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RESERVATIONS: 202–523–4538

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

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

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

7 CFR Parts 761, 762, 1901, 1941, 1943, 1945, 1955, and 1965

RIN 0560–AG15

Loan Limitations and Cash Flow Requirements for Farm Service Agency Guaranteed Loans

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Farm Service Agency (FSA) guaranteed loan regulations to remove the requirement that the Agency consider the costs of replacing capital items when considering whether a guaranteed loan customer has adequate capacity for debt service. Also, this rule provides for the adjustment of maximum guaranteed loan limits annually based on an index of prices paid by farmers and moves all loan limitation provisions to part 761. Finally, this rule updates and clarifies provisions in the guaranteed loan regulation.

DATES: Effective on February 23, 2001.

FOR FURTHER INFORMATION CONTACT: For additional information contact Phillip Elder, Senior Loan Officer, FSA, USDA, Farm Loan Programs Loan Servicing Division, Room 6966–S, STOP 0523, 1400 Independence Avenue, SW, Washington, DC 20250–0523, telephone (202) 690–4012.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule was reviewed by the Office of Management and Budget under Executive Order 12866 and has been determined to be significant.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, Public Law 96–534, (5 U.S.C. 601), the undersigned has determined and certified by signature on this document that this rule will not have a significant economic impact on a substantial number of small entities. FSA program participants are predominantly family sized farmers and ranchers and, as defined by the U.S. Small Business Administration, approximately 98 percent of all farmers are classified as small businesses. Still, this rule does not involve a new or expanded program and the provisions in this rule will not impact a substantial number of small entities to a greater extent than large entities. The intent of this rule is to reduce confusion and implement legislation. Program participation is voluntary and requires no direct action on the part of small entities. Thus, large entities are subject to these rules to the same extent as small entities. Therefore, a regulatory flexibility analysis was not performed.

Environmental Impact Statement

It is the determination of FSA that this action is not a major Federal action significantly affecting the environment. Therefore, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, and 7 CFR part 1940, subpart G, an Environmental Impact Statement is not required.

Executive Order 12988

This rule has been reviewed in accordance with E.O. 12988, Civil Justice Reform. In accordance with that Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule except that these changes apply to loans guaranteed prior to the effective date of the rule; and (3) administrative proceedings in accordance with 7 CFR parts 11 and 780 must be exhausted before requesting judicial review.

Executive Order 12372

The notice related to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) found the programs and activities within this rule are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), requires Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost/benefit assessment, for proposed and final rules with ''Federal mandates'' that may result in expenditures of $100 million or more in any 1 year for State, local, or tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost-effective or least burdensome alternative that achieves the objectives of the rule.

The rule contains no Federal mandates, as defined by title II of the UMRA, for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

The amendments to 7 CFR, chapters VII and XVIII, contained in this final rule require no revisions to the information collection requirements that were previously approved by OMB under control numbers 0560–0155, 0560–0157, 0560–0158, and 0560–0162. This change will not affect the number of respondents or the burden hours approved under these or any other control numbers.

Federal Assistance Program

These changes affect the following FSA programs as listed in the Catalog of Federal Domestic Assistance:

10.406—Farm Operating Loans
10.407—Farm Ownership Loans

Discussion of the Final Rule

This rule primarily amends the regulations under 7 CFR part 762 ''Guaranteed Farm Loans'' that govern the guaranteed farm loan programs of FSA. Part 762 was published as a final rule on February 12, 1999 (64 FR 7358–7403), to replace the former regulations for FSA guaranteed farm loans and those of its predecessor Agency, the Farmers Home Administration (FmHA). FmHA was abolished by the Department of Agriculture Reorganization Act of 1994 (Public Law 103–154, October 13, 1994). Since publication of part 762, legislation has deleted some of the regulation's requirements and changed how others are administered. Also, implementation of the regulation in USDA field offices has prompted the clarification of some provisions. For example, provisions that require the lender to execute a modification of the guarantee in certain instances are amended to state that any modification of the guarantee also must be executed by FSA. Another example is the removal of extraneous provisions in § 762.150 that limit when a loan with interest assistance can be considered for restructuring.

This rule removes the provision that requires an applicant to have a ''positive cash flow,'' with a 10-percent margin above debt service requirements in order to be eligible for a guaranteed loan. Consistently, this rule also removes the requirement for a cash flow margin in order to be approved for interest assistance and annual continuation of interest assistance subsidy. The 10-percent margin requirement is removed in accordance with § 3019 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31, May 21, 1999), which revised § 339(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989 *et seq.*) (CONACT) to remove the words, ''including expenses of replacing capital items (determined after taking into account depreciation of the items)'' from its debt service margin requirement. The Agency will instead require lenders to certify that guaranteed loan applicants demonstrate only a ''feasible plan,'' a term that is defined in § 762.102 as the ability to cash flow (meet debts and other expenses), but requiring no capital replacement margin.

Also, this rule amends the Agency regulations that govern the size of loan that may be guaranteed by the Agency. Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277, October 21, 1998) (1999 Act) amended the guaranteed loan limits of §§ 305 and 313 of the CONACT. The 1999 Act adjusted the limitations on the amount of farm ownership and farm operating loans based on the rate of inflation applicable to the fiscal year. This percentage change in the maximum loan size is determined by the percentage change in the Prices Paid by Farmers Index as compiled by the USDA, National Agricultural Statistics Service. The Agency is implementing this change by publishing a new section for all updated loan limitations at 7 CFR 761.8 (General and Administrative) and deleting the dollar loan maximum provisions in 7 CFR 762.122, 1941.29, 1943.29, 1943.79, and 1945.163. The new section refers to direct and guaranteed Soil and Water loans, which are no longer being funded. However, a few such loans are outstanding.

Other conforming changes are being made to provisions governing loan limitations, and Agency approval authorities are being removed as obsolete and unnecessary, in 7 CFR parts 1901, 1941, 1943, 1945, 1955, and 1965. Tables of loan approval authorities by official title and maximum loan amount will still be available at each local Agency office.

In accordance with 5 U.S.C. 553, the Agency has determined that a notice or proposed rule is unnecessary for the clarifications and amendments made in this rule because they involve nondiscretionary statutory requirements and clarifications of current Agency policy, not substantive revisions to program requirements.

List of Subjects

7 CFR Part 761

Accounting, Agriculture, Loan programs—agriculture, Rural areas.

7 CFR Part 762

Agriculture, Loan programs—agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1901

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7 CFR Part 1943

Agriculture, Crops, Loan programs—agriculture, Recreation, Water resources.

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Agriculture, Disaster assistance, Loan programs—agriculture.

7 CFR Part 1955

Agriculture, Foreclosure, Government property, Loan programs—agriculture, Sale of government acquired property, Surplus government property.

7 CFR Part 1965

Accounting, Foreclosure, Loan programs—agriculture, Rural areas.

Accordingly, 7 CFR is amended as follows:

PART 761—GENERAL AND ADMINISTRATIVE

1. The authority citation for part 761 is revised to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989.

Subpart A—General Provisions

2. Section 761.8 is added to read as follows:

§ 761.8 Loan limitations.

(a) *Dollar limits.* The outstanding principal balances for a farm loan applicant or anyone who will sign the promissory note cannot exceed the following:

(1) Farm Ownership loans, Beginning Farmer Down payment loans and Soil and Water loans:

(i) Direct—$200,000;

(ii) Guaranteed—$731,000 (Fiscal Year 2001);

(iii) Any combination of a direct Soil and Water loan, direct Farm Ownership loan, guaranteed Soil and Water loan, and guaranteed Farm Ownership loan—$731,000 (Fiscal Year 2001);

(2) Operating loans:

(i) Direct—$200,000

(ii) Guaranteed—$731,000 (Fiscal Year 2001)

(iii) Any combination of a direct Operating loan and guaranteed Operating loan—$731,000 (Fiscal Year 2001);

(3) Any combination of guaranteed Farm Ownership loan, guaranteed Soil and Water loan, and guaranteed Operating loan—$731,000 (Fiscal Year 2001);

(4) Any combination of direct Farm Ownership loan, direct Soil and Water loan, direct Operating loan, guaranteed Farm Ownership loan, guaranteed Soil and Water loan, and guaranteed Operating loan—$931,000 (Fiscal Year 2001);

(5) Emergency loans—$500,000;

(6) Any combination of direct Farm Ownership loan, direct Soil and Water loan, direct Operating loan, guaranteed Farm Ownership loan, guaranteed Soil and Water loan, guaranteed Operating loan, and Emergency loan—$1,431,000 (Fiscal Year 2001).

(b) *Adjustment.* The dollar limits of guaranteed loans will be adjusted each fiscal year based on the percentage change in the Prices Paid by Farmers Index as compiled by the USDA, National Agricultural Statistics Service (NASS).

(c) *Line of credit advances.* The total dollar amount of guaranteed line of credit advances and income releases cannot exceed the total estimated expenses, less interest expense, as indicated on the borrower's cash flow budget, unless the cash flow budget is revised and continues to reflect a feasible plan.

PART 762—GUARANTEED FARM LOANS

3. The authority citation for part 762 is revised to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989.

4. In § 762.102 the definition of ''Positive cash flow'' is removed and the definition of ''Feasible plan'' is revised to read as follows:

§ 762.102 Abbreviations and definitions.

* * * * *

(b) * * *

Feasible plan. A plan is feasible when a borrower or applicant's cash flow budget indicates that there is sufficient cash inflow to pay all cash outflow each year during the term of the loan. If a loan approval or restructuring action exceeds one production cycle and the planned cash flow budget is atypical due to cash or inventory on hand, new enterprises, carryover debt, atypical planned purchases, important operating changes, or other reasons, a cash flow budget must be prepared that reflects a typical cycle. If the request is for only one cycle, a feasible plan for only one cycle is required for approval.

* * * * *

5. Section 762.105 is amended by removing and reserving paragraph (c)(2)(iii) and revising paragraph (c)(1) to read as follows:

§ 762.105 Eligibility and substitution of lenders.

* * * * *

(c) * * *

(1) The Agency approves of the substitution in writing by executing a modification of the guarantee to identify the new lender, the amount of debt at the time of the substitution and any new loan terms if applicable.

* * * * *

§ 762.122 [Amended]

6. In § 762.122, paragraphs (a) and (b) are removed and paragraphs (c), (d), (e), and (f) are redesignated as (a), (b), (c), and (d) respectively.

7. Sections 762.125(a)(2), (a)(3), (a)(6) and (a)(8) are revised to read as follows:

§ 762.125 Financial feasibility.

(a) * * *

(2) The loan applicant's proposed operation must project a feasible plan as defined in § 762.102(b).

(3) For standard eligible lenders, the projected income and expenses of the borrower and operation used to determine a feasible plan must be based on the loan applicant's proven record of production and financial management.

* * * * *

(6) The cash flow budget analyzed to determine a feasible plan must represent the predicted cash flow of the operating cycle.

* * * * *

(8) When a feasible plan depends on income from other sources in addition to income from owned land, the income must be dependable and likely to continue.

* * * * *

8. Section 762.142(d)(8) is revised to read as follows:

§ 762.142 Servicing related to collateral.

* * * * *

(d) * * *

(8) The Agency approves the transfer and assumption by executing a modification of the guarantee to designate the party that assumed the guaranteed debt, the amount of debt at the time of the assumption, including interest that is being capitalized, and any new loan terms, if applicable.

* * * * *

9. Section 762.145(b)(6)(iv) is revised to read as follows:

§ 762.145 Restructuring guaranteed loans.

* * * * *

(b) * * *

(6) * * *

(iv) The Agency will execute a modification of guarantee form to identify the new loan principal and the guaranteed portion if greater than the original loan amounts, and to waive the restriction on capitalization of interest, if applicable, to the existing guarantee documents. The modification form will be attached to the original guarantee as an addendum.

* * * * *

10. Section 762.146(e)(9) is revised to read as follows:

§ 762.146 Other servicing procedures.

* * * * *

(e) * * *

(9) The Agency approves the consolidation by executing a modification of guarantee. The modification will indicate the consolidated loan amount, new terms, and percentage of guarantee, and will be attached to the originals of the guarantees being consolidated. If loans with a different guarantee percentage are consolidated, the new guarantee will be at the lowest percentage of guarantee being consolidated.

* * * * *

11. Section 762.150(a)(1), (a)(1)(i), (b)(2), (b)(3), (b)(4) and (g)(2) are revised to read as follows:

§ 762.150 Interest assistance program.

(a) *Requests for interest assistance.* (1) To apply for interest assistance in conjunction with a new request for guarantee, the lender will submit the following:

(i) A completed cash flow budget and interest assistance needs analysis portion of the application form. Interest assistance can be applied to each loan, only to one loan or any distribution the lender selects; however, interest assistance is only available on as many loans as necessary to achieve a feasible plan.

* * * * *

(b) * * *

(2) The lender must document that a feasible plan, as defined in § 762.102(b), is not possible without reducing the interest rate on the borrower's loan and with the debt restructured over the term of repayment.

(3) The lender must determine whether the borrower, including members of an entity, owns any significant assets that do not contribute directly to essential family living or farm operations. The lender must determine the market value of these assets and prepare a cash flow budget based on the assumption that the value of these assets will be used for debt reduction. If a feasible plan can then be achieved, the borrower is not eligible for interest assistance. All interest assistance calculations will be based on the cash flow budget which assumes that the assets will be sold.

(4) A borrower's new guaranteed loan is eligible for interest assistance if all the following conditions are met:

(i) The applicant needs interest assistance in order to achieve a feasible plan.

(ii) If significant changes in the borrower's cash flow budget are anticipated after the initial 12 months, then the typical cash flow budget must demonstrate that the borrower will still have a feasible plan, following the anticipated changes, with or without interest assistance.

(iii) If a feasible plan cannot be achieved, even with other creditors voluntarily adjusting their debts and with the interest assistance, the interest assistance request will not be approved.

* * * * *

(g) * * *

(2) The loan will be transferred with the interest assistance agreement only in cases where the transferee was liable for the debt at the time interest assistance was granted. Under no other circumstances will the interest assistance be transferred. If interest assistance is necessary for the transferee to achieve a feasible plan, the lender may request such assistance, which may be approved if interest assistance funds are available and the applicant is eligible. The maximum length of the agreement will be 10 years from the date of the first agreement covering a loan for which the transferee was liable. If interest assistance is necessary for a feasible plan and funds are not available, the request for assumption of the Agency guaranteed debt will be denied.

* * * * *

PART 1901—PROGRAM RELATED INSTRUCTIONS

12. The authority citation for part 1901 is revised to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, 42 U.S.C. 1480.

Subpart A—[Reserved]

13. Subpart A is removed and reserved.

PART 1941–OPERATING LOANS

14. The authority citation for part 1941 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989.

Subpart A—Operating Loan Policies, Procedures and Authorizations

15. Section 1941.29 is amended by revising the section heading, removing paragraph (d), and revising paragraph (b) to read as follows:

§ 1941.29 Relationship between FSA loans, direct and guaranteed.

* * * * *

(b) A direct OL may be made to a guaranteed loan borrower provided the requirements of 7 CFR 761.8 and all other loan requirements are met.

* * * * *

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

16. The authority citation for part 1943 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989.

Subpart A—Direct Farm Ownership Loan Policies, Procedures and Authorizations

17. Section 1943.29 is amended by revising the section heading, removing paragraph (c), redesignating paragraph (d) as paragraph (c), and revising paragraph (b) to read as follows:

§ 1943.29 Relationship between FSA loans, direct and guaranteed.

* * * * *

(b) A direct FO may be made to a guaranteed loan borrower provided the requirements of 7 CFR 761.8 and all other loan requirements are met.

* * * * *

18. Section 1943.79 is removed and reserved.

§ 1943.79 [Reserved]

PART 1945—EMERGENCY

19. The authority citation for part 1945 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

20. In § 1945.154 paragraph (a) is amended by revising the definition of ''Approval official'' to read as follows:

§ 1945.154 Definitions and abbreviations.

* * * * *

Approval official. An Agency official who has been delegated farm loan program loan approval authority in accordance with the title of the employee and the dollar amount of the loan as set out in tables available in any local Agency office.

* * * * *

21. Section 1945.163(e) is amended by removing the last sentence.

PART 1955—PROPERTY MANAGEMENT

22. The authority citation for part 1955 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, 42 U.S.C. 1480.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

§ 1955.10 Voluntary conveyance of real property by the borrower to the Government.

23. Section 1955.10(a)(1)(ii) is removed and reserved.

Subpart C—Disposal of Inventory Property

§ 1955.104 Authorities and responsibilities.

24. Section 1955.104(c) is removed.

PART 1965—REAL PROPERTY

25. The authority citation for part 1965 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 1989, 42 U.S.C. 1480.

Subpart A—Servicing of Real Estate Security for Farm Loan Programs Loans and Certain Note-Only Cases

§ 1965.13 Consent by partial release or otherwise to sale, exchange or other disposition of a portion of or interest in security, except leases.

26. Section 1965.13 is amended by removing paragraph (e)(1) and redesignating paragraphs (e)(2) and (3) as (e)(1) and (2) respectively.

§ 1965.27 Transfer of real estate security.

27. Section 1965.27(a) is removed and reserved.

Dated: January 12, 2001.

Jill Long Thompson,

Under Secretary for Rural Development.

Dated: January 12, 2001.

August Schumacher,

Under Secretary for Farm and Foreign Agricultural Services.

[FR Doc. 01–1751 Filed 1–23–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–313–AD; Amendment 39–12084; AD 2001–01–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD); applicable to all Boeing Model 737–300, –400, and –500 series airplanes. This AD requires, among other actions, a one-time detailed visual inspection of the fuel quantity indicating system (FQIS) wiring and fuel tubing on the inboard side of the right wing rib wing buttock line (WBL) 227 and on the aft side of stringer No. 13 to determine if clearance exists between the FQIS wire harness and the refuel tube and tube coupling, and to detect any loose or broken refuel tube clamp or bracket or chafing of the FQIS wire harness; and corrective actions, if necessary. This action is necessary to detect and correct chafing and to prevent electrical contact between the FQIS wiring and the surrounding structure, which, in conjunction with another wiring failure outside the fuel tank, could result in fire or explosion of the fuel tank. This action is intended to address the identified unsafe condition.

DATES: Effective February 28, 2001.

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

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1360; 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 737–300, –400, and –500 series airplanes was published in the **Federal Register** on October 3, 2000 (65 FR 58966). That action proposed to require, among other actions, a one-time detailed visual inspection of the fuel quantity indicating system (FQIS) wiring and fuel tubing on the inboard side of the right wing rib wing buttock line (WBL) 227 and on the aft side of stringer No. 13 to determine if clearance exists between the FQIS wire harness and the refuel tube and tube coupling, and to detect any loose or broken refuel tube clamp or bracket or chafing of the FQIS wire harness; and corrective actions, if necessary.

Actions Since Issuance of Previous Proposal

Since the issuance of the notice of proposed rulemaking (NPRM), the FAA has reviewed and approved Boeing Alert Service Bulletin 737–28A1168, Revision 1, dated January 11, 2001. This new revision revises the format of Boeing Alert Service Bulletin 737–28A1168, dated September 26, 2000; adds certain text, references, drawings, parts and materials, and notes; revises a compliance time; makes certain technical changes; and adds certain tables and figures. In addition, the new revision does not include the procedure for a permanent repair (splicing the wires) if any damage to the wire harness is detected. Revision 1 of the service bulletin adds no additional work for the operators.

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.

Requests To Remove or Change the Compliance Plan Requirement

The Air Transport Association (ATA) of America and two of its members request removing or changing the requirement in paragraph (a) of the proposed AD for submitting a compliance plan schedule to the FAA. The commenters state that it is unnecessary for operators to submit compliance plan schedules because operators already have internal planning schedules for accomplishing required actions. Therefore, submitting a schedule would not accelerate completion of the work required and would not improve operational safety.

One of the commenters states that the proposed rule should allow more flexibility in consideration of unforeseen circumstances. One suggestion is for the FAA to omit the requirement [in paragraph (a) of the proposed AD] for operators to submit specific dates to the FAA, and allow operators to submit a ''date range'' for accomplishing the inspection and corrective actions [required by paragraph (b) of the proposed AD]. Another suggestion is for operators to submit a ''running plan of completion'' (*e.g.*, five airplanes in the first month, another five in the second month) until the AD requirements for an operator's fleet are met. The commenter states the adoption of either of these suggestions would enable the operators to meet the compliance time required by the proposed AD, yet still allow operators to include the inspection into a flight schedule with minimal impact on operations.

If the FAA does not accept the preceding recommendations, the commenters recommend that the compliance plan requirement include enough flexibility so that schedule updates are not required. The commenters also recommend that schedules should include enough flexibility to allow for unforeseen circumstances for the following reasons:

- The proposed AD does not specify whether updates to the schedule would be required (or allowed). For that reason, it is unclear whether it would be necessary to submit a schedule change, or whether an alternative method of compliance (AMOC) would be required for such a change.
- It is impractical to require operators to submit a schedule for accomplishing the proposed inspections within a 6-month period because a variety of operational factors would require changes on a daily basis.

The commenters add that the principal maintenance inspector (PMI) should be allowed to verify an operator's maintenance program and confirm the accomplishment of AD requirements. (This is already within the scope of the PMI's responsibilities.) Confirmation of the accomplishment of the required actions by the PMI would not impose upon the operators an inflexible compliance schedule that would require frequent adjustments. Flexible schedules would decrease the impact on airline operations.

The FAA does not concur that the requirement for operators to submit a compliance plan schedule should be removed or changed. The purpose of the plan is to ensure that operators are able to meet the 6-month compliance time specified in paragraph (b) of the proposed AD for accomplishing the inspection and corrective actions. Because of the work involved, 6 months is an aggressive compliance time that can be met only if operators carefully plan their compliance schedules at the outset. However, we consider that a 6-month compliance time for accomplishing the inspection and corrective action requirements is necessary because of the risks associated with any chafed wiring in fuel tanks.

The proposed AD would require a one-time submittal of a plan that identifies each of the operator's affected airplanes, and the dates and maintenance events when the required

actions will be accomplished. It would not require operators to strictly adhere to the plan or to submit updates to the FAA. To clarify this, we have added NOTE 2 to the final rule, stating that operators are not required to submit revisions to the compliance plan required by paragraph (a) of this AD. It is expected that the responsible PMI will confirm the ongoing accomplishment of the actions required by the AD for each operator's affected fleet. We view the compliance plan as the starting point for discussions between the PMI's and their operators.

We acknowledge that, in certain instances, it may be necessary for operators to request extensions to the 6-month compliance time specified by paragraph (b) of the proposed AD for accomplishing the inspection and corrective actions. However, submitting a compliance plan within the proposed 15-day compliance time specified by paragraph (a) of the proposed AD will help to ensure that operators have considered all factors necessary for meeting inspection and corrective action requirements at the beginning of the compliance time period. If an operator later requests an extension of the compliance time, we will consider the submitted compliance plan, and the operator's reasons for not meeting it, in determining whether a requested extension to the schedule is justified. In the past, some operators were unable to meet the requirements of certain AD's within the compliance time due to poor planning. As a result, last-minute requests for extensions put operators at risk of grounding airplanes, depending upon the FAA resources available to process the extensions and FAA willingness to grant extensions.

In light of this information, we consider it necessary for operators to engage in compliance planning. In addition, we consider that the requirement for operators to submit a compliance plan will minimize unscheduled out-of-service time and the grounding of airplanes. No change to paragraph (a) of the final rule is necessary in this regard.

Request To Clarify Compliance Plan Requirement for Foreign Airlines

One commenter, the Civil Aviation Authority (CAA) of the United Kingdom, requests clarification that the compliance plan requirement in the proposed AD does not apply to foreign airlines.

The FAA concurs that the compliance plan required by paragraph (a) of the proposed AD does not apply to non-U.S.-registered airplanes. Because only U.S.-registered airplanes are under FAA jurisdiction, we cannot require the accomplishment of the proposed action on airplanes registered outside the United States. If the CAA elects to adopt the requirements of this final rule, the CAA would determine whether a compliance plan is needed and how it would be handled. The compliance plan requirement in this AD is intended to verify to the FAA that the affected U.S.-registered airplanes will be able to meet the requirements of the proposed AD within the specified compliance time. No change to paragraph (a) of the final rule is necessary in this regard.

Requests To Extend the Compliance Time

The ATA states that several operators have requested that the proposed 6-month compliance time for the inspection and corrective actions, as required by paragraph (b) of the proposed AD, be extended. ATA suggests an extension to 18 months, another commenter suggests 15 months, and another commenter suggests a minimum of 12 months. In general, the commenters consider that the 6-month compliance time is too short for the following reasons:

- Only two confirmed instances of FQIS wire harness chafing have occurred that prompted the release of the proposed NPRM. In one of those cases, there was flight deck indication of the chafing, by intermittent FQIS errors, that could have been used by the operator to locate a potential chafing problem before any secondary failure could cause an ignition event.
- The proposed 6-month compliance time would require approximately 600 to 1,200 inspections to be accomplished on an unscheduled basis, potentially requiring special routing to capable maintenance stations. Unscheduled fuel tank inspections increase the risks to maintenance personnel involved with fuel tank entry, whereas routine and planned maintenance inspections provide a more controlled and safe environment. Such a compliance time would require additional maintenance shifts, and additional elapsed time out-of-service if corrective actions are required. In addition, any other maintenance that could be accomplished during time out-of-service, aside from the requirements of this proposed AD, would be limited.
- Although Boeing Alert Service Bulletin 737–28A1168 was issued on September 26, 2000, it is not reasonable to consider the time between publication of the proposed AD and the effective date of the final rule as time fully available to operators for accomplishing the required inspection in light of the significant operational and economic impact of a 6-month compliance time.

The commenters state that, based on the above reasons, an extension of the compliance time is necessary to allow accomplishment of the actions required by the proposed AD during scheduled intermediate maintenance visits of the majority of operators when appropriate facilities and personnel are available. To mitigate the safety concerns relative to extending the compliance time, one operator proposes to alert all maintenance personnel of the problem addressed in the proposed AD and of the potential safety implications. The commenters consider that extending the compliance time would still allow operators to maintain a level of safety equivalent to that intended by the proposed AD.

The FAA does not concur that the 6-month compliance time required by paragraph (b) of the proposed AD should be extended, except for those airplanes that have accomplished the requirements of AD 99–03–04, as specified in paragraph (c) of the final rule. We point out that the commenters have provided no technical justification regarding how the level of safety could be maintained during the extended period. In addition, they have not provided specific information or data on the risk factors that may exist for maintenance personnel in accomplishing the actions required by the proposed AD. In developing an appropriate compliance time for the FQIS wire harness inspection and corrective actions, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the practical aspect of inspecting the FQIS wire harness and addressing any discrepancy found within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. With regard to the degree of urgency associated with this unsafe condition, we evaluated the risk associated with chafed wiring in the fuel tank in determining that the 6-month compliance time required by paragraph (b) of the proposed AD is necessary to ensure the safety of the fleet.

Following the Trans World Airlines (TWA) Flight 800 accident, the National Transportation Safety Board (NTSB) performed FQIS safety analysis that revealed several scenarios where a combination of a latent failure or aging condition within the fuel tank and a subsequent single failure or electrical interference condition outside the tank can cause an ignition source to occur inside a fuel tank. Examples of these in-

tank and out-of-tank conditions that can contribute to a multiple-failure ignition scenario were found in airplane service records and on airplanes that were inspected by the FAA and the NTSB. In light of these findings, we have determined that these same types of scenarios are applicable to Model 737–300 through –500 series airplanes.

We have received reports indicating that four additional operators found damaged FQIS wire harness wiring in the right main fuel tank due to chafing against the refuel tube. To date, seven occurrences of FQIS wire chafing have been reported to the FAA, with the estimate that only a small portion of the affected airplanes have been inspected (including those airplanes that were inspected as part of the Fuel System Safety Program). In attempting to preclude future fuel tank explosions, we find it necessary to address all aspects of viable ignition scenarios to ensure that potential failures of the fuel system cannot contribute to ignition of the flammable fuel vapors in airplane fuel tanks. By requiring an inspection of the FQIS wire harness and corrective actions, ''best practices'' are used inside the tank (to eliminate the possibility of creating latent ''spark-gap'' locations in the event of high voltage on the FQIS wires). This final rule will adequately address the identified unsafe condition and meet the appropriate fail-safe standards to provide the level of safety (*i.e.*, tank ignition events should never occur) intended by the regulations in place at the time of the original certification of the design.

Related to the one commenter's justification for extending the compliance time based on alerting its maintenance personnel of the unsafe condition, the FAA finds that, while it is always necessary for certificate holders to notify maintenance personnel of an unsafe condition, such notification does not actually effect compliance with AD requirements. Therefore, the FAA deems that justifying an extension of the compliance time on this basis is not appropriate.

