB: FRY	UCPMB
Suma, Emrush DOB: 27 May 1974 POB: Dimce, FRY	NLA
Syla, Azem DOB: 5 April 1951 POB: FRY	PDK

Name/DPOB (If Available)	Affiliation
Veliu, Fazli DOB: 4 January 1945 POB: Kercove, FYROM	NLA
Xhemajli, Emrush DOB: 5 May 1959 POB: Urosevac, FRY	LPK
Xhemajli, Muhamet DOB: 8 February 1958 POB: Muhovac, FRY	UCPMB

II. Organizations

Liberation Army of Presevo, Medvedja, and Bujanovac (PMBLA a.k.a. UCPMB)

National Liberation Army (NLA a.k.a. UCK)

National Movement for the Liberation of Kosovo (LKCK)

Political Council of Presevo, Medvedja, and Bujanovac (PCPMB)

Popular Movement of Kosovo (LPK)

[FR Doc. 01–16668
Filed 6–28–01; 11:33 am]
Billing code 4710–10–M

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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. 1914/P.L. 107–17

To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. (June 26, 2001; 115 Stat. 151)

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