In regard to the flight deck indication of the FQIS wire harness chafing by intermittent FQIS errors, the manufacturer stated that erroneous fuel quantity readings ''might'' be evident in the flight deck. A short of the FQIS wire is likely to be detectable when it becomes a hard failure, which occurs if the bare wire remains in contact with structure, or if the FQIS circuit forms a hard connection to another circuit due to a failure condition outside the fuel tank. However, an intermittent connection to another circuit may not be evident to flight or maintenance crews, but could still create a risk of an in-tank arc. In the minutes immediately preceding the in-flight breakup of the TWA Flight 800 airplane, the cockpit voice recorder indicated that the crew noticed a fuel flow indicator that was providing erratic indications. Such indications could have been due to a failure occurring in a wire bundle. The NTSB investigation determined that the fuel flow indicator wiring was routed in the same wire bundle as FQIS wiring on the TWA Flight 800 airplane. Because a chafed or bare FQIS wire normally operates at five volts depending upon the attitude of the airplane, the amount of fuel in the tank, and the conditions of flight, it is possible that such conditions might not cause a short that is detectable in the flight deck. The other reported chafing event discussed in the proposed AD was found during an operator's heavy maintenance check, which was not associated with trouble-shooting an FQIS indication problem.

After careful consideration of all of the preceding information, we have determined that 6 months represents an appropriate interval of time for accomplishing the proposed inspections of the FQIS wire harness and corrective actions to ensure that an acceptable level of safety is maintained. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjusting the compliance time if data are submitted to confirm that such an adjustment would provide an acceptable level of safety. No change was made to the compliance time required by paragraph (b) of the final rule.

Requests To Clarify the Inspection and Corrective Action Requirements

1. One commenter requests revising the ''Explanation of Relevant Service Information'' section in the proposed AD by adding the corrective action ''relocating the lockwire away from the FQIS wiring.'' In addition, the words ''or lockwire'' should be added after the word ''jumper'' in paragraph (b)(1) of the proposed AD. These clarifications are necessary because incorrectly installed lockwires could also damage the FQIS wires.

The FAA concurs that it is necessary to clarify that, if necessary, the lockwire should be relocated away from the FQIS wiring. Although the ''Explanation of Relevant Information'' section is not included in the final rule, we have revised paragraph (b)(1) of the final rule to read ''and relocate the bonding jumper or lockwire away from the wiring, if necessary.''

2. That same commenter also requests deleting a corrective action that specifies ''splicing the wires'' in the ''Explanation of Relevant Service Information'' section of the proposed AD. Related to this, the commenter requests that paragraph (b)(3)(iii) of the proposed rule, which includes a splicing requirement, be deleted from the proposed AD. The commenter requests this change because, since the issuance of the proposed AD, the commenter has determined that the procedure for splicing the FQIS wires in the right main fuel tank inboard of right wing station WBL 227 is not practical. As a result, the Accomplishment Instructions of Revision 1 of the service bulletin does not include procedures for the splicing repair that were included in the original issue of the service bulletin. Instead, Revision 1 specifies repairing FQIS wire harness damage to the wire shield of the shielded wire or to the conductor of the unshielded wire by replacing the FQIS wire harness.

Although the FAA concurs that the proposed AD should not include a splicing requirement, we again point out that the Explanation of Relevant Service Information section is not included in the final rule. However, we have deleted paragraph (b)(3)(iii) from the final rule to remove the splicing requirement. After reviewing the procedure for splicing the wires, we have concluded that, because of the difficulties associated with installing a splice to the FQIS wire harness in the right wing station WBL 227, replacement of the FQIS wire harness is more appropriate. However, we have added NOTE 3 to the final rule to give operators credit for accomplishing the repair by splicing the wires per the procedure included in the original issuance of the service bulletin.

3. Another commenter requests revising paragraph (b) of the proposed AD to clarify that the inspection is to determine whether a ''minimum'' of 3/8-inch clearance exists between the FQIS wire harness and the refuel tube and tube coupling. The FAA concurs that such clarification is necessary, and has changed paragraph (b) of the final rule accordingly.

Requests To Revise the Cost Estimate

1. The ATA states that several operators request the FAA revise the cost estimates in the proposed AD. These commenters recommend that the cost estimate take into account fleetwide estimates of elapsed time out-of-service, and include costs associated with access and closure procedures. The ATA points out that the inspection in the original issue of the service bulletin specifies 17.5 work hours, which includes the time required to drain, vent, access, enter, and close the fuel

tank. That estimate is significantly greater than the estimate in the proposed AD of 1 work hour. The affected airplanes would be out of service from 1 to 4 days, during which other maintenance activities would be limited. The commenters suggest that the cost estimate should include:

• Costs for access and closure procedures because the majority of the proposed inspections must be done on an unscheduled basis, and many of the scheduled visits would not provide the required access.

• Costs for elapsed time out-of-service for the entire fleet because additional time is required for any discrepancy detected. In addition, other maintenance activities are greatly limited because electrical power to the airplane is secured during much of the out-of-service period.

The FAA does not concur. The cost impact information describes only the ''direct'' costs of the specific actions required by this AD. We recognize that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time necessary to drain, vent, enter, and close a fuel tank. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Even though, as stated in the proposed rule, we recognize that airplanes could be taken out of service for as long as 2 days, we do not have enough information to evaluate the number of airplanes that may be affected or the additional downtime that may be required. Therefore, providing a fleet-wide estimate of the elapsed time out-of-service would be futile.

Further, because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain and operate aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining and operating safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD. In this case, we have determined that direct and incidental costs are still outweighed by the safety benefits of the AD. No change was made to the cost estimate in the final rule.

2. The ATA also recommends that the FAA review the cost allocated for replacing a wiring harness. One operator indicates that actual costs are 10 per cent greater than the cost cited in the proposal. The FAA infers that the commenters are requesting including the cost of the FQIS wire harness in the Cost Impact section of the proposed rule.

The FAA does not concur with the commenters' requests to include the cost of an FQIS wiring harness in the Cost Impact section of the proposed rule. The Cost Impact section of the proposed AD only includes the costs associated with the ''direct'' costs of the specific actions required, which include developing a compliance plan and inspecting the FQIS wiring harness in the right main fuel tank. The proposed AD does not include the cost of ''on-condition'' actions, such as replacing a damaged FQIS wiring harness if one is detected during the required inspection (''repair, if necessary''). Such on-condition repair actions would be required to be accomplished, regardless of AD direction, to correct an unsafe condition identified in an airplane and to ensure the airworthiness of that airplane, as required by the Federal Aviation Regulations. No change was made to the cost estimate in the final rule.

Request To Clarify the Applicability of the Proposed AD

One commenter requests clarification of whether the requirements of the proposed AD includes airplanes that have been modified by installing BFGoodrich transient suppression devices and transient suppression units. The FAA infers that the commenter is requesting issuance of an AMOC for those airplanes that have been modified per AD 99–03–04, amendment 39–11018 (64 FR 4959, February 2, 1999).

The FAA partially concurs with the commenter's request. AD 99–03–04 requires the installation of components to provide shielding and separation of the fuel system wiring (that is routed to the fuel tanks) from adjacent wiring. That AD also requires the installation of flame arrestors and pressure relief valves in the fuel vent system. The actions of that AD are intended to prevent possible ignition of fuel vapors in the fuel tank and external ignition of fuel vapor exiting the fuel vent system, and consequent propagation of a flame front into the fuel tanks.

Although we acknowledge that AD 99–03–04 addresses the potential for ignition sources within airplane fuel tanks, both AD 99–03–04 and the proposed AD address different aspects of the multiple-failure ignition scenarios identified by the NTSB and the FAA in the course of accident investigation. The proposed AD addresses the potential for chafed FQIS wiring in the fuel tank, and provides a means to avoid introducing ignition energy onto the FQIS wires outside of the tank, which will ensure that operators maintain the level of safety intended by the regulations. Therefore, compliance with the actions of the proposed AD would be required, even though an operator has accomplished the actions required by AD 99–03–04. However, we have determined that extending the compliance time from 6 to 18 months is appropriate for all affected airplanes that have been modified per AD 99–03–04, because those airplanes incorporate an additional level of circuit protection that significantly reduces the likelihood that an exposed conductor inside a fuel tank will become an ignition source. We have added a new paragraph (c) to the final rule to include this conditional compliance time extension for the referenced airplanes.

Request To Ensure Parts Availability

One commenter, the CAA, requests information regarding the availability of parts and support from the manufacturer and applicable vendors to support all affected airline operators, including the worldwide fleet, in accomplishing the corrective actions required by the proposed AD within the compliance time of 6 months. The FAA infers the commenter is requesting information regarding the availability of FQIS wiring harness parts and the support needed to inspect and correct any discrepancies found while accomplishing the actions required by the proposed AD.

The FAA concurs with the commenters'' request for assurance that adequate parts and support will be available for all operators in meeting the requirements of the proposed AD. In response, the FAA has received a statement from the manufacturer that the parts needed to replace FQIS wiring harnesses will be readily available to the operators, and that such parts are always kept in stock and replenished continually. In addition, the service bulletin includes a list of the parts and materials needed by the operator to meet the requirements of the proposed AD, along with the applicable reference material and drawings.

Request for Information of Actions Taken To Eliminate Clamp Failure

One commenter, the Safety Regulation Group of the CAA, requests information on any actions that have been taken to eliminate failure of the refuel tube clamp due to a preload on the clamp.

The proposed rule attributed FQIS wire chafing to ''a refuel tube broke due to a preload on the clamp.'' This caused the refuel tube to move and subsequently come in contact with the FQIS wire. As paragraph (b) of the proposed AD requires only a one-time inspection, failures of the clamp may occur after that inspection is accomplished. As a result, further chafing of the FQIS wire could occur and go unnoticed.

The FAA concurs with the commenter's request for more information of the actions taken to eliminate failure of the refuel tube clamp. In response, we offer the following information:

- The manufacturer attributed the broken refuel tube clamp to a preload on the clamp. The slotted support bracket, along with the clamp, holds the refuel tube to structure and can be installed with a preload because of possible shifting of the bracket. The preload on the clamp could have occurred during production or during operator maintenance of the airplane.
- The service bulletin includes procedures for inspecting loose or broken refuel tube clamps or slotted support brackets, replacing broken refuel tube clamps, replacing or repairing broken slotted support brackets, and verifying that there is no preload on the refuel tube or clamps. Inspecting the refuel tube clamp and bracket and determining that no preloads exist on those components will help prevent future failure of the clamp due to the existence of a preload on the clamp.
- The FAA will initiate discussions with the manufacturer regarding any changes that might be required to the maintenance manuals to alert maintenance personnel to the potential of a preload on the refuel tube clamp.

No change to the body of the final rule was necessary in this regard.

Request To Revise the Reporting Requirement

One commenter suggests that, instead of requiring operators to submit a compliance plan [as specified in paragraph (a) of the proposed AD], the FAA should revise the reporting requirement in paragraph (c) of the proposed AD [cited as paragraph (d) in the final rule] to require operators to report their inspection findings to the FAA (as well as to the manufacturer). The commenter considers that such a change would enable operators to maintain flexibility in their schedules, and keep the FAA informed of the operator's ability to meet AD requirements.

The FAA does not concur that it is necessary to require operators to submit inspection findings to the FAA. We point out that the manufacturer will send reports of such findings to the FAA, so a revision to the reporting requirement in paragraph (d) of the final rule is not necessary.

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.

Interim Action

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

Cost Impact

There are approximately 1,974 Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 796 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour 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 $47,760, or $60 per airplane.

It will take approximately 16 work hours per airplane to accomplish the required compliance plan, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the compliance plan on U.S. operators is estimated to be $764,160, or $960 per airplane.

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

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:

2001–01–13 Boeing: Amendment 39–12084. Docket 2000–NM–313–AD.

Applicability: All Model 737–300, –400, and –500 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 (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 detect and correct chafing and to prevent electrical contact between the fuel quantity indicating system (FQIS) wiring and the surrounding structure, which, in conjunction with another wiring failure outside the fuel tank, could result in fire or explosion of the fuel tank, accomplish the following:

Compliance Plan

(a) Within 15 days after the effective date of this AD, submit a plan to the FAA that identifies a schedule for compliance with paragraph (b) of this AD. This schedule must include, for each of the operator's affected airplanes, the dates and maintenance events (*e.g.*, letter checks) when the required actions will be accomplished. For purposes of this paragraph, ''FAA'' means the Principal Maintenance Inspector (PMI) for operators that are assigned a PMI, or the cognizant Flight Standards District Office for other operators. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Note 2: Operators are not required to submit revisions to the compliance plan required by paragraph (a) of this AD to the FAA.

Inspection and Corrective Actions

Note 3: Repairs accomplished by splicing the wires in accordance with the procedure included in Boeing Alert Service Bulletin 737–28A1168, dated September 26, 2000, prior to the effective date of this AD, are considered acceptable for compliance with the requirements of paragraphs (b)(1), (b)(2), and (b)(3) of this AD.

(b) Except as provided by paragraph (c) of this AD: Within 6 months after the effective date of this AD, perform a one-time detailed visual inspection of the FQIS wiring and fuel tubing on the inboard side of the right wing rib wing buttock line (WBL) 227 and on the aft side of stringer No. 13 to determine if clearance of 3/8 inch or greater exists between the FQIS wire harness and the refuel tube and tube coupling, and to detect any loose or broken refuel tube clamp or bracket, or chafing of the FQIS wire harness, in accordance with Boeing Alert Service Bulletin 737–28A1168, Revision 1, dated January 11, 2001.

Note 4: 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.''

(1) If the clearance between the FQIS wire harness and the refuel tube is less than 3/8 inch, prior to further flight, readjust the refuel tube, and relocate the bonding jumper or lockwire away from the wiring, if necessary, in accordance with the service bulletin.

(2) If any loose or broken refuel tube clamp or bracket is found, prior to further flight, replace the broken clamp with a new clamp; repair the broken bracket or replace the broken bracket with a new bracket; and secure the loose clamp or bracket; as applicable; in accordance with the service bulletin.

(3) If any chafing of the FQIS wiring harness is found, prior to further flight, replace the wire harness with a new wire harness or accomplish the applicable action(s) specified in paragraph (b)(3)(i) or (b)(3)(ii) of this AD, in accordance with the service bulletin.

(i) For jacket damage only that is less than 1-inch in length with no sign of abrasion to the wire insulation: Install a teflon sleeve over the wiring. At the next scheduled ''C'' Check, but no later than 15 months after the effective of this AD, repair the wire harness or replace the wire harness with a new wire harness.

(ii) For jacket damage or a harness with an exposed shield or conductor and the insulation of the other wire is not damaged (there can be no broken shield strands if the shield wire is damaged or no broken wire strands if the unshielded wire is damaged): Install a teflon sleeve over the wiring terminal and along the wire to the damaged area.

(c) For airplanes on which the modification per AD 99–03–04, amendment 39–11018, has been accomplished prior to the effective date of this AD: Within 18 months after the effective date of this AD, perform the actions specified in paragraph (b), and in paragraph (b)(1) or (b)(2) of this AD, in accordance with Boeing Alert Service Bulletin 737–28A1168, Revision 1, dated January 11, 2001.

Reporting Requirement

(d) Submit a report of inspection findings to Service Bulletin Engineering, Boeing Commercial Airplane Group, P.O. Box 3707, Mail Stop 2H–37, Seattle, Washington 98124–2207; at the applicable time specified in paragraph (d)(1) or (d)(2) of this AD. The report must include all the information specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1168, Revision 1, dated January 11, 2001. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection required by paragraph (b) of this AD is accomplished after the effective date of this AD: Submit the report within 10 days after performing the inspection.

(2) For airplanes on which the inspection required by paragraph (b) of this AD has been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

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, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA PMI, 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

(f) 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

(g) Except for the requirements of paragraph (a) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–28A1168, Revision 1, dated January 11, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. 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

(h) This amendment becomes effective on February 28, 2001.

Issued in Renton, Washington, on January 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1662 Filed 1–23–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–264–AD; Amendment 39–12082; AD 2001–01–12]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235, CN–235–100, and CN–235–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to to all CASA Model CN–235, CN–235–100, and CN–235–200 series airplanes, that requires replacing the upper brackets in frames 33, 34, and 35, with improved brackets that are more fatigue resistant, and reinforcing frame 35. The actions specified by this AD are intended to prevent fatigue cracking in the zone of the fittings connecting the fuselage to stiffener rods located in frames 33, 34, and 35, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective February 28, 2001.

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

ADDRESSES: The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: 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) to include an airworthiness directive (AD) that is applicable to all CASA Model CN–235, CN–235–100, and CN–235–200 series airplanes was published in the **Federal Register** on October 30, 2000 (65 FR 64634). That action proposed to require replacing the upper brackets in frames 33, 34, and 35, with improved brackets that are more fatigue resistant, and reinforcing frame 35.

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

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD, that it will take approximately 80 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $2,871 per airplane. Based on these figures, the cost impact of the AD on the U.S. operator of the one affected airplane is estimated to be $7,671.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–01–12 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–12082. Docket 2000–NM–264—AD.

Applicability: All Model CN–235, CN–235–100, and CN–235–200 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in the zone of the fittings connecting the fuselage to stiffener rods located in frames 33, 34, and 35, which could result in reduced structural integrity of the airplane, accomplish the following:

Bracket Replacement

(a) Prior to the accumulation of 25,000 total landings, replace the upper brackets in frames 33, 34, and 35, with improved brackets that are more fatigue resistant, and reinforce frame 35, in accordance with CASA Service Bulletin SB–235–53–48, dated December 11, 1997.

Alternative Methods of Compliance

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with CASA Service Bulletin SB–235–53–48, dated December 11, 1997. 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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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 3: The subject of this AD is addressed in Spanish airworthiness directive 02/2000, dated January 31, 2000.

Effective Date

(e) This amendment becomes effective on February 28, 2001.

Issued in Renton, Washington, on January 11, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1661 Filed 1–23–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–380–AD; Amendment 39–12085; AD 2001–02–01]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, –400, and –500 series airplanes, that requires repetitive inspections to detect cracking of certain areas of the forward pressure bulkhead, and repair, if necessary. This amendment also requires certain preventive modifications, which, when accomplished, terminate the repetitive inspections for the affected areas. This action is necessary to prevent fatigue cracking on critical areas of the forward pressure bulkhead, which could result in rapid decompression of the airplane fuselage. This action is intended to address the identified unsafe condition.

DATES: Effective February 28, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 28, 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: Nenita K. Odesa, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes was published in the **Federal Register** on October 18, 2000 (65 FR 62313). That action proposed to require repetitive inspections to detect cracking of certain areas of the forward pressure bulkhead, and repair, if necessary. That action also proposed to require certain preventive modifications, which, when accomplished, would terminate the repetitive inspections for the affected areas.

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

There are approximately 330 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 115 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 the AD on U.S. operators is estimated to be $13,800, or $120 per airplane, per inspection cycle.

It will take approximately 38 work hours per airplane to accomplish the required modification of the vertical chords, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,789 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $582,935, or $5,069 per airplane.

It will take approximately 274 work hours per airplane to accomplish the required modification of the side chord areas, at an average labor rate of $60 per work hour. Required parts will cost approximately $6,629 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $2,652,935, or $23,069 per airplane.

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

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:

2001–02–01 Boeing: Amendment 39–12085. Docket 99–NM–380–AD.

Applicability: Model 737–300, –400, and –500 series airplanes, certificated in any category; as listed in Boeing Alert Service Bulletin 737–53A1208, dated May 6, 1999.

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

Compliance: Required as indicated, unless accomplished previously.

To detect fatigue cracking of the forward pressure bulkhead, which could result in rapid decompression of the airplane fuselage, accomplish the following:

Initial and Repetitive Inspections

(a) Before the accumulation of 20,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later: Perform the applicable inspections of the vertical and side chord areas of the forward pressure bulkhead to detect cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1208, dated May 6, 1999. Thereafter, repeat the inspections at intervals not to exceed 6,000 flight cycles until the preventive modifications required by paragraph (c) of this AD have been accomplished.

Repair

(b) If any cracking is detected during any inspection required by paragraph (a) of this AD, before further flight, repair the area in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1208, dated May 6, 1999.

Terminating Action

(c) Before the accumulation of 75,000 total flight cycles, or within 12,000 flight cycles after the effective date of this AD, whichever occurs later: Accomplish preventive modifications of the vertical and side chord areas of the forward pressure bulkhead, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1208, dated May 6, 1999. Accomplishment of these modifications constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

Incorporation by Reference

(f) The actions shall be done in accordance with Boeing Alert Service Bulletin 737–53A1208, dated May 6, 1999. 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

(g) This amendment becomes effective on February 28, 2001.

Issued in Renton, Washington, on January 12, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1660 Filed 1–23–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Ivermectin Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Blue Ridge Pharmaceuticals, Inc. The NADA provides for veterinary prescription use of ivermectin otic suspension for the treatment of adult ear mite infestations in cats and kittens.

DATES: This rule is effective January 24, 2001.

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

SUPPLEMENTARY INFORMATION: Blue Ridge Pharmaceuticals, Inc., 4249–105 Piedmont Pkwy., Greensboro, NC 27410, filed NADA 141–174 that provides for veterinary prescription use of ACAREXX® (0.01% ivermectin) Otic Suspension for the treatment of adult ear mite (*Otodectes cynotis*) infestations in cats and kittens 4 weeks of age and older. Effectiveness against eggs and immature stages has not been proven. The NADA provides for use of one 0.5-milliliter tube per ear. The NADA is approved as of December 5, 2000, and the regulations are amended by adding 21 CFR 524.1195 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In addition, Blue Ridge Pharmaceuticals, Inc., has not been

previously listed in the animal drug regulations as a sponsor of an approved application. At this time, 21 CFR 510.600(c) is being amended to add entries for the firm.

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

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval for nonfood-producing animals qualifies for 3 years of marketing exclusivity beginning December 5, 2000, because the application contains substantial evidence of effectiveness of the drug involved or any studies of animal safety required for approval of the application and conducted or sponsored by the applicant.

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

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 524

Animal drugs.

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

PART 510—NEW ANIMAL DRUGS

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

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

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for ''Blue Ridge Pharmaceuticals, Inc.'' and in the table in paragraph (c)(2) by numerically adding an entry for ''065274'' to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Blue Ridge Pharmaceuticals, Inc., 4249–105 Piedmont Pkwy., Greensboro, NC 27410	065274
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
065274	Blue Ridge Pharmaceuticals, Inc., 4249–105 Piedmont Pkwy., Greensboro, NC 27410
* * * * * * *	

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

2. Section 524.1195 is added to read as follows:

§ 524.1195 Ivermectin otic suspension.

(a) *Specifications*. Each tube contains 0.5 milliliter (mL) of a 0.01 percent suspension of ivermectin.

(b) *Sponsor*. See No. 065274 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount*. Administer the contents of one 0.5-mL tube topically into each external ear canal.

(2) *Indications for use*. For the treatment of adult ear mite (*Otodectes cynotis*) infestations in cats and kittens 4 weeks of age and older. Effectiveness against eggs and immature stages has not been proven.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: January 8, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–1869 Filed 1–23–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Liquid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Med-Pharmex, Inc. The ANADA provides for oral use of ivermectin solution in horses for the treatment and control of various species of internal and cutaneous parasites.

DATES: This rule is effective January 24, 2001.

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

SUPPLEMENTARY INFORMATION: Med-Pharmex, Inc., 2727 Thompson Creek Rd., Pomona, CA 91767–1861, filed ANADA 200–292 for IVERSOL (ivermectin) Liquid for Horses. The application provides for oral use of 1.0 percent ivermectin solution in horses for the treatment and control of various species of gastrointestinal nematodes, lungworms, stomach bots, and cutaneous larvae and microfilariae. MedPharmex's IVERSOL Liquid for Horses is approved as a generic copy of Merial Ltd.'s EQVALAN® (ivermectin) Oral Liquid for Horses, approved under NADA 140–439. ANADA 200–292 is approved as of December 7, 2000, and 21 CFR 520.1195 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs.

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

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

§ 520.1195 [Amended]

2. Section 520.1195 *Ivermectin liquid* is amended in paragraph (b) by adding '', 051259,'' after ''050604''.

Dated: January 8, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–1865 Filed 1–23–01; 8:45 am]

BILLING CODE 4160–01–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15 and 68

[CC Docket No. 99–216; FCC 00–400]

2000 Biennial Regulatory Review of Adopting Technical Criteria and Approving Terminal Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document privatizes the process by which technical criteria are established for customer premises equipment (CPE or terminal equipment) that may be sold for connection to the public switched telephone network, and for the approval of such equipment to demonstrate compliance with the relevant technical criteria. Streamlining these procedures will reduce unnecessary costs and delays associated with bringing terminal equipment to the consumer without measurably increasing the possibility of harm to the public switched telephone network. Privatizing the terminal equipment approval process will significantly reduce the Commission's regulatory burden and allow it to focus on enforcement of the industry-established technical criteria for terminal equipment. The Commission will maintain its role as the forum of last resort for disputes regarding terminal equipment standards and approval procedures.

DATES: Effective February 23, 2001, except that § 68.105 and the definition of ''demarcation point'' in § 68.3 will not be effective until approval of the Office of Management and Budget has been obtained. The FCC will publish a document announcing the effective date of this rule and definition.

FOR FURTHER INFORMATION CONTACT: Susan Magnotti, 202/418–0871, Fax 202/418–2345, TTY 202/4184, smagnott@fcc.gov, Network Services Division, Common Carrier Bureau, or Dennis Johnson, 202/418–0809, Fax 202/418–2345, TTY 202/418–0484, dcjohnso@fcc.gov, Network Services Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (Order) in the 2000 Biennial Review of Part 68 of the Commission's Rules and Regulations, CC Docket No. 99–216, FCC 00–400, adopted November 9, 2000 and released December 21, 2000. The full text of the Report and Order is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554, or copies may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 445 12th Street, SW., Suite CY–B400, Washington, DC 20554, phone (202) 857–3800.

Synopsis of the Report and Order

1. In May 2000, the Commission released a Notice of Proposed Rulemaking (NPRM), 65 FR 34629 (May 31, 2000) proposing to privatize most elements of the process by which technical criteria are established for customer premises equipment (CPE or terminal equipment) as well as the compliance assessment procedures for such equipment. In response, the majority of comments recommended adoption of the Commission's proposals. This Order will streamline the Commission's rules by allowing the Commission to replace approximately 130 pages of technical criteria currently in the rules with only a few pages of simple principles that terminal equipment shall not cause any of the prescribed harms to the public switched telephone network, that providers of

telecommunications must allow the connection of compliant terminal equipment to their networks, and that the Commission will enforce diligently compliance with these rules.

2. Specifically, in the Report and Order, the Commission transfers the responsibility for establishing technical criteria to the Administrative Council for Terminal Attachments (Administrative Council). The purpose of the Administrative Council is to act as the clearinghouse publishing technical criteria for terminal equipment developed by ANSI-accredited standards development organizations. This approach ensures that all manufacturers know which terminal equipment technologies can be connected to the public switched telephone network and all providers of telecommunications can deploy services and design their networks to permit connection consistent with these technical criteria.

3. In the Report and Order we select TIA and ATIS, to serve as the joint sponsoring organization of the Administrative Council. Although the first responsibility of the co-sponsors, TIA and ATIS, is to send out a call to the industry to convene an organizational meeting for the purpose of establishing the Administrative Council for Terminal Attachments discussed below, the primary ongoing purpose of the sponsoring organization will be to provide administrative and secretarial support to the Administrative Council. The sponsoring organization is responsible for ensuring that the industry populates the Administrative Council in a manner consistent with ANSI criteria for a balanced and open membership. In the Report and Order, we require the sponsor to notify the industry that it intends to establish a Administrative Council with membership that is balanced in terms of the points of view represented. After the Administrative Council is in being, then its relationship with the sponsor becomes contractual. The Administrative Council may contract with the sponsor to provide the appropriate public notice for its actions and for appeals to it. The Administrative Council may also contract with the sponsor to coordinate the industry's assignment of standards-development projects, and take other actions that will support the Administrative Council's functions and coordination of industry standards-setting processes.

4. The Administrative Council will adopt technical criteria for terminal equipment through the act of publishing criteria developed by ANSI-accredited standards development organizations. The Administrative Council will not make substantive decisions regarding the development of technical criteria. The Administrative Council will also be responsible for establishing and maintaining a database of equipment approved as compliant with the technical criteria. The Administrative Council may perform this database function on its own, or may make arrangements with one of the sponsoring organizations to be the administrator of the database. The Order also concludes that the Administrative Council will assume many of the other Commission's current part 68 functions, including responding to inquiries from the public regarding the new technical criteria it publishes (the technical criteria that are currently in the part 68 rules, and approved equipment).

5. In addition, the Order completely eliminates the Commission's direct role in approving terminal equipment. Manufacturers will have the option of demonstrating conformity to the appropriate technical criteria by either seeking approval from Telecommunications Certification Bodies (TCBs) or by providing customers and the Administrative Council with a Supplier's Declaration of Conformity (SDoC), in accordance with the rules established in the Order. This streamlined approach relies on the common vested interest of terminal equipment manufacturers and providers of telecommunications in safeguarding the public switched telephone network, while also eliminating direct government involvement in establishing technical criteria for terminal equipment and in registering or approving terminal equipment that meets those technical criteria.

6. The Commission will retain in its rules the technical criteria relating to inside wiring, hearing aid compatibility and volume control, and consumer protection provisions. The Commission will also retain enforcement procedures for terminal equipment compliance and an appeal procedure for the Administrative Council's decisions. Finally, the Order updates the complaint procedures for the Commission's hearing aid compatibility and volume control rules.

List of Subjects

47 CFR Part 2

Communications equipment, Telecommunications.

47 CFR Part 15

Communications equipment, Telephone.

47 CFR Part 68

Administrative practice and procedure, Communications equipment, Labeling, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Final Rules

For the reasons stated in the preamble, the Federal Communication Commission amends parts 2, 15, and 68 of the Code of Federal Regulations as follows:

PART 2—[AMENDED]

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 303, 307, 336, and 337, unless otherwise noted.

Subpart L—[Removed]

2. Remove Subpart L, consisting of §§ 2.1300 and 2.1302.

PART 15—[AMENDED]

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

Authority: 47 U.S.C. 154, 302, 303, 304, 307, and 544A.

4. Section 15.214(b) is revised to read as follows:

§ 15.214 Cordless telephones.

* * * * *

(b) A cordless telephone that is intended to be connected to the public switched telephone network shall also comply with the applicable regulations in part 68 of this chapter. A separate procedure for approval under part 68 is required for such terminal equipment.

* * * * *

PART 68—[AMENDED]

5–6. The authority citation for part 68 continues to read as follows:

Authority: 47 U.S.C. 154, 155 and 303.

7. Section 68.2 is revised to read as follows:

§ 68.2 Scope.

(a) Except as provided in paragraphs (b) and (c) of this section, the rules and regulations apply to direct connection of all terminal equipment to the public switched telephone network for use in conjunction with all services other than party line services.

(b) *National defense and security.* Where the Secretary of Defense or authorized agent or the head of any other governmental department, agency,

or administration (approved in writing by the Commission to act pursuant to this rule) or authorized representative, certifies in writing to the appropriate common carrier that compliance with the provisions of part 68 could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activity which would adversely affect the national defense and security, such equipment or security devices may be connected to the telephone company provided communications network without compliance with this part, provided that each written certification states that:

(1) The connection is required in the interest of national defense and security;

(2) The equipment or device to be connected either complies with the technical criteria pertaining thereto or will not cause harm to the nationwide telephone network or to employees of any provider of wireline telecommunications; and

(3) The installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who is a licensed professional engineer in the jurisdiction in which the installation is performed.

(c) Governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section shall file a request with the Secretary of this Commission stating the reasons why the exemption is requested. A list of these departments, agencies, or administrations that have filed requests shall be published in the **Federal Register**. The Commission may take action with respect to those requests 30 days after publication. The Commission action shall be published in the **Federal Register**. However, the Commission may grant, on less than the normal notice period or without notice, special temporary authority, not to exceed 90 days, for governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section. Requests for such authority shall state the particular fact and circumstances why authority should be granted on less than the normal notice period or without notice. In such cases, the Commission shall endeavor to publish its disposition as promptly as possible in the **Federal Register**.

8. Section 68.3 is revised to read as follows:

§ 68.3 Definitions.

As used in this part:

Demarcation point (also point of interconnection). As used in this part, the point of demarcation and/or interconnection between the communications facilities of a provider of wireline telecommunications, and terminal equipment, protective apparatus or wiring at a subscriber's premises.

Essential telephones. Only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

Harm. Electrical hazards to the personnel of providers of wireline telecommunications, damage to the equipment of providers of wireline telecommunications, malfunction of the billing equipment of providers of wireline telecommunications, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

Hearing aid compatible. Except as used at §§ 68.4(a)(3) and 68.414, the terms hearing aid compatible or hearing aid compatibility are used as defined in § 68.316, unless it is specifically stated that hearing aid compatibility volume control, as defined in § 68.317, is intended or is included in the definition.

Inside wiring or premises wiring. Customer-owned or controlled wire on the subscriber's side of the demarcation point.

Premises. As used herein, generally a dwelling unit, other building or a legal unit of real property such as a lot on which a dwelling unit is located, as determined by the provider of telecommunications service's reasonable and nondiscriminatory standard operating practices.

Private radio services. Private land mobile radio services and other communications services characterized by the Commission in its rules as private radio services.

Public mobile services. Air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, and other common carrier radio communications services covered by part 22 of Title 47 of the Code of Federal Regulations.

Responsible party. The party or parties responsible for the compliance of terminal equipment or protective circuitry intended for connection directly to the public switched telephone network with the applicable rules and regulations in this part and with the technical criteria published by the Administrative Council for Terminal Attachments. If a Telecommunications Certification Body certifies the terminal equipment, the responsible party is the holder of the certificate for that equipment. If the terminal equipment is the subject of a Supplier's Declaration of Conformity, the responsible party shall be: the manufacturer of the terminal equipment, or the manufacturer of protective circuitry that is marketed for use with terminal equipment that is not to be connected directly to the network, or if the equipment is imported, the importer, or if the terminal equipment is assembled from individual component parts, the assembler. If the equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent to the modifications, becomes the new responsible party. Retailers or original equipment manufacturers may enter into an agreement with the assembler or importer to assume the responsibilities to ensure compliance of the terminal equipment and to become the responsible party.

Secure telephones. Telephones that are approved by the United States Government for the transmission of classified or sensitive voice communications.

Terminal equipment. As used in this part, communications equipment located on customer premises at the end of a communications link, used to permit the stations involved to accomplish the provision of telecommunications or information services.

9. Section 68.7 is added to read as follows:

§ 68.7 Technical criteria for terminal equipment.

(a) Terminal equipment shall not cause harm, as defined in § 68.3, to the public switched telephone network.

(b) Technical criteria published by the Administrative Council for Terminal Attachments are the presumptively valid technical criteria for the protection of the public switched telephone network from harms caused by the connection of terminal equipment, subject to the appeal procedures in § 68.614 of this part.

10. Section 68.100 is revised to read as follows:

§ 68.100 General.

In accordance with the rules and regulations in this part, terminal equipment may be directly connected to the public switched telephone network, including private line services provided over wireline facilities that are owned

by providers of wireline telecommunications.

11. Section 68.102 is revised to read as follows:

§ 68.102 Terminal equipment approval requirement.

Terminal equipment must be approved in accordance with the rules and regulations in subpart C of this part, or connected through protective circuitry that is approved in accordance with the rules and regulations in subpart C.

§ 68.104 [Removed]

12. Section 68.104 is removed.

13. Section 68.105 is added to read as follows:

§ 68.105 Minimum point of entry (MPOE) and demarcation point.

(a) *Facilities at the demarcation point.* Carrier-installed facilities at, or constituting, the demarcation point shall consist of wire or a jack conforming to the technical criteria published by the Administrative Council for Terminal Attachments.

(b) *Minimum point of entry.* The ''minimum point of entry'' (MPOE) as used herein shall be either the closest practicable point to where the wiring crosses a property line or the closest practicable point to where the wiring enters a multiunit building or buildings. The reasonable and nondiscriminatory standard operating practices of the provider of wireline telecommunications services shall determine which shall apply. The provider of wireline telecommunications services is not precluded from establishing reasonable classifications of multiunit premises for purposes of determining which shall apply. Multiunit premises include, but are not limited to, residential, commercial, shopping center and campus situations.

(c) *Single unit installations.* For single unit installations existing as of August 13, 1990, and installations installed after that date the demarcation point shall be a point within 30 cm (12 in) of the protector or, where there is no protector, within 30 cm (12 in) of where the telephone wire enters the customer's premises, or as close thereto as practicable.

(d) *Multiunit installations.* (1) In multiunit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local carrier's reasonable and non-discriminatory standard operating practices. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises, or as close thereto as practicable.

(2) In multiunit premises in which wiring is installed, including major additions or rearrangements of wiring existing prior to that date, the provider of wireline telecommunications may place the demarcation point at the minimum point of entry (MPOE). If the provider of wireline telecommunications services does not elect to establish a practice of placing the demarcation point at the minimum point of entry, the multiunit premises owner shall determine the location of the demarcation point or points. The multiunit premises owner shall determine whether there shall be a single demarcation point location for all customers or separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point 30 cm (12 in) from where the wiring enters the customer's premises, or as close thereto as practicable. At the time of installation, the provider of wireline telecommunications services shall fully inform the premises owner of its options and rights regarding the placement of the demarcation point or points and shall not attempt to unduly influence that decision for the purpose of obstructing competitive entry.

(3) In any multiunit premises where the demarcation point is not already at the MPOE, the provider of wireline telecommunications services must comply with a request from the premises owner to relocate the demarcation point to the MPOE. The provider of wireline telecommunications services must negotiate terms in good faith and complete the relocation within forty-five days from said request. Premises owners may file complaints with the Commission for resolution of allegations of bad faith bargaining by provider of wireline telecommunications services. *See* 47 U.S.C. 208; 47 CFR 1.720 through 1.736 (1999).

(4) The provider of wireline telecommunications services shall make available information on the location of the demarcation point within ten business days of a request from the premises owner. If the provider of wireline telecommunications services does not provide the information within that time, the premises owner may presume the demarcation point to be at the MPOE. Notwithstanding the provisions of § 68.110(c) of this part, provider of wireline telecommunications services must make this information freely available to the requesting premises owner.

(5) In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit that serves only that particular customer.

14. Section 68.106 is revised to read as follows:

§ 68.106 Notification to provider of wireline telecommunications.

(a) *General.* Customers connecting terminal equipment or protective circuitry to the public switched telephone network shall, upon request of the provider of wireline telecommunications, inform the provider of wireline telecommunications of the particular line(s) to which such connection is made, and any other information required to be placed on the terminal equipment pursuant to § 68.354 of this part by the Administrative Council for Terminal Attachments.

(b) *Systems assembled of combinations of individually-approved terminal equipment and protective circuitry.* Customers connecting such assemblages to the public switched telephone network shall, upon the request of the provider of wireline telecommunications, provide to the provider of wireline telecommunications the following information:

For each line:

(1) Information required for compatible operation of the equipment with the communications facilities of the provider of wireline telecommunications;

(2) The identifying information required to be placed on terminal equipment pursuant to § 68.354 for all equipment dedicated to that line; and

(3) Any other information regarding equipment dedicated to that line required to be placed on the terminal equipment by the Administrative Council for Terminal Attachments.

(4) A list of identifying numbers required to be placed on terminal equipment, if any, by the Administrative Council for Terminal Attachments, pursuant to § 68.354 of this part, for equipment to be used in the system.

(c) *Systems using other than ''fully protected'' premises wiring.* Customers who intend to connect premises wiring other than ''fully protected'' premises

wiring to the public switched telephone network shall, in addition to the foregoing, give notice to the provider of wireline telecommunications in accordance with § 68.215(e).

15. Section 68.108 is amended by revising the introductory text to read as follows:

§ 68.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the public switched telephone network, or should the provider of wireline telecommunications reasonably determine that such harm is imminent, the provider of wireline telecommunications shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the provider of wireline telecommunications may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the provider of wireline telecommunications shall:

* * * * *

16. Section 68.110 is revised to read as follows:

§ 68.110 Compatibility of the public switched telephone network and terminal equipment.

(a) *Availability of interface information.* Technical information concerning interface parameters not specified by the technical criteria published by the Administrative Council for Terminal Attachments, that are needed to permit terminal equipment to operate in a manner compatible with the communications facilities of a provider of wireline telecommunications, shall be provided by the provider of wireline telecommunications upon request.

(b) *Changes in the facilities, equipment, operations, or procedures of a provider of wireline telecommunications.* A provider of wireline telecommunications may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this part. If such changes can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider of wireline telecommunications, or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to allow the customer an opportunity to maintain uninterrupted service.

(c) *Availability of inside wiring information.* Any available technical information concerning wiring on the customer side of the demarcation point, including copies of existing schematic diagrams and service records, shall be provided by the provider of wireline telecommunications upon request of the building owner or agent thereof. The provider of wireline telecommunications may charge the building owner a reasonable fee for this service, which shall not exceed the cost involved in locating and copying the documents. In the alternative, the provider of wireline telecommunications may make these documents available for review and copying by the building owner. In this case, the provider of wireline telecommunications may charge a reasonable fee, which shall not exceed the cost involved in making the documents available, and may also require the building owner to pay a deposit to guarantee the documents' return.

17. The title of Subpart C is revised to read as follows:

Subpart C—Terminal Equipment Approval Procedures

§ 68.200 [Removed]

18. Section 68.200 is removed.

19. Section 68.201 is added to read as follows:

§ 68.201 Connection to the public switched telephone network.

Terminal equipment may not be connected to the public switched telephone network unless it has either been certified by a Telecommunications Certification Body or the responsible party has followed all the procedures in this subpart for Supplier's Declaration of Conformity.

§§ 68.202 through 68.210 [Removed]

20. Sections 68.202 through 68.210 are removed.

21. Section 68.211 is revised to read as follows:

§ 68.211 Terminal equipment approval revocation procedures.

(a) *Causes for revocation.* The Commission may revoke the interconnection authorization of terminal equipment, whether that authorization was acquired through certification by a Telecommunications Certification Body or through the Supplier's Declaration of Conformity process in §§ 68.320 through 68.350 of this part, where:

(1) The equipment approval is shown to have been obtained by misrepresentation;

(2) The approved equipment is shown to cause harms to the public switched telephone network, as defined in § 68.3;

(3) The responsible party willfully or repeatedly fails to comply with the terms and conditions of its equipment approval; or

(4) The responsible party willfully or repeatedly fails to comply with any rule, regulation or order issued by the Commission under the Communications Act of 1934 relating to terminal equipment.

(b) *Notice of intent to revoke interconnection authority.* Before revoking interconnection authority under the provisions of this section, the Commission, or the Common Carrier Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Interconnection Authority, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke Part 68 Interconnection Authority pursuant to §§ 1.80 and 1.89 of this chapter.

(c) *Delivery.* The notice will be sent via certified mail to the responsible party for the terminal equipment at issue at the address provided to the Administrative Council for Terminal Attachments.

(d) *Reauthorization.* A product that has had its approval revoked may not be authorized for connection to the public switched telephone network for a period of six months from the date of revocation of the approval.

(e) *Reconsideration or appeal.* A responsible party of terminal equipment that has had its authorization revoked and/or that has been assessed a forfeiture may request reconsideration or make administrative appeal of the decision pursuant to part 1 of the Commission's rules: Practice and Procedure, part 1 of this chapter.

§ 68.212 [Removed]

22. Section 68.212 is removed.

23. Section 68.213(b) is revised to read as follows:

§ 68.213 Installation of other than "fully protected" non-system simple customer premises wiring.

* * * * *

(b) *Wiring authorized.* Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The

provider of wireline telecommunications is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring and wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the protector installed by the provider of wireline telecommunications. All plugs and jacks used in connection with inside wiring shall conform to the published technical criteria of the Administrative Council for Terminal Attachments. In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wiring on the premises to only that wiring located in the customer's individual unit wiring that serves only that particular customer. See § 68.105 in this part. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the protector installed by the provider of wireline telecommunications. All plugs and jacks used in connection with inside wiring shall conform to the published technical criteria of the Administrative Council for Terminal Attachments.

* * * * *

24. Section 68.214 is revised to read as follows:

§ 68.214 Changes in other than ''fully protected'' premises wiring that serves fewer than four subscriber access lines.

Operations associated with the installation, connection, reconfiguration and removal (other than final removal) of premises wiring that serves fewer than four subscriber access lines must be performed as provided in § 68.215(c) if the premises wiring is not ''fully protected.'' For this purpose, the supervisor and installer may be the same person.

25. Section 68.215 is amended by revising paragraphs (a)(2), (a)(3), the first sentence of paragraph (d)(5), paragraphs (e)(9), (f)(4), and (g)(1) through (g)(5) and by removing the note after paragraph (d)(2) to read as follows:

§ 68.215 Installation of other than ''fully protected'' system premises wiring that serves more than four subscriber access lines.

(a) * * *

(2) *Between an equipment entity and the public switched telephone network interface(s).* Fully-protected premises wiring shall be used to connect equipment entities to the public switched telephone network interface unless the provider of wireline telecommunications is unwilling or unable to locate the interface within 7.6 meters (25 feet) of the equipment entity on reasonable request. In any such case, other than fully-protected premises wiring may be used if otherwise in accordance with these rules.

(3) *Hardware protection as part of the facilities of the provider of wireline telecommunications.* In any case where the carrier chooses to provide (and the customer chooses to accept, except as authorized under paragraph (g) of this section), hardware protection on the network side of the interface(s), the presence of such hardware protection will affect the classification of premises wiring for the purposes of § 68.215, as appropriate.

* * * * *

(d) * * *

(5) *Limitations on electrical signals.* Only signal sources that emanate from the provider of wireline telecommunications central office, or that are generated in equipment at the customer's premises and are ''non-hazardous voltage sources'' as defined in the technical criteria published by the Administrative Council for Terminal Attachments, may be routed in premises telephone wiring, except for voltages for network control signaling and supervision that are consistent with standards employed by the provider of wireline telecommunications. * * *

* * * * *

(e) * * *

(9) The supervisor's signature. The notarized original shall be submitted to the provider of wireline telecommunications at least ten calendar days in advance of the placement and connection of the wiring. This time period may be changed by agreement of the provider of wireline telecommunications and the supervisor. The copy shall be maintained at the premises, available for inspection, so long as the wiring is used for telephone service.

(f) * * *

(4) *Monitoring or participation in acceptance testing by the provider of wireline telecommunications.* The provider of wireline telecommunications may monitor or participate in the acceptance testing required under this section, in accordance with § 68.215(g) of this part, from its central office test desk or otherwise.

(g) *Extraordinary procedures.* The provider of wireline telecommunications is hereby authorized to limit the subscriber's right of connecting approved terminal equipment or protective circuitry with other than fully-protected premises wiring, but solely in accordance with this paragraph and § 68.108 of these rules.

(1) (i) *Conditions that may invoke these procedures.* The extraordinary procedures authorized herein may only be invoked where one or more of the following conditions is present:

(A) Information provided in the supervisor's affidavit gives reason to believe that a violation of part 68 of the FCC's rules is likely.

(B) A failure has occurred during acceptance testing for imbalance.

(C) Harm has occurred, and there is reason to believe that this harm was a result of wiring operations performed under this section.

(ii) The extraordinary procedures authorized in the following subsections shall not be used so as to discriminate between installations by provider of wireline telecommunications personnel and installations by others. In general, this requires that any charges for these procedures be levied in accordance with, or analogous to, the ''maintenance of service'' tariff provisions: If the installation proves satisfactory, no charge should be levied.

(2) *Monitoring or participation in acceptance testing for imbalance.* Notwithstanding the previous sub-section, the provider of wireline telecommunications may monitor or participate in acceptance testing for imbalance at the time of the initial installation of wiring in the absence of the conditions listed therein; at any other time, on or more of the listed conditions shall be present. Such monitoring or participation in acceptance testing should be performed from the central office test desk where possible to minimize costs.

(3) *Inspection.* Subject to paragraph (g)(1) of this section, the provider of wireline telecommunications may inspect wiring installed pursuant to this section, and all of the splicing and connection points required to be accessible by § 68.215(d)(3) to determine compliance with this section. The user or installation supervisor shall either

authorize the provider of wireline telecommunications to render the splicing and inspection points visible (*e.g.,* by removing covers), or perform this action prior to the inspection. To minimize disruption of the premises communications system, the right of inspecting is limited as follows:

(i) During initial installation of wiring:

(A) The provider of wireline telecommunications may require withdrawal of up to 5 percent (measured linearly) of wiring run concealed in ducts, conduit or wall spaces, to determine conformance of the wiring to the information furnished in the affidavit.

(B) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(ii) After failure of acceptance testing or after harm has resulted from installed wiring: The provider of wireline telecommunications may require withdrawal of all wiring run concealed in ducts, conduit or wall spaces which reasonably could have caused the failure or harm, to determine conformance of the wiring to the information furnished in the affidavit.

(iii) In the course of any such inspection, the provider of wireline telecommunications shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(4) *Requiring the use of protective apparatus.* In the event that any of the conditions listed in paragraph (g)(1) of this section, arises, and is not permanently remedied within a reasonable time period, the provider of wireline telecommunications may require the use of protective apparatus that either protects solely against hazardous voltages, or that protects both against hazardous voltages and imbalance. Such apparatus may be furnished either by the provider of wireline telecommunications or by the customer. This right is in addition to the rights of the provider of wireline telecommunications under § 68.108.

(5) *Notice of the right to bring a complaint.* In any case where the provider of wireline telecommunications invokes the extraordinary procedures of § 68.215(g), it shall afford the customer the opportunity to correct the situation that gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part. On complaint, the Commission reserves the right to perform any of the inspections authorized under this section, and to require the performance of acceptance tests.

* * * * *

§ 68.216 [Removed]

26. Section 68.216 is removed.

27. Section 68.218 is revised to read as follows:

§ 68.218 Responsibility of the party acquiring equipment authorization.

(a) In acquiring approval for terminal equipment to be connected to the public switched telephone network, the responsible party warrants that each unit of equipment marketed under such authorization will comply with all applicable rules and regulations of this part and with the applicable technical criteria of the Administrative Council for Terminal Attachments.

(b) The responsible party or its agent shall provide the user of the approved terminal equipment the following:

(1) Consumer instructions required to be included with approved terminal equipment by the Administrative Council for Terminal Attachments;

(2) For a telephone that is not hearing aid-compatible, as defined in § 68.316 of these rules:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (see § 68.112).

(c) When approval is revoked for any item of equipment, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment.

§ 68.220 [Removed]

28. Section 68.220 is removed.

§ 68.226 [Removed]

29. Section 68.226 is removed.

30. The section heading for part 68, Subpart D is revised to read as follows:

Subpart D—Conditions for Terminal Equipment Approval

31. Section 68.300 is amended by revising paragraph (a), removing paragraph (b), and by redesignating paragraph (c) as paragraph (b) to read as follows:

§ 68.300 Approval of terminal equipment for connection to the public switched telephone network.

(a) Terminal equipment approved as set out in this part must be labeled in accordance with the requirements published by the Administrative Council for Terminal Attachments and with requirements of this part for hearing aid compatibility and volume control.

* * * * *

§§ 68.302 through 68.314 [Removed]

32. Sections 68.302 through 68.314 are removed.

33. Section 68.320 is added to read as follows:

§ 68.320 Supplier's Declaration of Conformity.

(a) Supplier's Declaration of Conformity is a procedure where the responsible party, as defined in § 68.3, makes measurements or takes other necessary steps to ensure that the terminal equipment complies with the appropriate technical standards.

(b) The Supplier's Declaration of Conformity attaches to all items subsequently marketed by the responsible party which are identical, within the variation that can be expected to arise as a result of quantity production techniques, to the sample tested and found acceptable by the responsible party.

(c) The Supplier's Declaration of Conformity signifies that the responsible party has determined that the equipment has been shown to comply with the applicable technical criteria if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated.

(d) The responsible party, if different from the manufacturer, may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical criteria, rely on the manufacturer or independent testing agency to determine compliance. Any records that the Administrative Council for Terminal Attachments requires the responsible party to maintain shall be in the English language and shall be made available to the Commission upon a request.

(e) No person shall use or make reference to a Supplier's Declaration of Conformity in a deceptive or misleading manner or to convey the impression that such a Supplier's Declaration of Conformity reflects more than a determination by the responsible party that the device or product has been shown to be capable of complying with the applicable technical criteria published by the Administrative Council of Terminal Attachments.

34. Section 68.321 is added to read as follows:

§ 68.321 Location of responsible party.

The responsible party for a Supplier's Declaration of Conformity must be located within the United States.

35. Section 68.322 is added to read as follows:

§ 68.322 Changes in name, address, ownership or control of responsible party.

(a) The responsible party for a Supplier's Declaration of Conformity may license or otherwise authorize a second party to manufacture the equipment covered by the Supplier's Declaration of Conformity provided that the responsible party shall continue to be responsible to the Commission for ensuring that the equipment produced pursuant to such an agreement remains compliant with the appropriate standards.

(b) In the case of transactions affecting the responsible party of a Supplier's Declaration of Conformity, such as a transfer of control or sale to another company, mergers, or transfer of manufacturing rights, the successor entity shall become the responsible party.

36. Section 68.324 is added to read as follows:

§ 68.324 Supplier's Declaration of Conformity requirements.

(a) Each responsible party shall include in the Supplier's Declaration of Conformity, the following information:

(1) The identification and a description of the responsible party for the Supplier's Declaration of Conformity and the product, including the model number of the product,

(2) A statement that the terminal equipment conforms with applicable technical requirements, and a reference to the technical requirements,

(3) The date and place of issue of the declaration,

(4) The signature, name and function of person making declaration,

(5) A statement that the handset, if any, complies with § 68.316 of these rules (defining hearing aid compatibility), or that it does not comply with that section. A telephone handset which complies with § 68.316 shall be deemed a ''hearing aid-compatible telephone'' for purposes of § 68.4.

(6) Any other information required to be included in the Supplier's Declaration of Conformity by the Administrative Council of Terminal Attachments.

(b) If the device that is subject to a Supplier's Declaration of Conformity is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of such device with part 68 rules and/or with technical criteria published by the Administrative Council for Terminal Attachments, then the Model Number(s) of such other equipment must be supplied, and such other equipment must also include a Supplier's Declaration of Conformity or a certification from a Telecommunications Certification Body.

(c) The Supplier's Declaration of Conformity shall be included in the user's manual or as a separate document enclosed with the terminal equipment.

(d) If terminal equipment is not subject to a Supplier's Declaration of Conformity, but instead contains protective circuitry that is subject to a Supplier's Declaration of Conformity, then the responsible party for the protective circuitry shall include with each module of such circuitry, a Supplier's Declaration of Conformity containing the information required under § 68.340(a), and the responsible party of such terminal equipment shall include such statement with each unit of the product.

(e) (1) The responsible party for the terminal equipment subject to a Supplier's Declaration of Conformity also shall provide to the purchaser of such terminal equipment, instructions as required by the Administrative Council for Terminal Attachments.

(2) A copy of the Supplier's Declaration of Conformity shall be provided to the Administrative Council for Terminal Attachments along with any other information the Administrative Council for Terminal Attachments requires; this information shall be made available to the public.

(3) The responsible party shall make a copy of the Supplier's Declaration of Conformity freely available to the general public on its company website. The information shall be accessible to the disabled community from the website. If the responsible party does not have a functional and reliable website, then the responsible party shall inform the Administrative Council for Terminal Attachments of such circumstances, and the Administrative Council for Terminal Attachments shall make a copy available on its website.

(f) For a telephone that is not hearing aid-compatible, as defined in § 68.316 of this part, the responsible party also shall provide the following in the Supplier's Declaration of Conformity:

(1) Notice that FCC rules prohibit the use of that handset in certain locations; and

(2) A list of such locations (see § 68.112).

37. Section 68.326 is added to read as follows:

§ 68.326 Retention of records.

(a) The responsible party for a Supplier's Declaration of Conformity shall maintain records containing the following information:

(1) A copy of the Supplier's Declaration of Conformity;

(2) The identity of the testing facility, including the name, address, phone number and other contact information.

(3) A detailed explanation of the testing procedure utilized to determine whether terminal equipment conforms to the appropriate technical criteria.

(4) A copy of the test results for terminal equipment compliance with the appropriate technical criteria.

(b) For each device subject to the Supplier's Declaration of Conformity requirement, the responsible party shall maintain all records required under § 68.326(a) for at least ten years after the manufacture of said equipment has been permanently discontinued, or until the conclusion of an investigation or a proceeding, if the responsible party is officially notified prior to the expiration of such ten year period that an investigation or any other administrative proceeding involving its equipment has been instituted, whichever is later.

38. Section 68.346 is added to read as follows:

§ 68.346 Description of testing facilities.

(a) Each responsible party for equipment that is subject to a Supplier's Declaration of Conformity under this part, shall compile a description of the measurement facilities employed for testing the equipment. The responsible party for the Supplier's Declaration of Conformity shall retain a description of the measurement facilities.

(b) The description shall contain the information required to be included by the Administrative Council for Terminal Attachments.

39. Section 68.348 is added to read as follows:

§ 68.348 Changes in equipment and circuitry subject to a Supplier's Declaration of Conformity.

(a) No change shall be made in terminal equipment or protective circuitry that would result in any material change in the information contained in the Supplier's Declaration of Conformity Statement furnished to users.

(b) Any other changes in terminal equipment or protective circuitry which is subject to an effective Supplier's Declaration of Conformity shall be made only by the responsible party or an authorized agent thereof, and the responsible party will remain

responsible for the performance of such changes.

40. Section 68.350 is added to read as follows:

§ 68.350 Revocation of Supplier's Declaration of Conformity.

(a) The Commission may revoke any Supplier's Declaration of Conformity for cause in accordance with the provisions of this section or in the event changes in technical standards published by the Administrative Council for Terminal Attachments require the revocation of any outstanding Supplier's Declaration of Conformity in order to achieve the objectives of part 68.

(b) Cause for revocation. In addition to the provisions in § 68.211, the Commission may revoke a Supplier's Declaration of Conformity:

(1) For false statements or representations made in materials or responses submitted to the Commission and/or the Administrative Council for Terminal Attachments, or in records required to be kept by § 68.324 and the Administrative Council for Terminal Attachments.

(2) If upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements.

(3) If it is determined that changes have been made in the equipment other that those authorized by this part or otherwise expressly authorized by the Commission.

41. Section 68.354 is added to read as follows:

§ 68.354 Numbering and labeling requirements for terminal equipment.

(a) Terminal equipment and protective circuitry that is subject to a Supplier's Declaration of Conformity or that is certified by a Telecommunications Certification Body shall have labels in a place and manner required by the Administrative Council for Terminal Attachments.

(b) Terminal equipment labels shall include an identification numbering system in a manner required by the Administrative Council for Terminal Attachments.

(c) If the Administrative Council for Terminal Attachments chooses to continue the practice of utilizing a designated ''FCC'' number, it shall include in its labeling requirements a warning that the Commission no longer directly approves or registers terminal equipment.

(d) Labeling developed for terminal equipment by the Administrative Council for Terminal Attachments shall contain sufficient information for providers of wireline telecommunications, the Federal Communications Commission, and the U.S. Customs Service to carry out their functions, and for consumers to easily identify the responsible party and the manufacturer of their terminal equipment. The numbering and labeling scheme shall be nondiscriminatory, creating no competitive advantage for any entity or segment of the industry.

(e) FCC numbering and labeling requirements existing prior to the effective date of these rules shall remain unchanged until the Administrative Council for Terminal Attachments publishes its numbering and labeling requirements.

42. Section 68.415 is added to read as follows:

§ 68.415 Hearing aid-compatibility and volume control informal complaints.

Persons with complaints under §§ 68.4 and 68.112 that are not addressed by the states pursuant to § 68.414, and all other complaints regarding rules in this part pertaining to hearing aid compatibility and volume control, may bring informal complaints as described in § 68.416 through § 68.420. All responsible parties of terminal equipment are subject to the informal complaint provisions specified in this section.

43. Section 68.417 is added to read as follows:

§ 68.417 Informal complaints; form and content.

(a) An informal complaint alleging a violation of hearing aid compatibility and/or volume control rules in this subpart may be transmitted to the Consumer Information Bureau by any reasonable means, *e.g.,* letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, and Braille.

(b) An informal complaint shall include:

(1) The name and address of the complainant;

(2) The name and address of the responsible party, if known, or the manufacturer or provider against whom the complaint is made;

(3) A full description of the terminal equipment about which the complaint is made;

(4) The date or dates on which the complainant purchased, acquired or used the terminal equipment about which the complaint is being made;

(5) A complete statement of the facts, including documentation where available, supporting the complainant's allegation that the defendant has failed to comply with the requirements of this subpart;

(6) The specific relief or satisfaction sought by the complainant, and

(7) The complainant's preferred format or method of response to the complaint by the Commission and defendant (e.g., letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, Braille; or some other method that will best accommodate the complainant's disability).

44. Section 68.418 is added to read as follows:

§ 68.418 Procedure; designation of agents for service.

(a) The Commission shall promptly forward any informal complaint meeting the requirements of § 68.17 to each responsible party named in or determined by the staff to be implicated by the complaint. Such responsible party or parties shall be called on to satisfy or answer the complaint within the time specified by the Commission.

(b) To ensure prompt and effective service of informal complaints filed under this subpart, every responsible party of equipment approved pursuant to this part shall designate and identify one or more agents upon whom service may be made of all notices, inquiries, orders, decisions, and other pronouncements of the Commission in any matter before the Commission. Such designation shall be provided to the Administrative Council for Terminal Attachment and shall include a name or department designation, business address, telephone number, and, if available TTY number, facsimile number, and Internet e-mail address. The Administrative Council shall make this information promptly available without charge to complainants upon request.

45. Section 68.419 is added to read as follows:

§ 68.419 Answers to informal complaints.

Any responsible party to whom the Commission or the Consumer Information Bureau under this subpart directs an informal complaint shall file an answer within the time specified by the Commission or the Consumer Information Bureau. The answer shall:

(a) Be prepared or formatted in the manner requested by the complainant pursuant to § 68.417, unless otherwise permitted by the Commission or the Consumer Information Bureau for good cause shown;

(b) Describe any actions that the defendant has taken or proposes to take to satisfy the complaint;

(c) Advise the complainant and the Commission or the Consumer

Information Bureau of the nature of the defense(s) claimed by the defendant;

(d) Respond specifically to all material allegations of the complaint; and

(e) Provide any other information or materials specified by the Commission or the Consumer Information Bureau as relevant to its consideration of the complaint.

46. Section 68.420 is added to read as follows:

§ 68.420 Review and disposition of informal complaints.

(a) Where it appears from the defendant's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission or the Consumer Information Bureau on delegated authority may, in its discretion, consider the informal complaint closed, without response to the complainant or defendant. In all other cases, the Commission or the Consumer Information Bureau shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information (the nature of which is specified in paragraphs (b) through (d) of this section, shall be transmitted to the complainant and defendant in the manner requested by the complainant, (*e.g.,* letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, ASCII text, audio-cassette recording, or Braille).

(b) In the event the Commission or the Consumer Information Bureau determines, based on a review of the information provided in the informal complaint and the defendant's answer thereto, that no further action is required by the Commission or the Consumer Information Bureau with respect to the allegations contained in the informal complaint, the informal complaint shall be closed and the complainant and defendant shall be duly informed of the reasons therefor. A complainant, unsatisfied with the defendant's response to the informal complaint and the staff decision to terminate action on the informal complaint, may file a complaint with the Commission or the Common Carrier Bureau as specified in §§ 68.400 through 68.412.

(c) In the event the Commission or the Consumer Information Bureau on delegated authority determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that a material and substantial question remains as to the defendant's compliance with the requirements of this subpart, the Commission or the Consumer Information Bureau may conduct such further investigation or such further proceedings as may be necessary to determine the defendant's compliance with the requirements of this subpart and to determine what, if any, remedial actions and/or sanctions are warranted.

(d) In the event that the Commission or the Consumer Information Bureau on delegated authority determines, based on a review of the information presented in the informal complaint and the defendant's answer thereto, that the defendant has failed to comply with or is presently not in compliance with the requirements of this subpart, the Commission or the Consumer Information Bureau on delegated authority may order or prescribe such remedial actions and/or sanctions as are authorized under the Act and the Commission's rules and which are deemed by the Commission or the Consumer Information Bureau on delegated authority to be appropriate under the facts and circumstances of the case.

47. Section 68.423 is added to read as follows:

§ 68.423 Actions by the Commission on its own motion.

The Commission may on its own motion conduct such inquiries and hold such proceedings as it may deem necessary to enforce the requirements of this subpart. The procedures to be followed by the Commission shall, unless specifically prescribed in the Act and the Commission's rules, be such as in the opinion of the Commission will best serve the purposes of such inquiries and proceedings.

Subpart F—[Reserved]

48. Remove and reserve subpart F, consisting of §§ 68.500 through 68.506.

49. Subpart G is added to part 68 to read as follows:

Subpart G—Administrative Council for Terminal Attachments

Sec.

68.602 Sponsor of the Administrative Council for Terminal Attachments.
68.604 Requirements for submitting technical criteria.
68.608 Publication of technical criteria.
68.610 Database of terminal equipment.
68.612 Labels on terminal equipment.
68.614 Oppositions and appeals.

§ 68.602 Sponsor of the Administrative Council for Terminal Attachment.

(a) The Telecommunications Industry Association (TIA) and the Alliance for Telecommunications Industry Solutions (ATIS) jointly shall establish the Administrative Council for Terminal Attachment and shall sponsor the Administrative Council for Terminal Attachments for four years from the effective date of these rules. The division of duties by which this responsibility is executed may be a matter of agreement between these two parties; however, both are jointly and severally responsible for observing these rule provisions. After four years from the effective date of these rules, and thereafter on a quadrennial basis, the Administrative Council for Terminal Attachments may vote by simple majority to be sponsored by any ANSI-accredited organization.

(b) The sponsoring organizations shall ensure that the Administrative Council for Terminal Attachments is populated in a manner consistent with the criteria of American National Standards Institute's Organization Method or the Standards Committee Method (and their successor Method or Methods as ANSI may from time to time establish) for a balanced and open membership.

(c) After the Administrative Council for Terminal Attachments is populated, the sponsors are responsible for fulfilling secretariat functions as determined by the Administrative Council for Terminal Attachments. The Administrative Council for Terminal Attachments shall post on a publicly available website and make available to the public in hard copy form the contract into which it enters with the sponsor or sponsors.

§ 68.604 Requirements for submitting technical criteria.

(a) Any standards development organization that is accredited under the American National Standards Institute's Organization Method or the Standards Committee Method (and their successor Method or Methods as ANSI may from time to time establish) may establish technical criteria for terminal equipment pursuant to ANSI consensus decision-making procedures, and it may submit such criteria to the Administrative Council for Terminal Attachments.

(b) Any ANSI-accredited standards development organization that develops standards for submission to the Administrative Council for Terminal Attachments must implement and use procedures for the development of those standards that ensure openness equivalent to the Commission rulemaking process.

(c) Any standards development organization that submits standards to the Administrative Council for Terminal Attachments for publication as technical

criteria shall certify to the Administrative Council for Terminal Attachments that:

(1) The submitting standards development organization is ANSI-accredited to the Standards Committee Method or the Organization Method (or their successor Methods as amended from time to time by ANSI);

(2) The technical criteria that it proposes for publication do not conflict with any published technical criteria or with any technical criteria submitted and pending for publication, and

(3) The technical criteria that it proposes for publication are limited to preventing harms to the public switched telephone network, identified in § 68.3 of this part.

§ 68.608 Publication of technical criteria.

The Administrative Council for Terminal Attachments shall place technical criteria proposed for publication on public notice for 30 days. At the end of the 30 day public notice period, if there are no oppositions, the Administrative Council for Terminal Attachments shall publish the technical criteria.

§ 68.610 Database of terminal equipment.

(a) The Administrative Council for Terminal Attachments shall operate and maintain a database of all approved terminal equipment. The database shall meet the requirements of the Federal Communications Commission and the U.S. Customs Service for enforcement purposes. The database shall be accessible by government agencies free of charge. Information in the database shall be readily available and accessible to the public, including individuals with disabilities, at nominal or no costs.

(b) Responsible parties, whether they obtain their approval from a Telecommunications Certification Body or utilize the Supplier's Declaration of Conformity process, shall submit to the database administrator all information required by the Administrative Council for Terminal Attachments.

(c) The Administrative Council for Terminal Attachments shall ensure that the database is created and maintained in an equitable and nondiscriminatory manner. The manner in which the database is created and maintained shall not permit any entity or segment of the industry to gain a competitive advantage.

(d) The Administrative Council for Terminal Attachments shall file with the Commission, within 180 days of publication of these rules in the **Federal Register**, a detailed report of the structure of the database, including details of how the Administrative Council for Terminal Attachments will administer the database, the pertinent information to be included in the database, procedures for including compliance information in the database, and details regarding how the government and the public will access the information.

§ 68.612 Labels on terminal equipment.

Terminal equipment certified by a Telecommunications Certification Body or approved by the Supplier's Declaration of Conformity under this part shall be labeled. The Administrative Council for Terminal Attachments shall establish appropriate labeling of terminal equipment. Labeling shall meet the requirements of the Federal Communications Commission and the U.S. Customs Service for their respective enforcement purposes, and of consumers for purposes of identifying the responsible party, manufacturer and model number.

§ 68.614 Oppositions and appeals.

(a) Oppositions filed in response to the Administrative Council for Terminal Attachments' public notice of technical criteria proposed for publication must be received by the Administrative Council for Terminal Attachments within 30 days of public notice to be considered. Oppositions to proposed technical criteria shall be addressed through the appeals procedures of the authoring standards development organization and of the American National Standards Institute. If these procedures have been exhausted, the aggrieved party shall file its opposition with the Commission for *de novo* review.

(b) As an alternative, oppositions to proposed technical criteria may be filed directly with the Commission for *de novo* review within the 30 day public notice period.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–61; 00–141, RM–9930; 00–142, RM–9923; 00–143, RM–9931; 00–144, RM–9925; 00–153, RM–9936]

Radio Broadcasting Services; Pentwater, MI, Hawthorne, NV, Ludington, MI, Groveton, NH, Marceline, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission allots: (1) Channel 280A to Pentwater, MI, as its third local commercial FM service, at the request of Garry Zack; (2) Channel 254C1 to Hawthorne, NV, as its first local aural service, at the request of Campbell River Broadcasting, LLC, and, on the Commission's own motion, deletes Channel 228A at Hawthorne, NV; (3) Channel 242A to Ludington, MI, as its second local commercial FM service, at the request of Garry Zack; (4) Channel 268A to Groveton, NH, as its second local FM service, at the request of Linda A. Davidson; and (5) Channel 256A to Marceline, MO, as its first local aural service, at the request of Ronald G Filbeck and Clyde John Holdsworth d/b/a RC Broadcasting Company. *See,* 65 FR 51575–51577, August 24, 2000, 65 FR 54833, September 11, 2000. All of the channels can be allotted in compliance with the Commission's minimum distance separation requirements. A filing window for these channels will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

DATE: Effective February 26, 2001

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: Channel 280A can be allotted to Pentwater, MI, without the imposition of a site restriction, at coordinates 43–46–30 NL; 86–26–24 WL. Channel 254C1 can be allotted to Hawthorne, NV, without the imposition of a site restriction, at coordinates 38–31–29 NL; 118–37–25 WL. Channel 242A can be allotted to Ludington, MI, with a site restriction of 5.5 kilometers (3.4 miles) south, at coordinates 43–54–15 NL; 86–26–10 WL, to avoid a short-spacing to Station WLXT, Channel 242C1, Petoskey, MI. Channel 268A can be allotted to Groveton, NH, with a site restriction of 7.2 kilometers (4.4 miles) northeast, at coordinates 44–37–43 NL; 71–25–55 WL, to avoid a short-spacing to Stations WYKR–FM, Channel 267A, Haverhill, and WBHG, Channel 268A, Meredith, NH. Channel 256A can be allotted to Marceline, MO, with a site restriction of 7.2 kilometers (4.5 miles) northeast, at coordinates 39–44–42 NL; 92–52–33 WL, to avoid a short-spacing to Station KQRC–FM, Channel 255C, Leavenworth, KS.

This is a synopsis of the Commission's Report and Order, MM Docket Nos. 00–141, 00–142, 00–143, 00–144, and 00–153 adopted January 3, 2001, and released January 12, 2001. The full text of this Commission

decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel 242A at Ludington and Channel 280A at Pentwater.

3. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Marceline, Channel 256A.

4. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Channel 254C1 and removing Channel 228A at Hawthorne.

5. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by adding Channel 268A at Groveton.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–1982 Filed 1–23–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket OST–99–6578]

RIN 2105–AC49

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of public meetings on implementation of final rule.

SUMMARY: The U.S. Department of Transportation (DOT) is scheduling two one-day public meetings to provide interested parties a detailed overview of the Department's revised drug and alcohol testing procedures, published in the **Federal Register** on December 19, 2000 (65 FR 79462). The meetings are scheduled approximately 60 days after the publication of the rule to provide the public time to read and review the document. The intent of the meetings is to provide the transportation industry and other interested parties a more in depth overview of the changes in the new rule and to clarify to the attendees issues, which they may raise at the meetings.

DATES: The public meetings will be held on February 21 and 22, 2001, at 9:00 am–5:30 pm on both days.

ADDRESSES: The public meetings will be held at the Federal Aviation Administration (FAA) Auditorium, 3rd Floor Center, 800 Independence Avenue, SW., Washington, DC 20591. Meeting format and registration procedures are specified under supplementary information below.

FOR FURTHER INFORMATION CONTACT: For general meeting information and to register for one of the meetings, contact Minnie McDonald or Don Shatinsky at the U.S. Department of Transportation (DOT), Office of Drug and Alcohol Policy and Compliance, 400, 7th Street, SW., Room 10304, Washington, DC 20590, (202) 366–3784, fax (202) 399–3897, e-mail: minnie.mcdonald@ost.dot.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The purpose of the meetings is to provide all segments of the transportation industry and the general public with a section-by-section overview of the drug and alcohol testing procedures required by the new rule. Some of the major changes in the rule will be addressed in detail. All information will be provided in presentation-style format by staff members from the DOT's Office of Drug and Alcohol Policy and Compliance and the Office of General Counsel. The presentations, however, are not to be construed as a training session meeting any of the training requirements required by the rule for various service agents.

B. Procedural Matters

The meetings are scheduled in Washington, DC at the FAA auditorium located at 800 Independence Avenue, SW., 3rd Floor Center, Washington, DC 20591. The first meeting will be held on February 21st. The second meeting, on February 22, will be a repetition of the previous day. Specifically, the same presentations will be repeated by the same staff members. Individuals should attend only one of the meetings, not both.

Both meetings will have limited seating capacity due to physical constraints of the facilities. Registered attendees will receive priority. Once the capacity of the meeting room is reached, there will be an ''overflow'' room available which will have audio and video connections to the auditorium. Once the auditorium and overflow room seating capacity for a session is reached, subsequent registrants will be moved to the other session, provided that session is not oversubscribed.

If seating space is not available on the date that is selected by the attendee, all efforts will be made to schedule for the alternate date. Attendees will be notified of the change by mail, fax, or e-mail. Notification will only be sent if it is not possible to meet the date selected by the attendee.

Out of town attendees must make their own arrangements for hotels and other lodging facilities. Lunch on each day will be the attendees' responsibility. An eating facility is available in the FAA building and there are other options available within a reasonable distance.

Attendees requiring sign language accommodation should notify DOT no later than February 9, 2001.

Based on the extensive material that needs to be presented and the time constraints, it is anticipated that questions will be limited. As a result, 3 by 5 cards will be available on which questions may be submitted. All questions, including those that are not answered because of a shortage of time, will be subsequently published on the DOT web site.

It is expected that attendees will be familiar with the new rule and will have a working knowledge of the regulatory requirements. Copies of the rule will not be available at these sessions. Attendees may download a copy from the DOT web site at http://www.dot.gov/ost/dapc/.

C. Registration Procedures

All attendees must register with DOT for these meetings. For all attendees, the following information is requested: name, name of alternate if the possibility exists that the primary registrant may not attend, full mailing address, company, agency, or association which you represent (if any), telephone number (in case the address is not legible or additional information is needed), e-mail address (optional), and which session you will be attending (i.e., February 21 or 22).

Registration will expedite the process of entry into the building through security. Additionally, it will ensure that there is sufficient seating space to accommodate all potential attendees. Because of the number of attendees that is projected, it is requested that individuals arrive at least 45 minutes prior to the start of the session to have sufficient time to meet security procedures.

For convenience to the public, a form has been developed to simplify registration for these meetings. A copy may be obtained from the DOT Fax-On-Demand system, by calling (800) 225–3784 and requesting document number 140; the registration form will be faxed to the requestor. Use of the form will expedite the process of registration. The form or all of the information requested above should be mailed, faxed, or e-mailed to reach DOT no later then February 16, 2001.

E. Tentative Agenda

The following is a draft agenda for both days.

8:45–9:00 Registration and entry through security
9:00–9:15 Opening Remarks—Administrative Announcements
9:15–9:30 Overview
9:30–10:30 Major Issues: Validity Testing, Stand Down, Public Interest Exclusion
10:30–10:50 Break
10:50–11:30 Employer Responsibilities
11:30–12:00 Alcohol testing
12:00–1:15 Lunch
1:15–1:45 Urine Collection and Laboratory Reporting
1:45–2:30 Medical Review Officer Responsibilities
2:30–2:50 Break
2:50–3:30 Substance Abuse Professional Responsibilities
3:30–4:00 Training
4:00–4:45 Service Agent Responsibilities
4:45–5:30 Questions and Answers

Issued this 17th day of January, 2001, at Washington, DC.

Mary Bernstein,

Director, Office of Drug and Alcohol Policy and Compliance, Department of Transportation.

[FR Doc. 01–2000 Filed 1–19–01; 10:20 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991008273-0070-02; I.D. 011801B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the southern Florida west coast subzone. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: The closure is effective 12 noon, local time, January 19, 2001, through 6 a.m., January 22, 2002.

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

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on February 19, 1998 (63 FR 8353), NMFS implemented a commercial quota of 2.34 million lb (1.06 million kg) for the eastern zone (Florida) of the Gulf migratory group of king mackerel. On April 27, 2000, a final rule took effect dividing the Florida west coast subzone of the eastern zone into northern and southern subzones and establishing a separate quota for the southern Florida west coast subzone of 1,082,250 lb (490,900 kg) (65 FR 16336, March 28, 2000). That quota was further divided into two equal quotas of 541,125 lb (245,450 kg) for vessels in each of two groups fishing with run-around gillnets and hook-and-line gear (50 CFR 622.42(c)(1)(i)(A)(*2*)(*i*)).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined that the commercial quota of 541,125 lb (245,450 kg) for Gulf group king mackerel for vessels using run-around gillnet gear in the southern Florida west coast subzone was reached on January 18, 2001. Accordingly, the commercial fishery for king mackerel for such vessels in the southern Florida west coast subzone is closed at 12 noon, local time, January 19, 2001, through 6:00 a.m., January 22, 2002, the beginning of the next fishing season, i.e., the day after the 2002 Martin Luther King Jr. Federal holiday.

The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat. (a line directly east from the Miami-Dade County, FL, boundary). The Florida west coast subzone is further divided into northern and southern subzones. The southern subzone is that part of the Florida west coast subzone which from November 1 through March 31 extends south and west from 25°20.4' N. lat. to 26°19.8' N. lat.(a line directly west from the Lee/Collier County, FL, boundary), i.e., the area off Collier and Monroe Counties. From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone which is between 26°19.8' N. lat. and 25°48' N. lat.(a line directly west from the Monroe/Collier County, FL, boundary), i.e., the area off Collier County.

Classification

This action responds to the best available information recently obtained from the fishery. The closure must be implemented immediately to prevent an overrun of the commercial quota (50 CFR 622.42(c)(1)) of Gulf group king mackerel, given the capacity of the fishing fleet to quickly harvest the quota. Overruns could potentially lead to further overfishing and unnecessary delays in rebuilding this overfished resource. Any delay in implementing this action would be impractical and contradictory to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds, for good cause, that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

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

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

Dated: January 18, 2001.

Clarence Pautzke

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

[FR Doc. 01–2105 Filed 1–19–01; 11:24 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 16
Wednesday, January 24, 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 HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 422 and 489

[HCFA–4024–P]

RIN 0938–AK48

Medicare Program; Improvements to the Medicare+Choice Appeal and Grievance Procedures

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth several improvements to the Medicare+Choice (M+C) appeal and grievance procedures. Most notably, this proposed rule would ensure that M+C enrollees receive written notice, including information about appeal rights, at least 4 calendar days before the proposed termination date of provider services; and establish a new fast-track independent review process for appealing decisions to terminate services. (Affected providers include skilled nursing facilities (SNFs), home health agencies (HHAs), and comprehensive outpatient rehabilitation facilities (CORFs)). The proposed rule also discusses and solicits comments on how to provide appropriate notice and appeal procedures in situations where an M+C organization decides to reduce provider services. We note that publication of this proposed rule is a required element of the settlement agreement entered into between the parties in *Grijalva, et al.* v. *Shalala,* Civ. 93–711 (U.S.D.C. Az), a class action lawsuit in which the Department agreed to promulgate a notice of proposed rulemaking addressing certain notice and appeal procedures for enrollees when an M+C organization decides to terminate coverage of provider services.

This proposed rule also would specify hospitals' responsibility for issuing discharge notices under both the original Medicare and the M+C programs, amend the Medicare provider agreement regulations with regard to beneficiary notification requirements, and set forth M+C beneficiary grievance procedures.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on March 26, 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–4024–P, P.O. Box 8013, Baltimore, MD 21244–8013.

To insure 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 21244–8013.

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–4024–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's office at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 to 5 p.m. (phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Nydia Tirado Peel, (410) 786–1619.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

Section 4001 of the Balanced Budget Act of 1997 (BBA) (Public Law 105–33), enacted August 5, 1997, added sections 1851 through 1859 to the Social Security Act (the Act) to establish a new Part C of the Medicare program, known as the ''Medicare+Choice Program.'' Implementing regulations for the M+C program are set forth in 42 CFR part 422. Subpart M of part 422 implements sections 1852(f) and (g), which set forth the procedures M+C organizations must follow with regard to grievances, organization determinations, and reconsiderations and other appeals. Under section 1852(f), an M+C organization must provide meaningful procedures for hearing and resolving grievances between the organization (including any other entity or individual through which the organization provides health care services) and enrollees in its M+C plans.

Section 1852(g) addresses the procedural requirements concerning coverage determinations (called ''organization determinations''), and reconsiderations and other appeals of such determinations. In general, organization determinations involve the question of whether an enrollee is entitled to receive, or continue to receive, a health service, and the amount the enrollee is expected to pay for that service. An organization determination may also concern an enrollee's request for reimbursement for services obtained without plan approval. As discussed in detail below, only disputes concerning organization determinations are subject to the reconsideration and other appeal requirements under section 1852(g). All other disputes are subject to the grievance requirements under section 1852(f). For purposes of this regulation, a reconsideration consists of a review of an adverse organization determination (a decision that is unfavorable to the M+C enrollee, in whole or in part) by either the M+C organization itself or an independent review entity. We use the term ''appeal'' to denote any of the procedures that deal with the review of organization determinations, including reconsiderations, hearings before administrative law judges (ALJs), reviews by the Departmental Appeals Board (DAB) and judicial review.

As indicated in our June 29, 2000 M+C final rule (65 FR 20272), we made limited changes in the appeal procedures in that rule, but intended to publish a proposed rule addressing other improvements to the M+C dispute resolution process, including both appeals and grievances. This rule fulfills that commitment, as well as meeting the Department's obligation pursuant to the *Grijalva, et al.* v. *Shalala* lawsuit, as discussed below.

B. Grijalva v. *Shalala*

Grijalva v. *Shalala* is a class action lawsuit brought in 1993 by Medicare managed care enrollees. The lawsuit involved, among other things, the adequacy of the notice and appeals process provided by managed care organizations contracting with Medicare on a risk basis, and whether HCFA properly ensured that these contractors afforded appropriate rights to enrollees when the contractors denied, reduced, or terminated health care coverage.

On August 9, 2000, the Department and the plaintiffs agreed to settle the lawsuit. The settlement agreement was approved by the Arizona District Court on December 4, 2000. Under the settlement, we agreed to publish proposed regulations to establish new notice and appeal procedures when an M+C organization decides to terminate coverage of provider services to an enrollee. Affected providers under the settlement agreement include skilled nursing facilities (SNFs), home health agencies (HHAs) and comprehensive outpatient rehabilitation facilities (CORFs). M+C organizations would be required to provide written notices to M+C enrollees at least four calendar days before the proposed termination date of provider services. The notices, which will be subject to public review and comment through OMB's Paperwork Reduction Act process, will include a detailed explanation why services are no longer medically necessary or covered and a description of the appeals process. Additionally, we agreed to establish a new fast-track independent review process for appealing decisions to terminate services.

Under the proposed fast-track appeal process, if an enrollee disagrees with an M+C organization's decision to terminate the provider services at issue, an enrollee may request an immediate review of such decision by an independent review entity (IRE) under contract with HCFA. This entity would be independent of any managed care organization, or company affiliated with a managed care organization. The enrollee would have a right to continued coverage of the provider services in question, without financial liability, until at least noon of the day following the IRE's decision, or the date that the M+C organization proposes for termination of services, whichever is later. If the IRE is unable to make a decision because the M+C organization did not timely supply necessary information or records to the IRE, the M+C organization would continue to be liable for the costs of any extended coverage resulting from the delayed IRE decision.

We note that an enrollee would not be required to use the fast-track IRE appeals process and could use other appeal procedures available under the M+C regulations (that is, the reconsideration procedures described under §§ 422.582, 422.584, and 422.592); however, the right to continued coverage during the appeals process would not apply if the enrollee does not use the fast-track IRE appeals process.

The *Grijalva* settlement agreement included a great deal of specificity with regard to the relevant M+C notice and appeal requirements, and these proposed requirements are set forth below in section II.A. The agreement explicitly establishes that publication of these proposed requirements shall in no way be construed as a promise or predetermination regarding the content of a subsequent final rule on notice and appeal procedures for M+C organization decisions to terminate provider services. Thus, we will consider fully all public comments on all aspects of this proposed rule, including the Grijalva-related provisions.

II. Provisions of This Proposed Rule

A. Proposed Notice and Appeal Procedures

1. Applicability

As noted above, under the terms of the Grijalva settlement agreement, the types of Part A Medicare providers to whom the proposed notice and appeal provisions would apply include SNFs, HHAs, and CORFs. (Note that similar notice and appeal requirements are already in effect for M+C enrollees admitted to inpatient hospitals, under 42 CFR 422.620 and 422.622.) For purposes of this proposed rule, subsequent uses of the term ''provider'' should be assumed to refer to these three provider types, unless otherwise indicated.

In addition, as stated in the settlement agreement, § 422.624(a)(2) would establish that for purposes of these provisions, ''terminations'' refer to the discontinuation or discharge of an enrollee from covered provider services where the enrollee has been authorized by the M+C organization, either directly or by delegation, to receive an ongoing course of treatment from that provider. Under this definition, terminations would include (but not be limited to) cessation of coverage at the end of a course of treatment preauthorized in a discrete increment, regardless of whether the enrollee agrees that services should end. Examples of terminations would include both discontinuations of a length of stay in a SNF, or of a preauthorized number of visits in an HHA or CORF setting. (See section II.B below for a discussion of situations involving reductions in services.)

2. Termination Notices to M+C Enrollees

Section 422.624(b) sets forth the proposed advance notification requirements when an M+C organization decides, either directly or by delegation, to terminate coverage for provider services to an enrollee. In general, for any termination of a provider service, the provider of the service would be required to notify the enrollee (or the enrollee's authorized representative—see parenthetical note below) using a standardized notice, of the M+C organization's decision to terminate provider services. In developing the standardized notice, HCFA would obtain public comment and subsequent approval through the Office of Management and Budget (OMB), consistent with section 3506(c)(2) of the Paperwork Reduction Act.

(Consistent with the existing M+C appeal regulations at § 422.561, as revised in the June 29, 2000 final rule, an ''authorized representative'' means any individual authorized by an enrollee, or under State law, to act on an enrollee's behalf in obtaining an organization determination or in dealing with any of the levels of the appeals process, including for example an enrollee's legal guardian, attorney, or other legally authorized person. Section 422.561 clearly establishes that the term ''enrollee'' encompasses an enrollee's authorized representative for all aspects of any M+C appeal procedures. Thus, references to the ''enrollee'' in subsequent preamble and regulatory language can be assumed to apply to an enrollee's authorized representative as well, unless the context clearly indicates otherwise (such as a reference to the enrollee's health status).)

a. Provider Notification of Termination. An important feature of the proposed notice provisions is that we would charge providers with the actual delivery of the required notices. We believe that the providers themselves are in the best position to deliver the notices to enrollees, and that it would be placing an unreasonable burden on M+C organizations to require that they deliver the notices to affected enrollees. The M+C organization would retain ultimate responsibility for the decision to terminate services and for financial coverage of the services, however. The services would remain

covered until four calendar days after an enrollee receives the termination notice, or if the IRE reviews the decision, until noon on the day after an IRE decision upholding the M+C organization's decision. Thus, we believe that the requirement that providers issue these notices, in effect on behalf of M+C organizations, best ensures that beneficiaries receive these notices in a timely manner. To facilitate implementation of this policy, we are proposing under § 422.502(i) that all contracts between M+C organizations and their providers must specify that the providers will comply with the notice and appeal provisions in subpart M.

We note that the proposal that providers issue termination notices for Part A Medicare services to M+C enrollees is consistent with the policy position we outlined in the preamble to the recent M+C final rule with respect to hospitals (65 FR 40284). We accordingly are also proposing regulations addressing how M+C enrollees are notified of terminations of hospital care, as promised in the M+C final rule. Specifically, under proposed § 422.620(a), we would specify that in situations involving inpatient admissions of M+C enrollees, hospitals must provide a written notice of termination of coverage to each enrollee that includes the reasons for the discharge. Consistent with existing § 422.620, an enrollee would be entitled to coverage of hospital services, generally at the expense of the M+C organization, until at least noon of the day after the hospital issues such notice.

We also are amending § 489.27 to provide expressly for this hospital responsibility and to provide that this responsibility applies for all inpatient hospital Medicare discharges, including both discharges of original Medicare beneficiaries and discharges of M+C enrollees. Section 489.27 implements the requirement in section 1866(a)(1)(M) that hospitals provide a notice to all Medicare beneficiaries of the individual's rights (referred to as the ''Important Message from Medicare'' for beneficiaries). Section 1866(a)(1)(M) provides that this notice must include ''such additional information as the Secretary may specify.'' We are specifying in proposed revisions to § 489.27 that this information include the reasons for the discharge and the right to PRO review, and that this information be provided to each beneficiary the day before the effective date of the discharge.

b. Timing of Notices. Section 422.624(b)(1) addresses the timing of the required notices. In general, the provider would notify the enrollee of the M+C organization's decision to terminate covered services four calendar days before the scheduled termination. If the provider services are expected to be furnished to an enrollee for a time span of fewer than four calendar days in duration, the enrollee should be given the notice upon admission to the provider (or at the beginning of the service period if there is no official ''admission'' to a noninstitutional provider, such as in an HHA setting). The notice must be given in all situations, regardless of whether an enrollee agrees with the decision that his or her services should end.

As noted in section I. B above, this proposed rule also provides that an enrollee may obtain review by an IRE of a decision to terminate services after the enrollee receives proper notice of a decision to terminate. As discussed further below, we believe that the 4-day period between enrollee notification and the proposed termination of services generally should provide sufficient time for all aspects of the proposed IRE appeal process. That is, the IRE can obtain the necessary documentation from the parties to the appeal, make a decision on the enrollee's appeal, and if applicable, notify the enrollee of a decision to uphold an M+C organization's termination decision, with coverage terminating at noon of the day after the IRE's notification—the fourth day of the process. We note that, like the process established under § 422.620 for Peer Review Organization (PRO) reviews of appeals of hospital discharges, these regulations would establish 12 noon as the time when an M+C organization's coverage of an enrollee's services would end, if the IRE upholds the M+C organization's decision to terminate services.

A closely related issue on which we are particularly interested in receiving public comments involves what constitutes four-day advance notice. We are proposing to in effect allow providers a full working ''day'' within which to deliver the termination notice, with any notification delivered during normal business hours on a given day serving to initiate the four-day standard on that day, even if the timing of the delivery of the notice resulted in fewer than 24 hours to ask for an IRE appeal, and fewer than 96 hours between notification and the proposed termination of services. That is, a notice delivered to an enrollee at 2:00 p.m., Monday, would indicate that the enrollee has until noon, Tuesday, to appeal to the IRE, with termination of services scheduled for noon, Friday. (Consistent with long-standing administrative policy with respect to PRO review of appeals of hospital discharges, we would instruct providers that termination notices should be delivered no later than 3:00 p.m. on the fourth day before the proposed termination of services.) HCFA will develop and publish a mandatory standardized notice for distribution by providers, subject to public comment through OMB's Paperwork Reduction Act procedures. We specifically invite public comment on this approach.

c. Content of Notices. Section 422.624(b)(2) sets forth proposed requirements governing the content of the required termination notices. Essentially, each notice would include a specific and detailed explanation why services are either no longer medically necessary or are no longer covered, with a description of any applicable Medicare coverage rule, instruction or other policy (including an appropriate citation or information about how to obtain a copy of the Medicare policy from the M+C organization). The notice would explain any applicable M+C organization policy, contract provision, or rationale upon which the termination decision was based. It would include specific, relevant information to an extent sufficient to advise the enrollee of how a Medicare or M+C organization policy applies to the enrollee's case, as well as the date and time that the organization's coverage of services ends (and the enrollee's liability would begin).

In addition to these enrollee-specific items, we would include on the standardized termination notices a description of the enrollee's fast-track appeal rights under § 422.626, including how to contact the IRE to initiate an appeal, as well as the availability of other M+C appeal procedures if the enrollee fails to meet the deadline for (or decides not to pursue) a fast-track IRE appeal. The standardized notice would also inform enrollees of their right, but not obligation, to submit evidence to the IRE that the services in question should continue.

As noted above, the termination notice would be subject to public review and comment through the OMB's Paperwork Reduction Act process before implementation.

d. Delivery of Notices. Proposed § 422.624(c) specifies that ''delivery'' of a notice is valid only if an enrollee has signed the notice to indicate that he or she both received the notice and can comprehend its contents. This proposed policy is consistent with our requirements governing delivery of similar notices, such as the

requirements set forth in HCFA program memoranda A–99–52 and A-99–54 for HHA advanced beneficiary notices. Under this concept, an enrollee who is comatose, confused, or otherwise unable to understand or act on his or her rights could not validly ''receive'' the notice, necessitating the presence of an authorized representative for purposes of receiving the notice. Similarly, presenting the standardized notice to a person who is illiterate, blind, or unable to understand English would not constitute successful ''delivery'' of the notice. Such situations could be remedied either through use of an authorized representative if that person has no barriers to receiving the notice or through other steps (such as use of a translator or language accessible version of the notice) that overcome the difficulties associated with notification. Note that we would not interpret the requirement for successful delivery to permit an enrollee to extend coverage indefinitely by refusing to sign a notice of termination. If an enrollee refuses to sign a notice, the provider would annotate its copy of the notice to indicate the refusal, and the date of the refusal would be considered the date of receipt of the notice.

Paragraph (c) describes what constitutes an effective delivery of a termination notice. The notice would have to be delivered timely, using standardized format and language, and include all of the elements required under § 422.624(b)(2).

3. Enrollee Appeal Rights

Proposed § 422.626 would establish an enrollee's right to a fast-track appeal of an M+C organization's decision to terminate provider services, including the procedures to be followed by the various entities involved in the appeal. Under proposed § 422.626(a), an enrollee who wishes to appeal a termination decision to the IRE must contact the IRE, in writing or by telephone, by noon of the first calendar day after receiving the termination notice. (We note that in our contract with the IRE, we intend to require that the IRE have the capability to log in an enrollee's appeal on a daily basis at any time, barring emergencies.) The regulations explain that an enrollee who fails to meet this deadline would still be able to ask the M+C organization for an expedited reconsideration of its determination that services should be terminated, consistent with existing § 422.584, but the provision in this rule for the completion of IRE review prior to the end of coverage would not apply.

Under § 422.584, the M+C organization has 72 hours to conduct an expedited reconsideration, and must do so when a physician makes or supports the request or when not doing so could jeopardize an enrollee's health or ability to regain maximum function. We considered proposing to amend these regulations to mandate that an M+C organization automatically grant any request for an expedited reconsideration that involves a situation where an enrollee failed to submit a timely request for an IRE appeal of a provider termination of services. However, we concluded that the existing standard remains appropriate, since it allows a broad spectrum of cases to be considered on their merits for reconsideration, rather than inadvertently narrowing the types of cases that can be expedited by establishing a more specific standard. We welcome comments on this issue.

Note that when an enrollee receives a termination notice, he or she is free to choose to discontinue receiving the covered services (for example, leave a SNF) before the termination date specified in the notice. Proposed § 422.626(a)(3) clarifies, however, that if the enrollee chooses to leave the facility or otherwise discontinue receiving covered services before the scheduled date for termination of services, the enrollee may not subsequently assert fast-track IRE appeal rights relative to the service or expect the services to resume, even if the enrollee newly requests the appeal or resumption of services before the discontinuation date in the notice. In such a situation, if the enrollee changes his or her mind after having discontinued receipt of covered services, the enrollee must seek an organization determination from the M+C organization for what would be considered a request for a new service.

Proposed § 422.626(b) specifies that an enrollee who timely seeks IRE review is protected from liability for the costs of services during the fast-track appeals process. Coverage of provider services would continue until noon of the day after an enrollee receives notice of an IRE's decision upholding the M+C organization's determination, or until the time and date designated on the termination notice, whichever is later. As noted above, if the IRE decision does not occur by the date designated on the termination notice as the result of the M+C organization's failure to provide the IRE with necessary information or records, the M+C organization would be liable for the costs of the resulting additional days of coverage. (Note that our contract with the IRE will specify whether the IRE or HCFA assumes financial liability in situations where the IRE fails to make a decision on a timely basis.) If the IRE finds that the enrollee did not receive proper notice of the termination (discussed below), coverage would continue until 4 calendar days after proper notice has been received, or until noon on the day after notice of an IRE decision upholding the M+C organization's decision, whichever is later. Continuation of coverage under these circumstances would not be required in the unusual situation where the IRE finds that continuation could pose a threat to the enrollee's health or safety (*e.g.*, unsafe conditions were found to exist at the provider in question).

Proposed § 422.626(d) and (e) address the basis for the IRE's decision, and the procedures it must follow in making the decision. Section 422.626(d) would establish that when an enrollee appeals an M+C organization's decision to terminate provider services, the burden is on the M+C organization to prove to the IRE that the termination is the correct decision, either on the basis of medical necessity or other Medicare coverage policies. To meet this burden, the M+C organization must supply any and all information that the IRE requires to sustain the M+C organization's termination decision, including a copy of the termination notice. The enrollee may submit evidence to the IRE in support of an appeal, but is under no obligation to do so; however, the M+C organization or the IRE may require an enrollee to authorize access to his or her medical records to the extent reasonably necessary for the M+C organization to demonstrate the correctness of its decision or for the IRE to determine the appeal. Moreover, as part of its decision-making process in each appealed case, an IRE would be required under proposed § 422.626(e)(4) to solicit the enrollee's views regarding the reason(s) specified in the notice for termination of services, or any other reason upon which the IRE intends to base its review determination.

Other IRE obligations under proposed § 422.626(e) include:

- On the date it receives the enrollee's appeal request, notifying the M+C organization and the provider of the appeal and of their documentation submission responsibilities.
- Determining whether an enrollee received proper notice of the termination decision, and informing HCFA in each instance of improper notification.
- Making a decision on the appeal and notifying the enrollee, the M+C organization, and the provider of its decision by close of business of the day after it receives the information necessary to make the decision.

Assuming that the IRE receives all needed information on a timely basis, this process would result in an IRE decision by close of business on the second full day after the deadline for an enrollee's appeal request, with termination of services to take place at noon the next day if an M+C organization's termination decision were sustained by the IRE. We recognize, however, that in some instances the IRE will not receive sufficient information to sustain an M+C organization's decision to terminate services. In such a case, the IRE may make a decision based on the information at hand that services should not be terminated, or it may defer its decision until it receives the necessary information. If the IRE makes a decision that services should not be terminated, a new termination notice would be required, with attendant appeal rights, before the M+C organization could terminate services. If the IRE defers its decision, coverage of the services would continue until the decision is made but no additional termination notice would be required.

In the event that the M+C organization's decision to discontinue services is upheld by the IRE, coverage of the enrollee's services would end at noon on the day after the IRE makes its decision or as specified in the termination notice, whichever is later. The enrollee would then be financially liable for any services provided to him or her after the effective date identified in the notice. However, if the enrollee further appeals the IRE's determination, and the enrollee ultimately receives a determination that overturns the M+C organization's decision to discontinue coverage of services, the enrollee would be reimbursed by the M+C organization.

Section 422.626(f) sets forth the M+C organization's responsibilities upon contact by the IRE. As noted above, when an enrollee requests IRE review of an M+C organization's proposed termination of provider services, the burden of proof rests with the M+C organization to demonstrate that discontinuation of Medicare coverage is the correct decision, either on the basis of medical necessity or because of Medicare coverage rules. Accordingly, proposed § 422.626(f)(1) requires that the M+C organization supply any and all information, including a copy of the termination notice sent to the enrollee, that the IRE needs to decide on the appeal. The M+C organization must supply such information, either by phone or in writing (as determined by the IRE), as soon as possible but no later than the close of business of the first day after the day the IRE notifies the M+C organization that the enrollee has requested a review. (If information is transmitted by phone, there should be a written record made of what is transmitted in this manner, so that a record of what was said can be accessed by the enrollee).

Section 422.626(f)(2) would require that, if an enrollee requests a copy of (or access to) documentation sent to the IRE, the M+C organization must accommodate the enrollee's request by no later than the day after the request is made. To accommodate such a request, we believe that an M+C organization must make every reasonable effort to make such information available, such as allowing the enrollee to view or obtain the material at a plan location or faxing or express mailing the material to an address specified by the enrollee. The M+C organization would be permitted to charge the enrollee a reasonable amount, for example, the costs of mailing and/or an amount comparable to the charges established by a PRO for duplicating case file material. We would expect that the M+C organization could provide the enrollee with a reasonable estimate of the costs of duplicating and mailing the material to the enrollee at the time of the enrollee's request.

The proposed regulations clarify that the M+C organization remains financially responsible for continuation of coverage throughout the IRE appeal process (that is, until the later of the date and time specified in the notice of termination or noon of the day after the IRE issues its decision on an appeal), regardless of whether it has delegated responsibility for authorizing coverage of termination decisions to its provider. Again, services that were never authorized by an M+C organization, such as services obtained out of the plan, are not subject to the IRE appeal process.

Section 422.626(g) sets forth proposed requirements related to reconsiderations of the IRE's decisions. This section would provide that an enrollee's first recourse after an unfavorable IRE decision would be to request, within 60 days, that the IRE reconsider its decision. The IRE would have up to 14 calendar days from the date of the request for reconsideration to issue its reconsidered determination, with subsequent appeals available to an ALJ, the DAB, and a federal court, consistent with the procedures set forth in the existing M+C regulations beginning at § 422.600. Because the protection against enrollee liability associated with IRE appeals extends only to the initial appeal, proposed § 422.626(g)(4) specifies that if on reconsideration an IRE's initial decision is subsequently reversed in the enrollee's favor, the M+C organization must reimburse the enrollee, consistent with the reconsidered decision, for the costs of any covered services for which the enrollee has already paid the M+C organization or provider.

B. Reductions of Service

As part of the *Grijalva* settlement, we agreed to solicit comments on how to provide new notice and appeal procedures for decisions by M+C organizations to reduce provider services. The issue of what constitutes appropriate notice and appeal procedures in these reduction of service situations has also been raised by commenters on the M+C regulations, most recently in the June 29, 2000 final rule (65 FR 40277). As discussed in detail in that rule, we made several changes to § 422.566(b), which describes actions that constitute organization determinations. For example, we added language at § 422.566(b)(3) to clarify that an organization's refusal to pay for or provide services ''in whole or in part, including the type or level of services'' can constitute an organization determination if the enrollee believes they should be furnished or arranged for. We stated in the preamble to that rule (65 FR 40277) that we agreed that ''a reduction in services can be considered an organizational determination that is subject to appeal. To the extent that a reduction results in an enrollee no longer receiving services to which the enrollee believes he or she is entitled, this would be subject to appeal under the language in the first sentence in section 1852(g)(5) of the Act, which addresses appeals based on failure to receive a health service.'' We also noted that to the extent that the organization was refusing to continue to provide all or part of the services the enrollee believes should be furnished, and the enrollee has not received the services, this would also fall within the language in § 422.566(b)(3). However, the existing M+C regulations do not specify that notices are routinely required in connection with a reduction of a service. Instead, § 422.566 effectively requires written notifications in connection with service reductions only if the enrollee disagrees that the services are no longer medically necessary, while § 422.568 specifies that notices are required for ''denial'' of services.

We have consulted extensively on this issue with industry, provider, consumer, and government groups, and have reviewed numerous public comments. Clearly, it is a complicated

issue, and we recognize that there are many reasonable, divergent viewpoints. Industry representatives generally point out the administrative and financial burden associated with notice requirements. They maintain that is unnecessary to require notification to enrollees for a reduction of an ongoing course of treatment and argue that once an M+C organization has authorized treatment for a set period of time, the organization never retracts the authorization. Some commenters have argued that providing detailed notice in all reduction situations would be confusing, burdensome and intrusive upon the physician/patient relationship. Other commenters urged that written notice should take place in all instances where services are reduced, in order to ensure that enrollees are always made aware of their appeal rights.

Based on our review of previous comments on this issue, as well as an examination of analogous Medicaid requirements, we are considering adopting the position that a written notice should be required if there is a reduction in any previously authorized ongoing course of treatment. That is, notice would not be required at every reduction, but only when there is a change in an authorized plan of treatment that reduces the level of services from those previously authorized. We note, however, that unlike under the Medicaid program, the current M+C regulations do not call for a required plan of treatment in all cases, and we are not proposing that plans of care should be routinely required. (Existing § 422.112(a)(4)(iii) does require a treatment plan for individuals with serious medical conditions.) In cases where a plan of treatment is in place, however, we believe that enrollees should be entitled to written notification when the prescribed treatments are to be reduced. We believe that this approach could serve to balance the need for adequate notice with the potential burdens or beneficiary confusion that might ensue if notice were required in all cases of reductions of services. Note that we are not putting forth specific regulatory language that would implement this approach; rather, we are soliciting comments on this proposal. We particularly welcome comments that include specific revisions to the existing regulations with respect to enrollee notification requirements.

C. Grievance Procedures (§ 422.564)

Section 1852(f) of the Act requires that each M+C organization provide ''meaningful procedures for hearing and resolving grievances.'' Existing § 422.561 defines a grievance as any complaint or dispute other than one that involves an ''organization determination'' (as described under § 422.566(b)). (This definition retains the meaning of grievance used in part 417.) An enrollee might file a grievance if, for example, the enrollee received a service but believed that the service was not carried out properly or that the demeanor of the person providing the service was insulting or otherwise inappropriate. Grievance procedures also apply when an enrollee disagrees with an M+C organization's decision not to expedite an enrollee's request for an organization determination or a reconsideration.

In the June 26, 1998 interim final rule that implemented the M+C program (63 FR 35030), we set forth the general requirement that an M+C organization must resolve grievances in a timely manner and have grievance procedures that meet HCFA guidelines, in anticipation of future HCFA policy direction on grievance procedures. At that time, we indicated that we intended to establish more detailed requirements for grievance procedures through a notice of proposed rulemaking (NPRM). To inform the NPRM development process, we requested public comments on the necessary elements of a meaningful grievance procedure (such as recommended time frames, the types of issues that should be considered grievances, need for an expedited grievance process, and the type of notification enrollees should receive concerning the outcome of their grievance.) As anticipated, commenters had varied recommendations related to organization-level grievance procedures.

Subsequently, we consulted with representatives of the managed care industry, beneficiary advocacy groups, and PROs, reviewed comments we received from the public, and examined recent standards in this area, such as those developed by the National Association of Insurance Commissioners (NAIC). (NAIC has developed and adopted a Model Grievance Act setting forth standards for grievance procedures.) We also took into consideration that section 1852(c)(2)(C) requires M+C organizations to provide data on the number of grievances and their disposition in aggregate data reporting. The proposals set forth below are the result of this consultation and public comment process.

First, we propose to include the following revised definition of a grievance under § 422.561: ''Grievance means any complaint or dispute, other than one that constitutes an organization determination, expressing dissatisfaction with any aspect of an M+C organization's or provider's operations, activities, or behavior, regardless of whether remedial action is requested.'' Under § 422.564(a), we would retain the general rule that each M+C organization must provide meaningful procedures for timely hearing and resolution of grievances between enrollees and the organization or any other entity or individual through which the organization provides health care services under any M+C plan it offers. We would also retain current regulatory text under §§ 422.564(b) and (c) describing how grievances are distinguished from organization determination and appeal procedures and from the PRO complaint process, respectively. (Under section 1154(a)(14) of the Act, a PRO must review beneficiaries' written complaints about the quality of services they have received under the Medicare program; this process is separate and distinct from the M+C organization's grievance procedures.) We would add to § 422.564(b) a proposed requirement that when an M+C organization receives a complaint, it must promptly determine and inform the enrollee whether the issue is subject to its grievance procedures or its appeal procedures.

Note that we view ''complaint'' and ''dispute'' as generic terms that cover various expressions of dissatisfaction or disagreement that may be brought to the attention of an M+C organization or its providers. Thus, complaints or disputes can encompass grievable or appealable issues, but in either case would require resolution in accordance with the organization's internal procedures.

We note that in our consultations on grievance issues, there were conflicting views on the most appropriate means for dealing with quality of care issues; for example, should a quality of care issue first be raised with the M+C organization and subsequently sent to the PRO, immediately referred to the PRO, or allowed to proceed on separate, simultaneous tracks. As reflected under proposed § 422.564(c), we concluded that the appropriate course was to permit maximum discretion to M+C enrollees in this regard. Accordingly, § 422.564(c) explains that, for quality of care issues, an enrollee may file a grievance with the M+C organization, file a written complaint with the PRO, or both.

We considered including a definition of ''quality of care'' issue in the proposed regulations, such as the following suggestion developed by a workgroup we formed to discuss grievance procedures: ''Quality of care

issues may include complaints regarding the timeliness, appropriateness, access to, and/or setting of a provided health service, procedure, or item. Quality of care issues may also include complaints that a covered health service, procedure or item during a course of treatment did not meet accepted standards for delivery of health care.'' However, we concluded that the term ''quality of care'' does not lend itself to the specificity that would be implied by a regulatory definition and instead believe that it would be in the best interests of M+C enrollees not to unduly limit the types of complaints that could be viewed as quality of care issues. We intend to adopt a more flexible approach that would rely on providing general guidance as to the types of issues that could fall into the quality of care category. We welcome comments on this approach, the definition above, and the appropriateness of including such a definition in the M+C regulations as opposed to issuing other forms of guidance in this area.

Section 422.564(d) specifies that an enrollee must file a grievance, either orally or in writing, no later than 60 days after the event or incident that precipitates the grievance. We welcome comments on whether this or any time limitation is appropriate.

Proposed § 422.564(e) sets forth procedures for grievance disposition and enrollee notification. Proposed § 422.564(e)(1) would establish that an M+C organization must notify the enrollee of its decision as expeditiously as the case requires, based on the enrollee's health status, but no later than 30 calendar days after the date the organization receives the grievance. In arriving at this time frame, we researched recent standards in this area, such as the NAIC's model Grievance Act. Additionally, our research indicated that a majority of M+C organizations have procedures that require resolution of a grievance within time frames between 5 and 30 days, with a possible 10 to 15 day extension. Thus, we believe that a maximum time frame of 30-calendar days for resolving a grievance is a reasonable standard. Given that a majority of the M+C organizations are already resolving grievances within less than 30 days, achieving this time frame should not be burdensome, while still satisfying the statutory requirement that an M+C organization provide ''meaningful procedures for resolving grievances.''

In conjunction with this time frame, we are also proposing under § 422.564(e)(2) that the M+C organization may extend the time frame by up to 14 calendar days if the enrollee requests the extension or if the organization justifies a need for additional information and the delay is in the interest of the enrollee. This extension period is consistent with the extensions currently permitted for standard and expedited organization determinations.

Section 422.564(e)(3) would require an M+C organization to inform the enrollee of the disposition of the grievance as follows: (1) All grievances submitted in writing must be responded to in writing; and (2) grievances submitted orally may be responded to either orally or in writing unless a written response is specifically requested by the M+C enrollee. The M+C organization's written response to a grievance involving quality of care issues or concerns must describe the enrollee's right to seek PRO review. (Again, we intend to issue further guidance on what constitutes a quality of care issue, but we generally believe that an M+C organization should err on the side of a broad interpretation of this concept.) For any complaint involving a PRO, the M+C organization must cooperate with the PRO in resolving the complaint. Thus, regardless of whether an enrollee pursued the grievance with an M+C organization, the M+C organization would have an obligation to provide necessary records to the PRO and/or implement a PRO-directed action with regard to a written quality of care complaint.

Section 422.564(f) addresses expedited grievances. Under proposed § 422.564(f), an M+C organization would be required to expedite a grievance under any of the following circumstances: (1) The grievance involves an M+C organization's decision to invoke an extension relating to an organization determination or reconsideration; (2) the grievance involves an M+C organization's refusal to grant an enrollee's request for an expedited organization determination under § 422.570 or reconsideration under § 422.584; or (3) applying the standard time frame for resolving a grievance seriously jeopardize the enrollee's life, health or ability to regain maximum function (if, for example, a quality of care dispute required immediate resolution). We are proposing that the M+C organization notify the enrollee of its decision on an expedited grievance within 72 hours of receipt of the enrollee's grievance, consistent with the time frame for expedited appeals.

The new grievance procedures would conclude with the proposed requirement under § 422.564(g) that the M+C organization have a system to track and maintain records on all grievances received both orally and in writing, including the final disposition of the grievance. The tracking system should maintain, at a minimum, date of receipt, disposition and date the response was given. We believe such a system is necessary to ensure that an M+C organization can comply with the requirement under section 1852(c)(2)(C) of the Act that it be able to provide aggregate information on the number and disposition of appeals.

D. Sanctions for a Failure To Comply With IRE Appeal Requirements

As in the case of all other grievance and appeal requirements in subpart M of part 422, under § 422.510(a)(6), a substantial failure to comply with the new requirements proposed in this notice of proposed rulemaking would be grounds for termination of an M+C organization's contract. Pursuant to § 422.752(b), such a failure to comply would also be grounds for intermediate sanctions under § 422.756(c)(1) and (c)(3), and pursuant to § 422.758, would be grounds for civil money penalties.

E. Proposed Changes to the Medicare Provider Agreement Regulations (§§ 489.20 and 489.27)

In this proposed rule, we would also set forth changes to the provider agreement regulations at 42 CFR part 489 that would specify that distribution of the notices required under this proposed rule is one of the basic commitments that the providers subject to the IRE process must fulfill as part of their agreement to provide Medicare services. Specifically, we would amend §§ 489.20(p) and 489.27 to set forth these provider obligations under the IRE appeals process. As noted above, we have also proposed to revise the provision implementing the ''important message'' requirement in section 1866(a)(1)(M) to require that hospitals provide notices with information on the reasons for a discharge in accordance with § 422.620. We are proposing that such notification requirements could only be implemented when the notices in question have been approved by the Office of Management and Budget under section 3506(c)(2)(A) of the Paperwork Reduction Act. We believe these changes are critical to facilitating and enforcing the required distribution of notices similar to those that would be under this proposed rule as a mandatory responsibility of the affected Medicare providers.

III. Collection of Information Requirements—Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), agencies are required to provide a 60-day notice in the **Federal Register** and solicit public comment when a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA requires that we solicit comments on the following issues:

- Whether the information collection is necessary and useful to carry out the proper functions of the agency;
- The accuracy of the agency's estimate of the information collection burden;
- The quality, utility, and clarity of the information to be collected; and
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Therefore, we are soliciting public comment on each of these issues for the information collection requirements discussed below.

Section 422.564 Grievance Procedures

An enrollee may file a grievance either orally or in writing. For quality of care issues, an enrollee may file a grievance with the M+C organization or file a written complaint with the PRO, or both.

We conducted a random sampling of M+C enrollees in ten states from the most recent Medicare Health Plan Compare data. In rating the overall quality of their managed care plans on a scale of 0–10 (0—worst possible care, 10—best possible care), an average of 17% of M+C enrollees gave their plans the lowest ratings of seven or less. Based on the results of the sampling, we extrapolated that approximately 17% of all M+C enrollees likely would experience some dissatisfaction with their M+C organizations. Since there are currently 6.2 million M+C enrollees, we determined that 1,054,000 enrollees likely would experience some dissatisfaction with their M+C organizations in a given year. Based on the General Accounting Office's (GAO) April 1999 report, Medicare Managed Care: Greater Oversight Needed to Protect Beneficiary Rights, M+C organizations resolved approximately 75% of appeals between January 1996 and May 1998. HCFA's current managed care independent review entity, the Center for Health Dispute Resolution (CHDR), received approximately 20,000 appeals from M+C organizations for 2000. Therefore, we estimate that approximately 80,000 (approx. 8% of the total number of those dissatisfied) enrollees filed appeals during 2000. Since grievances are broader in scope than appeals, we believe that there are likely to be twice as many grievances than appeals. Thus, we estimate that it will take approximately 160,000 enrollees (approx. 16% of the total number of those dissatisfied) 15 minutes to file a written grievance on an annual basis. The total annual burden associated with this requirement is 40,000 hours.

The M+C organization must notify the enrollee of its decision as expeditiously as the case requires, based on the enrollee's health status, no later than 30 calendar days after the date the organization receives the oral or written grievance. Generally, only written grievances will be responded to in writing.

It is estimated that it will take M+C organizations 15 minutes to prepare and furnish each notice and that each M+C organization will be required to provide an estimated 160,000 notices on an annual basis. The total annual burden associated with this requirement is 40,000 hours.

An M+C organization may extend the 30-day time frame by up to 14 calendar days if the enrollee requests the extension or if the organization justifies a need for additional information and documents how the delay is in the interest of the enrollee. When the M+C organization extends the deadline, it must immediately notify the enrollee in writing, in accordance with the requirements and procedures set forth in this section.

We believe that M+C organizations generally will be able to meet the 30 day time frame. However, M+C organizations are more likely to invoke an extension for quality of care complaints since they often require investigations. We estimate that of the 160,000 grievances filed, approximately 20% (32,000) will be related to quality of care issues. It is estimated that it will take M+C organizations 15 minutes to prepare and furnish each notice and that each M+C organization will be required to provide an estimated 32,000 notices on an annual basis. The total annual burden associated with this requirement is 8,000 hours.

For an expedited grievance, the M+C organization must notify the enrollee of its decision within 72 hours of receipt of the enrollee's grievance. In accordance with paragraph (e)(2) and (f)(1) through (3) of this section.

We believe that most expedited grievances will be related to quality of care issues and the M+C organization's decision not to process an appeal on an expedited basis. As explained above, we estimate that there will be 32,000 quality of care grievances. Because all quality of care grievances must be responded to in writing irrespective of the time frame in which they are being processed (*i.e.*, 30 days + 14 day extension for standard and 72 hours for expedited grievance requests), the number of written decisions already have been accounted, *i.e.*, 8,000 hours.

CHDR data show that it will process approximately 3800 (19% of the IRE's total number of appeals) expedited appeals for 2000. On the basis of GAO's finding that 75% of appeals are resolved at the M+C organization level (see above discussion), we infer that M+C organizations will process approximately 15,000 expedited cases per year (19% of 80,000 appeals at the M+C organization level). Although we have no data at the M+C organization level to deduce the number of expedited appeal requests in a given year, we estimate that M+C organizations deny processing approximately 10% (1500) above the total number expedited. Of the 1500 denied expedited requests, we estimate that approximately 20% (300) will file a grievance. It is estimated that it will take M+C organizations 15 minutes to prepare and furnish each decision and that each M+C organization will be required to provide an estimated 300 notifications on an annual basis. The total annual burden associated with this requirement is 75 hours.

An M+C organization must maintain records on all grievances received both orally and in writing, including the final disposition of the grievance.

It is estimated that it will take M+C organizations 30 minutes (per enrollee who files a grievance) to maintain records on all grievances on an annual basis. Of the 1,054,000 enrollees likely to be dissatisfied with their M+C organizations, we estimate that approximately 420,000 will file an oral or written grievance. The total annual burden associated with this requirement is 210,000 hours.

Section 422.620 How Hospitals Must Notify Enrollees of M+C Organizations of Noncoverage of Inpatient Hospital Care

When an M+C organization has authorized coverage of the inpatient admission of an enrollee, either directly or by delegation (or the admission constitutes emergency or urgently needed care, as described in §§ 422.2

and 422.113), the hospital must provide a written notice of termination of coverage to each enrollee, consistent with paragraph (c) of this section.

Based on 1998 statistics, approximately 11,000,000 beneficiaries (original Medicare and M+C) received inpatient hospital services. It is estimated that it will take hospitals 20–30 minutes to prepare and furnish each notice and that each hospital will be required to provide an estimated 11,000,000 notifications on an annual basis. The total annual burden associated with this requirement is approximately 3,666,667—5,500,000 hours. There are approximately 6,200,000 (16% of the total Medicare population) M+C enrollees out of approximately 39 million Medicare beneficiaries. We extrapolate that approximately 1,760,000 M+C enrollees received inpatient hospital services. Thus, the total annual burden associated with providing notices to M+C enrollees is approximately 586,667—880,000 hours. (Note that issuance of these notices will not take effect until a separate PRA statement has been published.

Section 422.624 Notifying Enrollees of Provider Service Terminations

For any termination of service, the provider of the service must notify the enrollee in writing of the M+C organization's decision to terminate services. The provider must use a standardized notice, required by the Secretary, in accordance with the requirements and procedures set forth in this section.

It is estimated that it will take providers (skilled nursing facilities (SNFs), home health agencies (HHAs), and comprehensive outpatient rehabilitation facilities (CORFs)) 15 minutes to prepare and furnish each notice. In 1997, there were 1,503,000 Medicare beneficiaries receiving SNF services and 3,505,000 Medicare beneficiaries receiving HHA services. (Note that the amount of Medicare business with CORFs is so small that Medicare statistical summaries do not include a separate line item for patient encounters with these facilities. Thus, we are unable to extrapolate under original Medicare. The number of possible M+C CORF cases, and the analysis below, is necessarily limited to SNF and HHA services.) The total annual burden associated with this requirement is 200,320 hours. We extrapolate that providers will be required to give an estimated 801,280 (16% of 5,008,000 Medicare beneficiaries) notices to M+C enrollees.

Section 422.626 Fast-Track Appeals of Service Terminations to the IRE

An enrollee who desires a fast-track appeal must submit a request for an appeal to the IRE, in writing or by telephone, by noon of the first calendar day after receipt of the written termination notice. If the IRE is closed on the day the enrollee requests a fast-track appeal, the enrollee must file a request by noon of the next day that the IRE is open for business.

Based on our figures above, approximately 8% of all enrollees file appeals. Thus, 8% of the 801,280 M+C enrollees who receive notices are likely to file appeals with the IRE. It is estimated that it will take approximately 64,000 enrollees 15 minutes to file an appeal on an annual basis. The total annual burden associated with this requirement is 16,000 hours.

The enrollee may submit evidence to be considered by the IRE in making its decision and may be required by the IRE to authorize access to his or her medical records in order to pursue the appeal.

It is likely that 10% of the 64,000 enrollees who file appeals will also submit additional evidence. It is estimated that it will take 6,400 enrollees 60 minutes to submit evidence on an annual basis. Since beneficiaries will not be functioning at their maximum capacity and it will take them longer to gather their thoughts and evidence, we estimate that it will take them 4 times longer than providers to submit additional information. The total annual burden associated with this requirement is 6400 hours.

Upon notification by the IRE of a fast-track appeal, the M+C organization must supply any and all information, including a copy of the notice sent to the enrollee, no later than by close of business of the first day after the day that the IRE notifies the M+C organization, that the IRE needs to decide on the appeal.

It is estimated that it will take M+C organizations 60–90 minutes to furnish any and all information, including a copy of the notice sent to the enrollee, and that each M+C organization will be required to provide an estimated 64,000 disclosures on an annual basis. The total annual burden associated with this requirement is 64,000–96,000 hours.

Upon an enrollee's request, the M+C organization must provide a copy of, or access to, any documentation sent to the IRE no later than close of business of the first day after the day the material is requested.

We estimate that 20% of the 64,000 enrollees who file an appeal will request copies of information forwarded to the IRE. It is estimated that it will take M+C organizations 15 minutes to provide a copy of all information provided to the IRE, to the enrollee, and that each M+C organization will be required to provide an estimated 12,800 disclosures on an annual basis. The total annual burden associated with this requirement is 3,200 hours.

If the IRE upholds an M+C organization's termination decision in whole or in part, the enrollee may file, no later than 60 days after notification that the IRE has upheld the decision, a request with the IRE for an IRE reconsideration of its original decision.

It is estimated that 40% of the 64,000 appeals (25,600) will be overturned by the IRE. Of those, we estimate that 20% of the enrollees will request a reconsideration by the IRE. It is estimated that it will take 5,120 enrollees 30 minutes to file a request for reconsideration on an annual basis. The total annual burden associated with this requirement is 2,560 hours.

We have submitted a copy of this final rule to OMB for its review of the information collection requirements in §§ 422.564, 422.620, 422.624, and 422.626. These requirements are not effective until they have been approved by OMB.

If you have any comments on any of these information collection and record keeping requirements, please mail the original and 3 copies within 60 days of this publication date directly to the following:

Health Care Financing Administration, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Attn: John Burke HCFA–4024–P.

And, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Heron Eydt, HCFA Desk Officer.

IV. Regulatory Impact Statement

A. Introduction

We have examined the impact of this proposed rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Public Law 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health

and safety effects, distributive impacts, and equity). The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, non-profit organizations, and governmental agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $5 million or less annually.

The Unfunded Mandate Reform Act of 1995, in section 202, requires that agencies prepare an assessment of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. This rule has no consequential effect on State, local, or tribal governments.

Section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis for any rule that 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 a Metropolitan Statistical Area and has fewer than 50 beds.

As discussed in detail above, this proposed rule would establish new notice and appeal procedures for enrollees when an M+C organization decides to terminate coverage of services by SNFs, HHAs, and CORFs. This proposed rule also would specify hospitals' responsibility for issuing discharge notices, amend the Medicare provider agreement regulations with regard to beneficiary notification requirements, and set forth M+C grievance procedures. In general, we believe that these changes would enhance the rights of M+C enrollees and other Medicare beneficiaries, without imposing any significant financial burden on these individuals. The impact of the specific provisions of the proposed rule on M+C organizations and providers is discussed below.

B. New Notice and Appeal Procedures for Provider Terminations (§§ 422.624 and 422.626)

Although some aspects of this proposed rule do not lend themselves to quantifiable cost estimates, we believe that the most significant costs associated with the new M+C notice and appeal procedures will result from the Secretary's commitment to contract with an independent review entity to conduct an expedited review of all provider termination cases appealed by M+C enrollees. In order to project the number of appeals that may be involved, we examined the latest available appeals data from the Center for Health Dispute Resolution (CHDR), the organization with whom HCFA now contracts to conduct appeals of M+C reconsiderations. (Under existing § 422.592, any case where an M+C organization's reconsideration results in affirming an adverse organization determination is automatically sent to CHDR for review.) In 1999, CHDR reviewed approximately 3,000 cases involving services provided by SNFs, HHAs, or CORFs. (Note that we have no way of knowing the proportion of these cases that involved service terminations but, for impact analysis purposes, will assume that all cases could be subject to the new expedited appeal procedures.) According to the General Accounting Office's 1999 Report to the Special Committee on Aging, ''Greater Oversight Needed to Protect Beneficiary Rights,'' managed care organizations reverse their original adverse determinations in approximately 75 percent of appealed cases; thus we believe that the 3,000 cases that went to CHDR likely represent about 25 percent of all appeals (*i.e.,* ''reconsiderations'') involving affected providers that are now conducted by M+C organizations. Thus, we believe that the minimum number of provider appeals that would likely be heard by an IRE under the procedures proposed in this NPRM would be 12,000 cases, with contracting costs to HCFA estimated at a minimum of $10 million.

For each of these 12,000 cases, M+C organizations would be required under these proposed rules to make available to the IRE, and to the enrollee upon request, a copy of any documentation needed to decide on the appeal. Although we recognize the administrative burden associated with this requirement, we believe that the existing M+C reconsideration process would already result in the M+C organization gathering and reviewing the case file to reach a reconsidered determination. Moreover, any burden on M+C organizations would be more than offset by the fact that M+C organizations would no longer be required to conduct reconsideration of any cases covered under this proposed rule. That is, the new IRE would conduct reviews not just of the 3,000 cases that now go to CHDR but also of the 9,000 cases which are now subject to the M+C organization reconsideration process.

Currently, we have no M+C encounter data that would permit a precise count of the annual number of SNF, HHA, and CORF admissions, and thus the number of notices that must be issued under this proposed rule. Based on comparisons with data available from original Medicare admissions (as well as extrapolating from the original Medicare appeals rate of 1 percent), we estimate a total of approximately 800,000 to 1 million provider terminations for which notices would be required under this proposed rule, with an associated aggregate financial impact of $8 to $10 million.

Another important element of this proposed rule is the provision that an M+C organization would be financially liable for services provided during the 4-day period between issuance of the termination notice and resolution of the enrollee appeal, if any. However, our expectation is that notices would be provided four days before care is expected to be no longer medically necessary, with any appeals competed by the end of those four days. Moreover, we believe that M+C organizations are generally covering all medically necessary care for their enrollees under the existing regulations. Thus, this proposed provision should have minimal, if any financial impact on M+C organizations.

C. Grievance Procedures (§ 422.564)

Proposed § 422.564 includes several provisions that clarify the existing requirement that each M+C organization provide meaningful procedures for timely hearing and resolution of grievances between enrollees and the M+C organization. Grievances essentially include any complaint or dispute, other than one that constitutes an organization determination, expressing dissatisfaction with any aspect of an M+C organization's or provider's operations. We have no data on the the number of grievances that are currently brought to the attention of M+C organizations, and would welcome any quantifiable estimates from commenters. As discussed in detail in section II.C of this proposed rule, however, we have carefully examined the grievance procedures now in use by M+C organizations, and in particular the grievance procedures spelled out in the NAIC's Model Grievance Act, in developing our proposed procedures. We believe that M+C organizations are in large measure already in compliance with proposed grievance procedures set forth here, and that these proposals would not result in any substantial impact on most M+C organizations.

D. Hospital Discharge Notices (§§ 422.620 and 489.27)

This proposed rule would clarify that hospitals are required to notify M+C

enrollees of terminations of hospital care. This proposal is consistent with the policy position we outlined in the preamble to the recent M+C final rule with respect to hospitals (65 FR 40284). Specifically, proposed § 422.620(a) would specify that in situations involving inpatient admissions of M+C enrollees, hospitals must provide a written notice of termination of coverage to each enrollee that includes the reasons for the discharge. We also are amending § 489.27 to provide expressly for this hospital responsibility. Section 489.27 implements the requirement in section 1866(a)(1)(M) that hospitals provide a notice to all Medicare beneficiaries of the individual's rights (referred to as the ''Important Message from Medicare'' for beneficiaries). Section 1866(a)(1)(M) provides that this notice must include ''such additional information as the Secretary may specify.''

As a general rule, we believe that hospitals are already issuing these notices and thus that these proposed regulatory changes will not have a substantial financial impact, with one exception as discussed below. Under the M+C program, for example, hospitals are required under section 1866(a)(1)(M) of the Act to issue the ''Important Message from Medicare'' to each enrollee upon admission. In addition, existing § 422.620(c) requires that written notice of discharge (the ''Notice of Discharge and Medicare Appeal Rights''—NODMAR) be provided M+C enrollees no later than the day before hospital coverage ends. Although the regulations now do not specify who must issue these notices, our understanding is that hospitals generally carry out this function on the behalf of M+C organizations, and we would expect that practice to continue.

Similarly, under original Medicare, hospitals are now required (1) under section 1866(a)(1)(M) of the Act to issue the ''Important Message from Medicare'' upon admission; and (2) in order to be protected from liability under section 1879 of the Act, to issue the ''Hospital Issued Notice of Noncoverage'' (HINN) near the time of discharge. These notices are necessary to ensure that beneficiaries are aware of their rights to appeal a hospital's determination that inpatient care is no longer necessary under the Medicare program. To the extent that hospitals are issuing these notices, this proposed rule would not impose any additional costs on hospitals for original Medicare admissions; costs associated with patient notifications would be paid for under inpatient hospital standardized payment amount, which encompasses all administrative costs.

However, our understanding is that although hospitals are routinely issuing the ''Important Message from Medicare,'' many hospitals are not now routinely issuing HINNs to original Medicare beneficiaries, but are instead issuing them only for disputed discharges. Consistent with the estimates discussed above in section III of this proposed rule, we believe that the number of original Medicare hospital discharges where HINNs should be issued is roughly 9.4 million, at an estimated annual cost of approximately $117,000,000 (30 minutes per notice at $25 per hour). Based on an estimated 6,300 participating hospitals, the projected financial impact of distributing these discharge notices as required under this proposed rule would be $18,500 per hospital, to the extent that hospitals are not now issuing the discharge notices. Given that we are unable to determine the extent to which the discharge notices are now being issued by hospitals to original Medicare beneficiaries, we believe that the associated costs may represent an additional financial impact on hospitals. We welcome comments on these estimates.

Therefore, this proposed rule would be a major rule as defined in Title 5, United States Code, section 804(2). In accordance with Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

V. Other Required Information

A. Federalism Summary Impact Statement

On August 4, 1999, the president signed Executive Order 13132 (effective November 2, 1999) establishing certain requirements that an agency must meet when it promulgates regulations that impose substantial direct compliance costs on State and local governments, preempt State law, or otherwise have federalism implications. Any such regulations must include a federalism summary impact statement that describes the agency's consultation with State and local officials and summarizes the nature of their concerns, the extent to which these concerns have been met, and the agency's position supporting the need to issue the regulation. In this NPRM, we are not proposing any changes to the existing M+C regulations that meet any of the criteria mentioned above that would require the inclusion of a federalism impact statement under Executive Order 13132.

B. Responses to Comments

Because of the large number of items of correspondence we normally receive on a rule, we are not able to acknowledge or respond to them individually. We will, however, consider all comments that we receive by the date specified in the **DATES** section of this preamble and respond to the comments a subsequent rulemaking document.

List of Subjects

42 CFR Part 422

Administrative practice and procedure, Health facilities, Health maintenance organizations (HMO), Medicare+Choice, Penalties, Privacy, Provider-sponsored organizations (PSO), Reporting and recordkeeping requirements.

42 CFR Part 489

Health facilities, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Health Care Financing Administration proposes to amend 42 CFR chapter IV as set forth below:

PART 422—MEDICARE+CHOICE PROGRAM

A. Part 422 is amended as set forth below:

1. The authority citation for part 422 continues to read as follows:

Authority: Secs. 1102, 1851 through 1857, 1859, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395W–21 through 1395w–27, and 1395hh).

2. In § 422.502, paragraph (i)(3)(iv) is added to read as follows:

§ 422.502 Contract provisions.

* * * * *

(i) * * *

(3) * * *

(iv) A provision specifying that these entities will comply with applicable notice and appeal provisions in subpart M of this part, including but not limited to, the notification requirements in §§ 422.620 and 422.624 and the requirements in § 422.626 concerning supplying information to an IRE.

* * * * *

3. In § 422.561, the definition of ''grievance'' is revised to read as follows:

§ 422.561 Definitions.

* * * * *

Grievance means any complaint or dispute, other than one that constitutes an organization determination, expressing dissatisfaction with any aspect of an M+C organization's or

provider's operations, activities, or behavior, regardless of whether remedial action is requested.

* * * * *

4. Section 422.564 is revised to read as follows:

§ 422.564 Grievance procedures.

(a) *General rule.* Each M+C organization must provide meaningful procedures for timely hearing and resolution of grievances between enrollees and the organization or any other entity or individual through which the organization provides health care services under any M+C plan it offers.

(b) *Distinguished from appeals.* Grievance procedures are separate and distinct from appeal procedures, which address organization determinations as defined in § 422.566(b). Upon receiving a complaint, an M+C organization must promptly determine and inform the enrollee whether the complaint is subject to its grievance procedures or its appeal procedures.

(c) *Distinguished from the PRO complaint process.* Under section 1154(a)(14) of the Act, the PRO must review beneficiaries' written complaints about the quality of services they have received under the Medicare program; this process is separate and distinct from the grievance procedures of the M+C organization. For quality of care issues, an enrollee may file a grievance with the M+C organization, file a written complaint with the PRO, or both.

(d) *Method for filing a grievance.* (1) An enrollee may file a grievance with the M+C organization either orally or in writing.

(2) An enrollee must file a grievance no later than 60 days after the event or incident that precipitates the grievance.

(e) *Grievance disposition and notification.* (1) The M+C organization must notify the enrollee of its decision as expeditiously as the case requires, based on the enrollee's health status, but no later than 30 days after the date the organization receives the oral or written grievance.

(2) The M+C organization may extend the 30-day timeframe by up to 14 days if the enrollee requests the extension or if the organization justifies a need for additional information and documents how the delay is in the interest of the enrollee. When the M+C organization extends the deadline, it must immediately notify the enrollee in writing of the reasons for the delay.

(3) The M+C organization must inform the enrollee of the disposition of the grievance in accordance with the following procedures:

(i) All grievances submitted in writing must be responded to in writing.

(ii) Grievances submitted orally may be responded to either orally or in writing, unless the enrollee requests a written response.

(iii) All grievances related to quality of care, regardless of how the grievance is filed, must be responded to in writing. The response must include a description of the enrollee's right to file a written complaint with the PRO. For any complaint submitted to a PRO, the M+C organization must cooperate with the PRO in resolving the complaint.

(f) *Exception—expedited grievances.* For a grievance that is required to be expedited as provided in this paragraph (f), the M+C organization must notify the enrollee of its response to the enrollee's grievance within 72 hours of receipt of the grievance. An extension is permitted consistent with the procedures set forth in paragraph (e)(2) of this section. The M+C organization must expedite a grievance under any of the following circumstances:

(1) The grievance involves an M+C organization's decision to invoke an extension relating to an organization determination or reconsideration.

(2) The grievance involves an M+C organization's refusal to grant an enrollee's request for an expedited organization determination under § 422.570 or reconsideration under § 422.584.

(3) Applying the standard timeframe could seriously jeopardize the enrollee's life, health, or ability to regain maximum function. The M+C organization's decision as to whether a grievance meets any of these criteria and thus must be expedited is not subject to further review.

(g) *Recordkeeping.* The M+C organization must have a system to track and maintain records on all grievances received both orally and in writing, including, at a minimum, the date of receipt, final disposition of the grievance, and the date that the M+C organization notified the enrollee of the disposition.

5. In § 422.620, the heading of the section and paragraph (a) are revised to read as follows:

§ 422.620 How hospitals must notify enrollees of M+C organizations of noncoverage of inpatient hospital care.

(a) *Enrollee's entitlement.* When an M+C organization has authorized coverage of the inpatient admission of an enrollee, either directly or by delegation (or the admission constitutes emergency or urgently needed care, as described in §§ 422.2 and 422.113), the hospital must provide a written notice of termination of coverage to each enrollee, consistent with paragraph (c) of this section, before the M+C organization may terminate coverage for such services. An enrollee is entitled to coverage until at least noon of the day after the notice is provided. If PRO review is requested under § 422.622, coverage is extended as provided in that section.

* * * * *

6. New §§ 422.624 and 422.626 are added to subpart M to read as follows:

§ 422.624 Notifying enrollees of provider service terminations.

(a) *Applicability.* (1) For purposes of this section and § 422.626, providers include home health agencies (HHAs), skilled nursing facilities (SNFs), and comprehensive outpatient rehabilitation facilities (CORFs).

(2) *Termination of service defined.* For purposes of this section and § 422.626, a termination of service is the discontinuation or discharge of an enrollee from covered provider services when the enrollee has been authorized by the M+C organization, either directly or by delegation, to receive an ongoing course of treatment from that provider. Termination includes (but is not limited to) cessation of coverage at the end of a course of treatment preauthorized in a discrete increment, regardless of whether the enrollee agrees that such services should end.

(b) *Advance written notification of termination.* Prior to any termination of service, the provider of the service must deliver valid written notice to the enrollee of the M+C organization's decision to terminate services. The provider must use a standardized notice, required by the Secretary, in accordance with the following procedures—

(1) *Timing of notice.* The provider must notify the enrollee of the M+C organization's decision to terminate covered services four calendar days before the proposed end of the services. If the enrollee's services are expected to be fewer than four calendar days in duration, the provider should notify the enrollee at the time of admission to the provider.

(2) *Content of the notice.* The standardized termination notice must include the following information:

(i) A specific and detailed explanation of the reason(s) services are either no longer reasonable and necessary or are otherwise no longer covered.

(ii) A description of any applicable Medicare coverage rule, instruction, or other Medicare policy, including citations to the applicable Medicare policy rules, or information about how

the enrollee may obtain a copy of the Medicare policy from the M+C organization.

(iii) Any applicable M+C organization policy, contract provision, or rationale upon which the termination decision is based.

(iv) Facts specific to the enrollee and relevant to the coverage determination that are sufficient to advise the enrollee of the applicability of the coverage rule or policy to the enrollee's case.

(v) The date and time that coverage of services ends and the enrollee's financial liability for continued services begins.

(vi) A description of the enrollee's right to a fast-track appeal under § 422.626, including information about how to contact the independent review entity (IRE), an enrollee's right (but not obligation) to submit evidence showing that services should continue, and the availability of other M+C appeal procedures if the enrollee fails to meet the deadline for a fast-track IRE appeal.

(vii) Any other information required by HCFA.

(c) *When delivery of notice is valid.* (1) Delivery of the termination notice is not valid unless—

(i) The enrollee has signed the notice to indicate that he or she has received the notice and can comprehend its contents; and

(ii) The notice is delivered timely, in the format and language specified by the Secretary, and includes all content elements required under paragraph (b)(2) of this section.

(2) If the provider does not deliver valid notice as specified in paragraph (c)(1) of this section, the M+C organization may not discontinue coverage for services until four calendar days after it provides such valid notice or, if later, until noon of the day after the enrollee receives notice of a decision by the IRE upholding the M+C organization as provided for in § 422.626(b).

§ 422.626 Fast-track appeals of service terminations to an independent review entity (IRE).

(a) *Enrollee's right to a fast-track appeal of an M+C organization's termination decision.* An enrollee of an M+C organization has a right to a fast-track appeal of an M+C organization's decision to terminate provider services.

(1) An enrollee who desires a fast-track appeal must submit a request for an appeal to the IRE under contract with HCFA, in writing or by telephone, by noon of the first day after the day of delivery of the written termination notice. If, due to an emergency, the IRE is closed and unable to accept the enrollee's request for a fast-track appeal, the enrollee must file a request by noon of the next day that the IRE is open for business.

(2) If an enrollee fails to request a timely IRE review, he or she may request an expedited reconsideration by the M+C organization as described in § 422.584, but the protection against liability for services pending a decision described in paragraph (b) of this section would not apply.

(3) If, after delivery of the written termination notice, an enrollee chooses to leave a provider or discontinue receipt of covered services on or before the proposed termination date, the enrollee may not later assert fast-track IRE appeal rights under this section relative to the services or expect the services to resume, even if the enrollee requests an appeal before the discontinuation date in the termination notice.

(b) *Continuation of coverage during appeals to the IRE where the IRE upholds the M+C organization's decision.* If an enrollee files a timely appeal with the IRE, coverage of provider services continues until noon of the day after the enrollee receives notice of an IRE decision upholding the M+C organization's decision, or until the date and time designated on the termination notice, whichever is later. If the IRE's decision is delayed because the M+C organization did not timely supply necessary information or records, the M+C organization is liable for the costs of any additional coverage required by the delayed IRE decision. If the IRE finds that the enrollee did not receive valid notice, coverage of provider services by the M+C organization continues until four calendar days after valid notice has been received, or until noon of the day after the enrollee receives notice of an IRE's decision on the appeal, whichever is later. Continuation of coverage is not required if the IRE determines that coverage could pose a threat to the enrollee's health or safety.

(c) *Continuation of coverage during appeals to the IRE when the IRE does not uphold the M+C organization's decision.* If an enrollee timely files an appeal with the IRE, and the IRE does not uphold the M+C organization's determination, the M+C organization must continue coverage until four calendar days after a new valid notice of termination is provided.

(d) *Burden of proof.* When an enrollee appeals an M+C organization's decision to terminate services to an IRE, the burden of proof rests with the M+C organization to demonstrate that termination of coverage is the correct decision, either on the basis of medical necessity, or based on other Medicare coverage policies.

(1) To meet this burden, the M+C organization must supply any and all information that the IRE requires to sustain the M+C organization's termination decision, consistent with paragraph (f) of this section, including a copy of the termination notice.

(2) The enrollee may submit evidence to be considered by the IRE in making its decision.

(3) The M+C organization or the IRE may require an enrollee to authorize release to the IRE of his or her medical records, to the extent that the records are reasonably necessary for the M+C organization to demonstrate the correctness of its decision or for the IRE to determine the appeal.

(e) *Procedures the IRE must follow.* (1) On the date the IRE receives the enrollee's request for an appeal, the IRE must notify the M+C organization and the provider that the enrollee has filed a request for a fast-track appeal, and of the M+C organization's responsibility to submit documentation consistent with paragraph (f)(1) of this section.

(2) When an enrollee requests a fast-track appeal, the IRE must determine whether the provider delivered a valid notice of the termination decision.

(3) The IRE must notify HCFA about each case in which it determines that improper notification occurs.

(4) Before making its decision, the IRE must solicit the enrollee's views regarding the reason(s) for termination of services as specified in the written termination notice provided by the M+C organization, or any other reason that the IRE intends to use as the basis of its review determination.

(5) The IRE must make a decision on an appeal and notify the enrollee, the M+C organization, and the provider of services, by close of business of the day after it receives the information necessary to make the decision. If the IRE does not receive the information needed to sustain an M+C organization's decision to terminate services, it may make a decision on the case based on the information at hand, or it may defer its decision until it receives the necessary information. If the IRE defers its decision, coverage of the services would continue until the decision is made, consistent with paragraph (b) of this section, but no additional termination notice would be required.

(f) *Responsibilities of the M+C organization.* (1) Upon notification by the IRE of a fast-track appeal, the M+C organization must supply any and all information, including a copy of the notice sent to the enrollee, that the IRE

needs to decide on the appeal. The M+C organization must supply this information as soon as possible, but no later than by close of business of the first day after the day that the IRE notifies the M+C organization that an appeal has been received from the enrollee. The M+C organization must make the information available by phone (with a written record made of what is transmitted in this manner) and/or in writing, as determined by the IRE.

(2) Upon an enrollee's request, the M+C organization must provide the enrollee a copy of, or access to, any documentation sent to the IRE by the M+C organization, including records of any information provided by telephone. The M+C organization may charge the enrollee a reasonable amount to cover the costs of duplicating the information for the enrollee and/or delivering the documentation to the enrollee. The M+C organization must accommodate such a request by no later than close of business of the first day after the day the material is requested.

(3) An M+C organization is financially responsible for continuation of coverage as provided in paragraphs (b) and (c) of this section, regardless of whether it has delegated responsibility for authorizing coverage or termination decisions to its providers.

(g) *Reconsiderations of IRE decisions.* (1) If the IRE upholds an M+C organization's termination decision in whole or in part, the enrollee may file, no later than 60 days after notification that the IRE has upheld the decision, a request with the IRE for a reconsideration of its original decision.

(2) The IRE must issue its reconsidered determination as expeditiously as the enrollee's health condition requires but no later than within 14 days of receipt of the enrollee's request for a reconsideration.

(3) If the IRE reaffirms its decision, in whole or in part, the enrollee is permitted to appeal the IRE's reconsidered determination to an ALJ, the DAB, or a federal court, as provided for under this subpart M.

(4) If on reconsideration the IRE determines that coverage of provider services should terminate on a given date, the enrollee is liable for the costs of continued services after that date unless the IRE's decision is reversed on appeal. If the IRE's decision is reversed on appeal, the M+C organization must reimburse the enrollee, consistent with the appealed decision, for the costs of any covered services for which the enrollee has already paid the M+C organization or provider.

PART 489—PROVIDER AGREEMENTS AND SUPPLIER APPROVAL

B. Part 489 is amended as set forth below:

1. The authority citation for part 489 continues to read as follows:

Authority: Secs. 1102, 1819, 1861, 1864(m), 1866, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395i–3, 1395x, 1395aa(m), 1395cc, and 1395hh).

2. In § 489.20, paragraph (p) is revised to read as follows:

§ 489.20 Basic commitments.

The provider agrees to the following:

(p) To comply with § 489.27 concerning notification of Medicare beneficiaries of their rights associated with the termination of Medicare services.

3. In § 489.27, the existing text is redesignated as paragraph (a) and revised as follows; and a new paragraph (b) is added to read as follows:

§ 489.27 Beneficiary notice of discharge rights

(a) *Notification by hospitals.* A hospital that participates in the Medicare program must furnish each Medicare beneficiary, or authorized representative, notice of the beneficiary's rights in the case of a termination of hospital services, as required under section 1866(a)(1)(M) and in the format specified by HCFA, provided that the notices have been approved by the Office of Management and Budget under section 3506(c)(2)(A) of the Paperwork Reduction Act. In the case of all Medicare beneficiaries, including those enrolled in an M+C plan, the notice specified in the previous sentence (specifying the reasons for the discharge and the right to PRO review of the discharge decision) must be provided to the beneficiary a day before the effective date of the discharge. In the case of beneficiaries enrolled in an M+C plan, notice must be provided in accordance with § 422.620. The hospital must be able to demonstrate compliance with this requirement.

(b) *Notification by other providers.* Other providers (that is, nonhospital providers identified at § 489.2(b)) that participate in the Medicare program must furnish each Medicare beneficiary, or authorized representative, applicable HCFA notices in advance of the termination of Medicare services, provided that the notices have been approved by the Office of Management and Budget under section 3506(c)(2)(A) of the Paperwork Reduction Act.

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

Dated: January 2, 2001.

Robert A. Berenson,

Acting Deputy Administrator, Health Care Financing Administration.

Dated: January 5, 2001.

Donna E. Shalala,

Secretary.

[FR Doc. 01–1864 Filed 1–19–01; 3:50 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–60; MM Docket No. 01–5; RM–10028]

Radio Broadcasting Services; Butler, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by H. David Hedrick proposing the allotment of Channel 245A to Butler, GA, as the community's first local aural service. Channel 245A can be allotted to Butler in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 32–33–25 NL; 84–14–18 WL.

DATES: Comments must be filed on or before March 5, 2001, and reply comments on or before March 20, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: H. David Hedrick, P.O. Box 27, 317 Stonegables Court, Gray, GA 31032 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–5; adopted January 3, 2001 and released January 12, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor,

International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Butler, Channel 245A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–1981 Filed 1–23–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–64; MM Docket No. 01–4; RM–10020]

Radio Broadcasting Services; Willow Creek, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on the proposed allotment of FM Channel 295A to Willow Creek, California, as that community's first local aural transmission service. Coordinates used for this proposal are 40–56–24 NL and 123–37–48 WL.

DATES: Comments must be filed on or before March 5, 2001, and reply comments on or before March 20, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Howard M. Weiss and Alison J. Shapiro, Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, 11th Floor, Arlington, VA 22209.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–4, adopted January 3, 2001, and released January 12, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR § 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR §§ 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Willow Creek, Channel 295A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–1983 Filed 1–23–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[ET Docket No. 98–206, RM–9147, RM–9245; FCC 00–418]

Multichannel Video and Data Distribution Service (MVDDS)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to authorize MVDDS in the 12.2–12.7 GHz band. The Commission seeks comment on various technical and service issues concerning authorizing MVDDS in the band, including: technical sharing criteria between MVDDS and Broadcast Satellite Services (BSS) and between MVDDS and Non-geostationary Orbit Fixed Satellite Services (NGSO FSS); service areas and frequency assignments; permissible operations, eligibility requirements and regulatory status of MVDDS; other service, technical and licensing rules; disposition of pending applications filed by Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd.; and use of the Commission's general competitive bidding rules in the event an auction is conducted.

DATES: Comments are due on or before March 12, 2001 and reply comments are due on or before March 26, 2001.

FOR FURTHER INFORMATION CONTACT: MVDDS licensing and service issues: Jennifer Burton, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–7581, or Nese Guendelsberger, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, (202) 418–0634, or via E-mail to *jburton@fcc.gov* or *nguendel@fcc.gov*. MVDDS spectrum sharing issues: Tom Derenge, Spectrum Policy Branch, Office of Engineering and Technology, (202) 418–2451 or via E-mail to *tderenge@fcc.gov*.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's *Further Notice of Proposed Rule Making (Further NPRM)*, FCC 00–418 in ET Docket No. 98–206, adopted November 29, 2000, and

released on December 8, 2000. The full text of this *Further NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW. Washington, DC 20037. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by contacting Jenifer Simpson at (202) 418–0008 or TTY (202) 418–2555.

Summary of the Further Notice of Proposed Rule Making

2. Given the decision to permit MVDDS operations in the 12.2–12.7 GHz band, in the *Further NPRM,* the Commission seeks comment on technical sharing criteria between MVDDS and BSS and NGSO FSS, and on MVDDS service, technical, and licensing rules under part 101 of the Commission's rules. In addition, the Commission seeks comment on whether to license the 12.2–12.7 GHz band on the basis of geographic areas and on whether to license MVDDS to one spectrum block of 500 megahertz per geographic area.

3. Moreover, the Commission seeks comment on whether to allow partitioning of MVDDS and on whether to restrict spectrum disaggregation. The Commission also seeks comment on the permitted services, eligibility requirements and regulatory status of MVDDS in the 12.2–12.7 GHz band, including whether licensees should be required to meet must-carry obligations and provide all local TV channels to every subscriber.

4. Further, the Commission proposes to require incumbent non-public safety Private Operational Fixed Service (''POFS'') licensees in the 12.2–12.7 GHz band to protect MVDDS and NGSO FSS operations from harmful interference. The Commission seeks comment on the disposition of pending 12.2–12.7 GHz applications filed by Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd., as well.

5. Finally, in the event that an auction is conducted for MVDDS licenses in the 12.2–12.7 GHz band, the Commission proposes to use the general competitive bidding rules set forth in Part 1, Subpart Q, of its rules and to define three tiers of small businesses that would be eligible for bidding credits.

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 *Further Notice of Proposed Rule Making (Further NPRM).* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Further NPRM* provided above in paragraph 346. The Commission will send a copy of the *Further NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the *Further NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**. *See id.*

A. Need for, and Objectives of, the Proposed Rules

7. This rule making is being initiated to adopt licensing, service and technical rules for the Multichannel Video Data and Distribution Service (MVDDS) at 12.2–12.7 GHz. Our objectives are: (1) to accommodate the introduction of innovative services; and (2) to facilitate the sharing and efficient use of spectrum.

B. Legal Basis for Proposed Rules

8. The proposed action is authorized under the Administrative Procedure Act, 5 U.S.C. 553; and sections 1, 4(i), 7, 301, 303, 308 and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 301, 303, 308 and 309(j).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

9. 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. A small business concern is one which: (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). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''

10. The definition of small entity under the SBA rules for the radiotelephone industry provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that only 12 radiotelephone firms out of a total of 1,178 such firms that operated during 1992 had 1,000 or more employees. As of 1992, there were approximately 275,801 small organizations nationwide. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or ninety-six (96) percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities.

11. The proposed rules will affect all entities that intend to provide terrestrial MVDDS operations in the 12.2–12.7 GHz band. In the *Further NPRM*, the Commission seeks comment on whether to permit MVDDS licensees to use spectrum in the 12.2–12.7 GHz band for fixed one-way direct-to-home/business video and data services, as well as other types of services to which the spectrum may be used. The Commission states that it envisions the use of this spectrum for video service, but concedes that it does not know precisely the other types of services that licensees may seek to provide.

12. If an auction is conducted for MVDDS, the Commission proposes to define three tiers of small businesses for the purpose of providing bidding credits to small entities. The Commission proposes to define the three tiers of small businesses as follows: an ''entrepreneur'' would be an entity with average annual gross revenues not exceeding $40 million for the preceding three years; a ''small business'' would be an entity with average annual gross revenues not exceeding $15 million for the preceding three years; and a ''very small business'' would be an entity with average annual gross revenues not exceeding $3 million for the preceding three years. The Commission will not know how many auction participants or licensees will qualify under these proposed definitions as entrepreneurs, small businesses, or very small businesses unless and until an auction is held. Even after that, the Commission will not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if

partitioning and disaggregation are allowed. In view of our lack of knowledge about the entities that will seek MVDDS licenses, we assume that, for purposes of our evaluations and conclusions in the IRFA, all prospective licensees are entrepreneurs, small businesses, or very small businesses under our proposed definitions. We invite comment on this analysis.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

13. Applicants for MVDDS licenses may be required to submit applications. If an auction is held, applicants will be required under our proposed rules to submit an FCC Form 175 short-form application prior to the auction, and auction winners will be required to file an FCC Form 601 license application. Additionally, the Commission proposes to require the filing of certain documents (*e.g.*, coverage maps) to substantiate renewal expectancies with information demonstrating substantial service upon license renewal. We request comment on how these proposed requirements can and/or should be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

14. 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: (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.

15. We have reduced burdens wherever possible. To provide opportunities for small entities to participate in any auction that is held, we propose to provide bidding credits for entrepreneurs, small businesses, and very small businesses as defined in Section C of this IRFA. The bidding credits proposed are 15 percent for entrepreneurs, 25 percent for small businesses, and 35 percent for very small businesses. In the *Further NPRM*, the Commission seeks comment on its proposed small business definitions and bidding credits, thus providing interested parties with an opportunity to suggest alternatives. Our proposed partitioning and disaggregation rules are also intended to help small entities acquire licenses. The regulatory burdens we have retained are necessary in order to ensure that the public receives the benefits of innovative new services in a prompt and efficient manner. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. We seek comment on significant alternatives commenters believe we should adopt.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

16. None.

Ordering Clauses

17. Pursuant to the authority contained in Sections 1, 4(i), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j), this Further Notice of Proposed Rule Making IS ADOPTED.

18. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Further Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A); and shall also send a copy of the Further Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration. A summary of the Further Notice of Proposed Rule Making will be published in the **Federal Register**. *See* 5 U.S.C. 605(b).

Lists of Subjects in 47 CFR Part 101

Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 101 as follows:

PART 101—FIXED MICROWAVE SERVICES

1. The authority citation for part 101 would continue to read as follows:

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

2. Section 101.3 is amended by adding a new definition for Multichannel Video Distribution and Data Service in alphabetical order to read as follows:

§ 101.3 Definitions.

* * * * *

Multichannel Video Distribution and Data Service (MVDDS) is a microwave service licensed in the 12.2.–12.7 GHz band that provides various wireless services.

* * * * *

3. Section 101.101 is amended by revising the entry for 12,200–12,700 MHz table to read as follows:

§ 101.101 Frequency availability.

Frequency band (MHz)	Radio Service				
	Common carrier (Part 101)	Private radio (Part 101)	Broadcast auxiliary (Part 74)	Other (Parts 15, 21, 24, 25, 74, 78, & 100)	Notes
* *	*	*	*	*	*
12,200–12,700	MVDDS	MVDDS, OFS		DBS, NGSO.	
* *	*	*	*	*	*

4. Section 101.103 is amended by revising paragraph (f) to read as follows:

§ 101.103 Frequency coordination procedures.

(f) When the proposed facilities are to be operated in the band 12,200–12,700 MHz, licensees must follow the procedures, technical standards, and requirements of § 101.105 in order to protect the stations authorized under part 100 of this chapter.

5. Section 101.105 is amended by adding paragraphs (a)(4) and (a)(5) and by revising paragraph (d) introductory text to read as follows:

§ 101.105 Interference protection criteria.

* * * * *

Option One for Paragraph (a)(4)

(a)(4) MVDDS stations must operate on a non-harmful interference basis to Direct Broadcast Satellite (DBS) receivers. Interference to DBS receivers shall not increase the total outage of any system by more than XX per year. Except for public safety entities, harmful interference protection from MVDDS stations to incumbent point-to-point 12 GHz fixed stations is not required. Incumbent point-to-point private operational fixed 12 GHz stations, except for public safety entities, are required to protect MVDDS stations under the process described in § 101.103(d).

Option Two for Paragraph (a)(4)

(a)(4) MVDDS stations must operate on a non-harmful interference basis to Direct Broadcast Satellite (DBS) receivers. Interference to DBS receivers shall not increase the total outage of any system by more than XX minutes per year. Except for public safety entities, harmful interference protection from MVDDS stations to incumbent point-to-point 12 GHz fixed stations is not required. Incumbent point-to-point private operational fixed 12 GHz stations, except for public safety entities, are required to protect MVDDS stations under the process described in § 101.103(d).

Option Three for Paragraph (a)(4)

(a)(4) MVDDS stations must operate on a non-harmful interference basis to Direct Broadcast Satellite (DBS) receivers. MVDDS shall not decrease the C/I of any system below XX. Except for public safety entities, harmful interference protection from MVDDS stations to incumbent point-to-point 12 GHz fixed stations is not required. Incumbent point-to-point private operational fixed 12 GHz stations, except for public safety entities, are required to protect MVDDS stations under the process described in § 101.103(d).

(a)(5) All stations operating under this part must protect the radio quiet zones as required by § 1.924 of this chapter. Stations authorized by competitive bidding are cautioned that they must receive the appropriate approvals directly from the relevant quiet zone prior to operating.

* * * * *

(d) Effective August 1, 1985, when a fixed station that conforms to the technical standards of this subpart (or, in the case of the 12,200–12,700 MHz band for incumbent non-MVDDS stations, a direct broadcast satellite station) receives or will receive interference in excess of the levels specified in this section as a result of an existing licensee's use of non-conforming equipment authorized between July 20, 1961 and July 1, 1976, and the interference would not result if the interfering station's equipment complied with the current technical standards, the licensee of the non-conforming station must take whatever steps are necessary to correct the situation up to the point of installing equipment which fully conforms to the technical standards of this subpart. In such cases, if the engineering analysis demonstrates that:

* * * * *

6. Section 101.107 is amended by revising footnote 6 to the Table in paragraph (a) to read as follows:

§ 101.107 Frequency tolerance.

(a) * * *

(6) Applicable to private operations fixed point-to-point microwave stations and stations providing MVDDS service.

* * * * *

7. Section 101.109 is amended by revising the entry for 12,200–12,700 MHz and by adding footnote 8 in the Table at the end of the section to read as follows:

§ 101.109 Bandwidth.

* * * * *

(c) * * *

Frequency band (MHz)	Maximum authorized bandwidth
* * *	* *
12,200 to 12,700	500 MHz [8]
* * *	* *

[8] For incumbent private operational fixed point-to-point stations in this band the maximum bandwidth shall be 20 MHz.

8. Section 101.113 is amended by revising the entry for 12,200–12,700 MHz in the table and adding footnote 10 to the table in paragraph (a) to read as follows:

§ 101.113 Transmitter power limitations.

(a) * * *

Frequency band (MHz)	Maximum allowable EIRP (1)(2)	
	Fixed (dBW)	Mobile (dBW)
* *	* *	*
12,200 to 12,700 [11].	+50	
* *	* *	*

[11] The urban area eirp for MVDDS stations is limited to 12.5 dBm (−17.5 dBw) with two exceptions. The exceptions are those MVDDS systems where the transmitter is mounted on a mountain ridge that is over one kilometer from populated subscriber areas may use a higher eirp up to +10 dBw, provided that the increase will not cause the system to exceed the "unavailability criteria" we develop and MVDDS transmitting systems located on tall structures that are adjacent to bodies of water or other significant and clearly unpopulated areas, may use a higher eirp up to +10 dBw, provided that the increase will not cause the system to exceed the "unavailability criteria". Incumbent point-to-point stations may use up to +50 dBW except for low power systems licensed under § 101.147(q).

9. Section 101.115 is amended by revising footnote 9 to the table in paragraph (c) to read as follows:

§ 101.115 Directional antennas.

* * * * *

(c) * * *

(9) Except for Temporary-fixed operations in the band 13200–13250 MHz with output powers less than 250 mW and as provided in § 101.147(q), and except for receive antennas in the MVDDS service which shall only be required to have a minimum antenna gain of 34 dBi and may use circular or linear polarization.

* * * * *

10. Section 101.139 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 101.139 Authorization of transmitters.

(a) * * * Transmitters designed for use in the 31.0–31.3 GHz band and transmitters designed for MVDDS use in the 12,200–12,700 MHz band will be authorized under the verification procedure.

* * * * *

11. Section 101.141 is amended by revising paragraph (a) introductory text to read as follows:

§ 101.141 Microwave modulation.

(a) Microwave transmitters employing digital modulation techniques and

operating below 19.7 GHz must, with appropriate multiplex equipment, comply with the following additional requirements (except for MVDDS stations in the 12,200–12,700 MHz band):

* * * * *

12. Section 101.147 is amended by:

a. Revising the entries in the frequency assignment table in paragraph (a) for 12,200–12,500 MHz and 12,500–12,700 MHz with a new footnote 31.

b. Adding a new sentence immediately succeeding the last sentence of paragraph (p).

c. Adding a new sentence at the beginning of paragraph (q).

The additions and revisions are as follows:

§ 101.147 Frequency assignments.

(a) * * *

* * *

12,200–12,700 MHz [31]

* * *

* * * * *

(p) * * * The 12.2–12.7 GHz band is also authorized for MVDDS service on a non-harmful interference basis to DBS receivers in this band and on a co-primary basis with NGSO FSS stations.

Option One for Paragraph (q)

(q) Applications for low power stations in the 12.2–12.7 GHz band are accepted. Existing stations are grandfathered. * * *

Option Two for Paragraph (q)

(q) Applications for low power stations in the 12.2–12.7 GHz band are no longer accepted. Existing stations are grandfathered. * * *

13. Section 101.601 is amended by adding a sentence immediately following the last sentence of the paragraph to read as follows:

§ 101.601 Eligibility.

* * *This subpart shall not apply to stations offering MVDDS in the 12.2–12.7 GHz band.

* * * * *

14. Subpart P is added to part 101 to read as follows:

[31] Frequencies in this band are shared with Direct Broadcast Satellites on a secondary non-harmful interference basis and on a co-primary basis with non-geostationary satellites and can be used only for incumbent private operational fixed point-to-point service on a site by site basis and MVDDS on a [geographical basis by geographic areas or other basis]. Incumbent public safety licensees shall be afforded protection from MVDDS and NGSO licensees, however all other licensees shall be secondary to MVDDS and NGSO licensees.

Subpart P—Multichannel Video Distribution and Data Service Rules for the 12.2–12.7 GHZ Band

101.1401 Service areas.
101.1403 Must carry rules.
101.1405 Channeling plan.
101.1407 Permissible operations for MVDDS.
101.1409 Treatment of incumbent licensees.
101.1411 Regulatory status and eligibility.
101.1413 License term and renewal expectancy.
101.1415 Partitioning and disaggregation.
101.1417 Annual report.
101.1421 Coordination of adjacent area MVDDS stations.
101.1423 Canadian and Mexican coordination.
101.1425 RF safety.
101.1427 Over-the-air reception devices rules (OTARD).
101.1437 MVDDS licenses subject to competitive bidding.
101.1438 Designated entities.

§ 101.1401 Service areas.

Option One for Section 101.1401

Multichannel Video Distribution and Data Service (MVDDS) is licensed on the basis of geographic areas. Each geographic area shall be licensed to one licensee.

Option Two for Section 101.1401

Multichannel Video Distribution and Data Service (MVDDS) is licensed on a site-by-site basis.

§ 101.1403 Must carry rules.

Option One for Section 101.1403

Licensees are required to provide all local television channels to subscribers within its area. If a license is partitioned, all relevant parties must provide every customer with all the local television channels in the entire area, not a portion thereof. MVDDS licensees are required to comply with the must-carry rules. *See* Multichannel Video and Cable Television Service Rules, subpart D (Carriage of Television Broadcast Signals), 47 CFR 76.51 through 76.70.

Option One for Section 101.1403

Licensees are not required to provide all local television channels to subscribers within its area. MVDDS licensees are not required to comply with the must-carry rules. See Multichannel Video and Cable Television Service Rules, subpart D (Carriage of Television Broadcast Signals), 47 CFR 76.51 through 76.70.

§ 101.1405 Channeling plan.

Option One for Section 101.1405

Each license shall have one spectrum block of 500 megahertz per geographic area that can be divided into any size channels and should provide various digital wireless services to subscribers. Disaggregation is not allowed.

Option Two for Section 101.1405

Each license shall have one spectrum block of 500 megahertz per geographic area that can be divided into any size channels and should provide various digital wireless services to subscribers. Disaggregation is allowed.

§ 101.1407 Permissible operations for MVDDS.

MVDDS licensees must use spectrum in the 12.2–12.7 GHz band for digital fixed one-way direct-to-home/office wireless service. Mobile and aeronautical services are not authorized. Two-way services may be provided by using other spectrum or media for the return path.

§ 101.1409 Treatment of incumbent licensees.

Terrestrial point-to-point licensees in the 12.2–12.7 GHz band which were licensed prior to MVDDS or NGSO satellite stations are incumbent point-to-point stations and are not entitled to protection from harmful interference caused by later MVDDS or NGSO FSS entrants in the 12.2–12.7 GHz band, except for public safety stations which must be protected. MVDDS and NGSO FSS operators have the responsibility of resolving any harmful interference problems that their operations may cause to these incumbent point-to-point operations in the 12.2–12.7 GHz band. Incumbent public safety terrestrial point-to-point licensees may only make minor changes to their stations without losing this protection. This does not relieve current point-to-point licensees of their obligation to protect BSS operations in the subject frequency band. Point-to-point applications for new licenses, major amendments, or major modifications for the 12.2–12.7 GHz band are no longer accepted, including low-power operations.

§ 101.1411 Regulatory status and eligibility.

Option One for Paragraph (a)

(a) MVDDS licensees are allowed to provide one-way video programming and data services on a non-common carrier basis. MVDDS is not treated as a common carrier service and is prohibited from providing switched voice and data services.

Option Two for Paragraph (a)

(a) MVDDS licensees are allowed to provide one-way video programming and data services on a non-common

carrier basis. MVDDS is treated as a common carrier service and is permitted to provide switched voice and data services.

(b) MVDDS licensees in the 12.2–12.7 GHz band are subject to the requirements set forth in Section 101.7 of the Commission's Rules.

§ 101.1413 License term and renewal expectancy.

(a) The MVDDS license term is ten years, beginning on the date of the initial authorization grant.

(b) Application of a renewal expectancy is based on the substantial service requirement which we define as a service that is sound, favorable, and substantially above a level of medocre service which might minimally warrant renewal. At the end of the license term, the Commission will consider factors such as:

(1) Whether the licensee's operations service niche markets or focus on serving populations outside of areas serviced by other licensees;

(2) Whether the licensee's operations serve populations with limited access to telecommunications services; and

(3) A demonstration of service to a significant portion of the population or land area of the licensed area.

(c) The renewal application of a MVDDS licensee must include the following showings in order to claim a renewal expectancy:

(1) A coverage map depicting the served and unserved areas;

(2) A corresponding description of current service in terms of geographic coverage and population served or links installed in the served areas; and

(3) Copies of any Commission Orders finding the licensee to have violated the Communications Act or any Commission rule or policy and a list of any pending proceedings that relate to any matter described by the requirements for the renewal expectancy.

§ 101.1415 Partitioning and disaggregation.

Option One for Section 101.1415

MVDDS operators are allowed to partition licensed geographic areas. Disaggregation will be permitted by MVDDS licensees in the 12.2–12.7 GHz band. ''Partitioning'' is the assignment of geographic portions of a license along geopolitical or other boundaries. ''Disaggregation'' is the assignment of discrete portions or ''blocks'' of spectrum licensed to a geographic licensee or qualifying entity.

Option Two for Section 101.1415

MVDDS operators are allowed to partition licensed geographic areas. Disaggregation will not be permitted by MVDDS licensees in the 12.2–12.7 GHz band. ''Partitioning'' is the assignment of geographic portions of a license along geopolitical or other boundaries. ''Disaggregation'' is the assignment of discrete portions or ''blocks'' of spectrum licensed to a geographic licensee or qualifying entity.

§ 101.1417 Annual report.

Each MVDDS licensee shall file with the Commission two copies of a report by March 1 of each year for the preceding calendar year. This report must include the following:

(1) Name and address of licensee;

(2) Station(s) call letters and primary geographic service area(s); and

(3) The following statistical information for the licensee's station (and each channel thereof):

(i) The total number of separate subscribers served during the calendar year;

(ii) The total hours of transmission service rendered during the calendar year to all subscribers;

(iii) The total hours of transmission service rendered during the calendar year involving the transmission of local broadcast signals; and

(iv) A list of each period of time during the calendar year in which the station rendered no service as authorized, if the time period was a consecutive period longer than 48 hours.

§ 101.1421 Coordination of adjacent area MVDDS stations.

MVDDS licensees in the 12.2–12.7 GHz band are required to develop sharing and protection agreements based on the design and architecture of their systems, in order to ensure that no harmful interference occurs within the same geographic area or between adjacent licensees or between adjacent areas.

§ 101.1423 Canadian and Mexican coordination.

Pursuant to § 2.301 of this chapter, MVDDS systems in the United States within 56 km (35 miles) of the Canadian and Mexican border are granted conditional licenses, until final international agreements are approved. These systems may not cause harmful interference to stations in Canada or Mexico.

§ 101.1425 RF safety.

Stations with output powers that equal or exceed 1640 watts eirp will be subject to the routine environmental evaluation rules for radiation hazards, as set forth in § 1.1307 of this chapter.

§ 101.1427 Over-the-air reception devices rule (OTARD).

The Over-the-Air Reception Devices Rule (OTARD) in § 1.4000 of this chapter shall apply to the receive-only MVDDS antennas at subscribers' homes or offices.

§ 101.1437 MVDDS licenses subject to competitive bidding.

Mutually exclusive initial applications for MVDDS licenses in the 12.2–12.7 GHz band are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

§ 101.1438 Designated entities.

(a) *Eligibility for small business provisions.*

(1) A very small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $3 million for the preceding three years.

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $15 million for the preceding three years.

(3) An entrepreneur is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding $40 million for the preceding three years.

(4) For purposes of determining whether an entity meets any of the definitions set forth in paragraphs (a)(1), (a)(2), or (a)(3) of this section, the gross revenues of the entity, its controlling interests and affiliates shall be considered in the manner set forth in § 1.2110(b) and (c) of this chapter.

(5) A consortium of very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(1) of this section. A consortium of small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(2) of this section. A consortium of entrepreneurs is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which individually satisfies the definition in paragraph (a)(3) of this section. Where an applicant or licensee

is a consortium of small businesses (or very small businesses or entrepreneurs), the gross revenues of each small business (or very small business or entrepreneur) shall not be aggregated.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business or a consortium of very small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(i) of this chapter. A winning bidder that qualifies as a small business or a consortium of small businesses as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as an entrepreneur or a consortium of entrepreneurs as defined in this section may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[FR Doc. 01–1905 Filed 1–23–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 66, No. 16

Wednesday, January 24, 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

Office of the Secretary

Intergovernmental Advisory Committee (IAC)

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of advisory committee reestablishment.

SUMMARY: In response to the continued need of the U.S. Department of Agriculture and the U.S. Department of the Interior for advice on coordination and implementation of the Record of Decision (ROD) of April 13, 1994, for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, the Departments have reestablished the Intergovernmental Advisory Committee (IAC). The purpose of the IAC is to provide intergovernmental advice on coordinating the implementation of the ROD. The IAC provides advice and recommendations to promote integration and coordination of forest management activities among Federal and non-Federal entities.

FOR FURTHER INFORMATION CONTACT: Jonathan Stephens, Planning Specialist, Forest Service, USDA, (202) 205–0948.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the U.S. Department of Agriculture in consultation with the Department of the Interior has reestablished the IAC to the Regional Interagency Executive Committee (RIEC). The purpose of the RIEC is to facilitate the coordinated implementation of the ROD of April 13, 1994. The RIEC consists of representatives of the following Federal agencies: the Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, National Marine Fisheries Service, National Park Service, Bureau of Indian Affairs, Environmental Protection Agency, U.S. Army Corps of Engineers, Natural Resource Conservation Service, Forest Service Research, Environmental Protection Agency Research, and U.S. Geological Survey Biological Resources Division. The purpose of the IAC is to advise the RIEC on coordinating the implementation of the ROD. The IAC provides advice and recommendations to promote integration and coordination of forest management activities among Federal and non-Federal entities.

The IAC is considered to be in the public interest in connection with the duties and responsibilities of the managing agencies for developing an ecosystem management approach that is consistent with statutory authority for land use planning. Ecosystem management at the province level requires improved coordination among the governmental entities responsible for land management decisions and the public those agencies serve.

The chairing responsibility of the IAC will alternate annually between the Forest Service and the Bureau of Land Management representative. The Executive Director, Regional Ecosystem Office, will serve as the designated federal official under sections 10(e) and (f) of the Federal Advisory Committee Act (5 U.S.C. APP.).

The renewal of the IAC does not require an amendment of Bureau of Land Management or Forest Service planning documents because the reestablishment does not affect the standards and guidelines or land allocations. The Bureau of Land Management and the Forest Service will give further notice, as needed, of additional actions or adjustments when implementing interagency coordination, public involvement, and other aspects of the ROD.

Equal opportunity practices are followed in all appointments to the advisory committee. To ensure that the recommendations of the IAC have taken into account the needs of diverse groups served by the Departments, membership includes to the extent practicable individuals with demonstrated ability to represent minorities, women, persons with disabilities, and senior citizens.

Dated: January 12, 2001.

Paul W. Fiddick,

Assistant Secretary for Administration.

[FR Doc. 01–2123 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–123–1]

Draft Guidelines for Testing of Residual Formaldehyde (VICH Topic GL25) and Testing of Residual Moisture (VICH Topic GL26)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: Two draft guidelines, titled ''Testing of Residual Formaldehyde'' and ''Testing of Residual Moisture,'' have been developed by the International Cooperation on Harmonization of Requirements for Registration of Veterinary Medicinal Products (VICH). These draft guidelines provide, respectively, general requirements for residual formaldehyde and residual moisture testing. Because the guidelines apply to final product testing for formaldehyde-containing veterinary vaccines and final product testing for residual moisture in veterinary vaccines regulated by the Animal and Plant Health Inspection Service under the Virus-Serum-Toxin Act, we are requesting comments on the scope of each guideline and its provisions so that we may include any relevant public input on the draft in the agency's comments to the VICH Steering Committee.

DATES: We invite you to comment on the draft guidelines. We will consider all comments that we receive by March 26, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–123–1, 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. 00–123–1.

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 rules, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

You may request a copy of the draft guideline ''Testing of Residual Formaldehyde'' by writing to Mr. P. Frank Ross, USDA, APHIS, VS, National Veterinary Services Laboratories, 1800 Dayton Road, Ames, IA 50010, or by calling (515) 663–8397. You may request a copy of the draft guideline ''Testing of Residual Moisture'' by writing to Mr. Gerald G. Christianson, USDA, APHIS, VS, Center for Veterinary Biologics Laboratories, 1800 Dayton Road, Ames, IA 50010, or by calling (515) 663–7416. Both draft guidelines are also available on the internet at *http://www.aphis.usda.gov/vs/cvb/lpd/notices.*

FOR FURTHER INFORMATION CONTACT: For information regarding VICH, contact Dr. Richard E. Hill, Director, Licensing and Policy Development, USDA, APHIS, VS, CVB–LPD, 510 South 17th Street, Suite 104, Ames, IA 50010; (515) 232–5785. For information regarding the draft guideline ''Testing of Residual Formaldehyde,'' contact Mr. P. Frank Ross, USDA, APHIS, VS, National Veterinary Services Laboratories, 1800 Dayton Road, Ames, IA 50010, (515) 663–8397. For information regarding the draft guideline ''Testing of Residual Moisture,'' contact Mr. Gerald G. Christianson, USDA, APHIS, VS, Center for Veterinary Biologics Laboratories, 1800 Dayton Road, Ames, IA 50010; (515) 663–7416.

SUPPLEMENTARY INFORMATION: The International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) is a unique project that brings together the regulatory authorities of the European Union, Japan, and the United States and representatives from the animal health industry in the three regions. The purpose of VICH is to harmonize technical requirements for veterinary products (both drugs and biologics). Regulatory authorities and industry experts from Australia and New Zealand participate in an observer capacity. The VICH initiative is conducted under the auspices of the International Office of Epizootics. The World Federation of the Animal Health Industry (COMISA, the Confederation Mondiale de L'Industrie de la Sante Animale) provides the secretarial and administrative support for VICH activities.

The United States Government is represented in VICH by the Food and Drug Administration (FDA) and the Animal and Plant Health Inspection Service (APHIS). The FDA provides expertise regarding veterinary drugs, while APHIS fills a corresponding role for veterinary biological products. As VICH members, APHIS and FDA participate in efforts to enhance harmonization and have expressed their commitment to seeking scientifically based harmonized technical requirements for the development of veterinary drugs and biological products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for veterinary drugs and biologics among regulatory agencies in different countries.

The first of the draft documents that are the subject of this notice, ''Testing of Residual Formaldehyde'' (VICH Topic GL25), has been made available by the VICH Steering Committee for comments by interested parties. The guideline is intended to provide general requirements for residual formaldehyde testing. Because the guideline would apply to some veterinary biological products regulated by APHIS under the Virus-Serum-Toxin Act—particularly with regard to final product testing for residual formaldehyde—we are requesting comments on its provisions so that we may include any relevant comments on the draft in the agency's comments to the VICH Steering Committee.

The second draft document, ''Testing of Residual Moisture'' (VICH Topic GL26), has also been made available by the VICH Steering Committee for comments by interested parties. The guideline is intended to provide general requirements for residual moisture testing. Again, because the guideline would apply to some veterinary biological products regulated by APHIS under the Virus-Serum-Toxin Act—particularly with regard to final product testing for residual moisture—we are requesting comments on its provisions so that we may include any relevant comments on the draft in the agency's comments to the VICH Steering Committee.

The two draft documents reflect, respectively, current APHIS thinking on the testing of veterinary vaccines for formaldehyde and for residual moisture. In accordance with the VICH process, once a final draft of each document has been approved, the guideline will be recommended for adoption by the regulatory bodies of the European Union, Japan, and the United States. As with all VICH documents, each final guideline will not create or confer any rights for or on any person and will not operate to bind APHIS or the public. Further, the VICH guidelines specifically provide for the use of alternative approaches if those approaches satisfy applicable regulatory requirements.

Ultimately, APHIS intends to consider the VICH Steering Committee's final guidance documents for use by U.S. veterinary biologics licensees, permittees, and applicants. In addition, APHIS may consider the use of each final guideline as the basis for proposed amendments to its regulations in 9 CFR chapter I, subchapter E (Viruses, Serums, Toxins, and Analogous Products: Organisms and Vectors). Because we anticipate that applicable provisions of the final versions of ''Testing of Residual Formaldehyde'' and ''Testing of Residual Moisture'' may be introduced into APHIS' veterinary biologics regulatory program in the future, we encourage your comments on the draft versions of those documents.

Authority: 21 U.S.C. 151 *et seq.*

Done in Washington, DC, this 18th day of January 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–2165 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

TV–16 Cheniere Au Tigre Shoreline Protection Demonstration Project, Vermilion Parish, LA

AGENCY: Natural Resources Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an Environmental Impact Statement is not being prepared for the Cheniere Au Tigre Shoreline Protection Demonstration Project, Vermilion Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: Donald W. Gohmert, State

Conservationist, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302; Telephone number (337) 473–7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of the federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald W. Gohmert, State Conservationist, has determined that the preparation and review of an Environmental Impact Statement is not needed for this project.

This project proposes to reduce the erosion rates of the shoreline at Cheniere Au Tigre by constructing a series of segmented, rock breakwaters. This project will provide protection to approximately 75 acres of brackish marsh, upland shrub/scrub, and unpland forest against loss.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Donald W. Gohmert.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Donald W. Gohmert,

State Conservationist.

[FR Doc. 01–1886 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), has made a finding of no significant impact (FONSI) regarding its approval of front end financing for purchase of combustion turbines by borrowers prior to the completion of a site specific environmental review.

FOR INFORMATION CONTACT: Lawrence R. Wolfe, Engineering and Environmental Staff, Rural Utilities Service, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–1784. The E-mail address is lwolfe@rus.usda.gov.

SUPPLEMENTARY INFORMATION: On December 11, 2000, the Rural Utilities Service (RUS) issued a programmatic analysis that reconciles RUS procedural requirements for environmental analysis with the emerging needs of a deregulating electric utility industry.

No potential significant impacts resulting from the implementation of this proposed action have been identified. Therefore, RUS has determined that this finding of no significant impact fulfills its obligations under the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and RUS'' Environmental Policies and Procedures (7 CFR part 1794) for the proposed action.

RUS has determined that its action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be prepared for this action.

Dated: January 18, 2001.

Blaine D. Stockton, Jr.,

Assistant Administrator-Electric Rural Utilities Service.

[FR Doc. 01–2154 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Georgia Transmission Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to a request from Georgia Transmission Corporation for assistance from the RUS to finance the construction of a 230 kV transmission line in Cobb County, Georgia.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–0468, e-mail at bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: The project will consist of a 230 kV electric transmission line that will interconnect the existing South Acworth Substation and the existing Hawkins Store Road Substation. It will be 7.1 miles long and will be located near Acworth and Kennesaw, Georgia, in northern Cobb County. The transmission line will require a 25 to 35-foot wide corridor adjacent to existing rights-of-way such as roads and railroads. Where the transmission line will not be adjacent to an existing right-of-way, a 100-foot wide corridor will be necessary. The transmission line will be suspended via concrete or steel single-pole structures which will support three conductors and an overhead ground wire. The support structures will average 75 to 80 feet in height and will be spaced approximately 500 to 600 feet apart.

Copies of the FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Ms. Susan Ingall, Georgia Transmission Corporation, 2100 East Exchange Place, Tucker, Georgia 30085–2088, telephone (770) 270–7425. Susan's e-mail address is susan.ingall@gatrans.com.

Dated: January 17, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 01–2153 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

[I.D. 011901A]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Management and Oversight of the National Estuarine Research Reserve System.

Form Number(s): None.

OMB Approval Number: 0648-0121.

Type of Request: Regular submission.

Burden Hours: 14,180.

Number of Respondents: 27.

Average Hours Per Response: 2,000 hours for a management plan; 2,000 hours for a site nomination; 15 hours for an annual report/work plan; and 2 hours for a categorical exclusion checklist, for comments from a state Historic Preservation Office, for a preliminary engineering report for projects involving construction, or for a Federal Consistency Certification.

Needs and Uses: The National Estuarine Research Reserve System

consists of carefully-selected estuarine areas of the U.S. that are designated, preserved, and managed for research and educational purposes. Information is needed from states to review proposed designations. Sites selected must develop management plans. Grantees must submit annual work plans/reports.

Affected Public: State, Local, or Tribal Government.

Frequency: On occasion, annual.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: January 17, 2001

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–2121 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–08–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–823]

Final Determination of Circumvention of the Antidumping Order: Cut-to-Length Carbon Steel Plate From Canada

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

ACTION: Notice of final determination of circumvention of the antidumping order: Cut-to-length carbon steel plate from Canada.

SUMMARY: We have determined that imports of certain cut-to-length carbon steel plate products, known as grader blade and draft key steel, falling within the physical dimensions outlined in the scope of the order, and containing a minimum of both 0.0008 percent boron by weight and 0.55 percent carbon by weight, and produced by Co-Steel Lasco, Inc. (''CSL'') and Gerdau MRM Steel (''MRM''), are circumventing the antidumping duty order on cut-to-length carbon steel plate from Canada (58 FR 44162, August 19, 1993).

EFFECTIVE DATE: January 24, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld, or Rick Johnson, Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone 202–482–0172 (Panfeld) or 202–482–3818 (Johnson), fax 202–482–1388.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Scope of the Order

The scope language contained in the final determination and antidumping duty order describes the covered merchandise as follows:

Certain Cut-to-Length Carbon Steel Plate

These products include hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.31.000, 7208.32.000, 7208.33.1000, 7208.33.5000, 7208.41.000, 7208.42.000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included in this investigation is flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this investigation is grade X–70 plate.

Although the Harmonized Tariff Schedule of the United States (HTS) subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

See, e.g., Antidumping Duty Orders: Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada, 58 FR 44162 (August 19, 1993).

Scope of the Anticircumvention Inquiry

The merchandise subject to this inquiry is certain cut-to-length plate, commonly known as grader blade and draft key steel, made of in-scope high carbon steel to which a small amount of boron (minimum 0.0008 percent boron by weight) has been added, falling within the physical dimensions outlined in the scope of the order. High carbon steel is defined as steel of AISI or SAE grades 1050, 1152, or 1552, or higher, i.e., carbon steels that may contain 0.55 percent or more carbon by weight. ''Grader blade'' steel is typically used in grading equipment such as bulldozers and snowplows. ''Draft key'' steel is used specifically to make locking mechanisms for railroad couplings. Unless otherwise indicated, the terms ''boron-added grader blade and draft key carbon steel'', ''boron-added steel for use in grader blades and draft keys'', and ''boron-added steel'' are synonymous for the purpose of this notice.

We also wish to correct an incorrect HTS number cited in the Preliminary Determination. The correct HTS numbers for this merchandise are: 7225.40.30.50 and 7226.91.50.00.

Court Holdings Relating to This Inquiry

In a prior scope decision, issued to the parties on January 16, 1998, the Department found that, based on statements in the petition, the scope of the original order did not cover grader blade steel and draft key steel produced with 0.0008 percent boron or more by weight (''boron-added carbon steel''), the merchandise in question in this inquiry. Respondents argued at initiation that by finding that the product is outside the scope of the order, the Department may not initiate a ''minor alterations'' anticircumvention inquiry, citing the decision of the CIT in *Wheatland Tube Co.* v. *United States,* 973 F.Supp. 149 (CIT 1997). *See, Initiation of Anticircumvention Inquiry on Antidumping Duty Order,* 63 FR 29179, 19181 (1998).

Since the time of initiation, the United States Court of Appeals for the Federal Circuit (''CAFC'') has clarified the law in this area. In *Wheatland Tube Co.* v. *United States,* 161 F.3d 1365 (Fed. Cir. 1998) (*Wheatland*), the CAFC held that, under the facts of that case,

an anticircumvention inquiry was not appropriate. However, the appellate court also determined that ''(i)n essence, section 1677j(c) includes within the scope of an antidumping order products that are so insignificantly changed from a covered product that they should be considered within the scope of the order *even though the alterations remove them from the order's literal scope.'' See Wheatland,* 161 F.3d at 1371. Thus, under *Wheatland,* the Department may properly inquire whether, although the merchandise in question is outside the order's literal scope, the merchandise has been altered from an in-scope product in such a minor way that it should be considered within the scope of the order.

Prior to this holding of the Court of Appeals in *Wheatland,* parties sought to enjoin this inquiry, arguing that the Department was prohibited from taking any action under the minor alterations provision in cases where the product fell outside of the scope of the relevant order as a result of the alteration. Additionally, after the issuance of the Court of Appeals decision in *Wheatland,* respondents argued before the CIT that the decision supported their interpretation of the minor alterations provision, and that the Department should be enjoined from conducting further proceedings. In response to these arguments, the CIT in this case issued a preliminary injunction on December 16, 1998, without opinion or other explanation, prohibiting further continuation of the inquiry. *See Co-Steel Lasco* v. *United States,* Court No. 98–08–02684. The CIT subsequently issued its findings of fact and conclusions of law in an unpublished order dated March 9, 1999. Petitioners appealed from this injunction.

At the same time that the Court of Appeals was considering this issue in this case, it was considering the same issue in *Nippon Steel Corp.* v. *United States (Nippon),* a case involving a circumvention inquiry with virtually identical facts: an allegation of addition of minute amounts of boron to carbon steel,[1] and an injunction issued by the CIT based upon respondents' reading of the *Wheatland* opinion. 219 F.3d 1348 (Fed. Cir., July 26, 2000). In *Nippon,* the Court of Appeals clarified the issue and rejected the injunction issued by the CIT. Specifically, the Court of Appeals clarified that the holding of *Wheatland* was limited to situations in which the result of the alteration was a product which was well-known before the order was issued and which was explicitly excluded from the order. By contrast, the investigation in issue in *Nippon* (and similarly in this case) involves a product (boron-added carbon steel) which was not a well-known product prior to the order and was not ''specifically excluded'' from the original scope. Indeed, petitioners had alleged in *Nippon* that because the minute amounts of boron have no effect on the steel, the product does not appear to have any commercial or metallurgical justification other than circumvention of the order (an allegation which we have confirmed in this case). Thus, although the boron-added carbon steel was technically outside the order, the Court held that the circumvention inquiry could proceed.

Based upon the court's opinion in *Nippon,* the Court of Appeals also rejected, without opinion, the injunction of the present inquiry. *See Co-Steel Lasco* v. *United States,* 99–1339 (September 22, 2000). As a result, the CIT dismissed the complaint of respondents on October 12, 2000, and the Department continued this inquiry.

Analysis of Comments Received

All issues raised in the case briefs by parties to this inquiry are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration to Troy H. Cribb, Assistant Secretary for Import Administration, dated January 10, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file at the U.S. Department of Commerce, in the Central Records Unit, in room B–099. In addition, a complete version of the Decision Memo is accessible in B–099 and on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Ruling

As a result of our inquiry, we determine that exports of boron-added grader blade and draft key steel from Canada produced by CSL and MRM are circumventing the antidumping order on certain cut-to-length carbon steel plate from Canada. While carbon steel plate products containing over 0.0008 percent boron by weight are, by definition, technically outside the literal scope of the antidumping duty order, we have determined that, pursuant to the ''minor alterations'' provision of the statute, it is appropriate to include the putatively out-of-scope boron-added steel, which is the subject of this inquiry, in the class or kind of merchandise subject to the order on cut-to-length carbon steel plate. *See* section 781(c) of the Act.

Boron-added steel is made by slightly altering carbon steel during its production process. With the exception of the presence of boron, boron-added steel has the same physical characteristics as carbon steel. There are no differences in the expectations of the ultimate users, uses of the merchandise, and channels of marketing between boron-added steel and the subject merchandise. Furthermore, the cost of adding boron in the course of production is negligible. Since the original investigation, the named respondents have shifted their entire production for U.S. customers away from in-scope carbon steel to out-of-scope boron-added steel. No similar shift has occurred in the home market, where the vast majority, if not all, of both respondents' production is devoted to carbon grader blade and draft key steel without boron. The timing of this shift further indicates circumvention of the order by making a minor alteration. Taken as a whole, this evidence leads to our final determination that boron-added grader blade and draft key steel is being produced in circumvention of the antidumping law, undermining its intent, and eviscerating its effectiveness.

After a thorough analysis of the physical characteristics of the merchandise subject to this inquiry, the expectations of the ultimate users, the ultimate use of the merchandise, the cost of modification, and the additional factors listed above, we have determined that certain Canadian manufacturers/exporters of grader blade and draft key steel have made minor alterations in their in-scope merchandise within the meaning of section 781(c) of the Act, resulting in circumvention of the antidumping order covering certain cut-to-length carbon steel plate from Canada. This determination extends only to those products manufactured by CSL and MRM.

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under

[1] See, *Corrosion-Resistant carbon Steel Flat Products from Japan; Initiation of Anticircumvention Inquiry on Antidumping Duty Order,* 63 Fed. Reg. 58364 (Oct. 30, 1998).

APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 10, 2001.

Troy H. Cribb,

Assistant Secretary for Import Administration.

Appendix

Issues in Decision Memo

Comments and Responses

1. The Department should terminate this inquiry because the remedy would not bring relief to the U.S. industry.
2. The Department should terminate this inquiry because there is no longer an order which can be circumvented.
3. Continuation of this Inquiry would not serve the purposes of the Statute.
4. The Department cannot include boron-added carbon steel as within the class or kind of merchandise subject to this order.
5. The Department should recalculate the ''All-Others'' rate.
6. The addition of boron does not lead to an affirmative determination of circumvention.

[FR Doc. 01–2054 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–809]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plate From Mexico

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

ACTION: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is amending the final results of the administrative review of the antidumping duty order on certain cut-to-length (CTL) carbon steel plate from Mexico to correct a ministerial error. *See Certain Cut-to-Length Carbon Steel Plate From Mexico: Final Results of Antidumping Duty Administrative Review,* 65 FR 8338 (February 18, 2000), *as amended,* 65 FR 65830 (November 2, 2000) *and* 65 FR 77566 (December 12, 2000). This correction is in accordance with section 751(h) of the Tariff Act of 1930, as amended (the Tariff Act) and 19 CFR 351.224 of the Department's regulations. The period covered by these amended final results of review is August 1, 1997 through July 31, 1998.

EFFECTIVE DATE: January 24, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5222 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (1998).

Amended Final Results

On February 18, 2000, the Department published in the **Federal Register** the final results of the 1997–1998 administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Mexico (65 FR 8338). This review covered one producer of the subject merchandise, Altos Hornos de Mexico S.A. de C.V. (AHMSA) and the period August 1, 1997 through July 31, 1998. Following timely ministerial error allegations by both AHMSA and petitioners,[1] the Department subsequently amended the final results of this administrative review. *See Notice of Amended Final Results of Antidumping Duty Administrative Review,* 65 FR 65830 (November 2, 2000).

On October 31, 2000, AHMSA submitted an allegation of an additional ministerial error relating to the calculation of raw material costs. We agreed that AHMSA's allegation constituted a ministerial error and, in addition, discovered a separate ministerial error during our analysis. Accordingly, we published a second amended final results on December 12, 2000 correcting both errors. *See Notice of Amended Final Results of Antidumping Duty Administrative Review,* 65 FR 77566 (December 12, 2000).

On December 13, 2000, AHMSA timely alleged that the Department used an incorrect adjustment factor to implement the major input rule for direct material costs. We agree with AHMSA's allegation concerning our recalculation of AHMSA's direct material costs, and have corrected an apparent typographical error which dropped a zero from the factor, thus resulting in its overstatement. *See* Memorandum to the File, ''Analysis of Data Submitted by Altos Hornos de Mexico, S.A. (AHMSA) for the Amended Final Results of Review of Cut-to-Length Carbon Steel Plate from Mexico (A–201–809),'' dated January 12, 2001.

As a result of our analysis of AHMSA's allegations, we are again amending our final results of review to correct the error in implementing the major input rule identified by AHMSA, in accordance with 19 CFR 351.224(e). The amended weighted average dumping margin for AHMSA for the period August 1, 1997 through July 31, 1998 is 20.34 percent.

Accordingly, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service. Because there is only one importer of the subject merchandise, we have calculated an importer specific duty assessment rate for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of sales. Furthermore, the following deposit requirements shall be effective upon publication of this notice of amended final results of review for all shipments of certain cut-to-length carbon steel plate from Mexico, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate stated above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit

[1] Petitioners are Bethlehem Steel Corporation, Geneva Steel, Gulf States Steel, Inc. of Alabama, Inland Steel Industries, Inc., Lukens Steel Company, Sharon Steel Corporation, and U.S. Steel Group (a unit of USX Corporation).

rate for all other manufacturers or exporters will continue to be 49.25 percent, the ''All Others'' rate in the less-than-fair-value investigation. *See Antidumping Duty Order: Certain Cut-to-Length Carbon Steel Plate From Mexico,* 58 FR 44165 (August 19, 1993). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act and 19 CFR 351.224.

Dated: January 9, 2001.

Troy H. Cribb,

Assistant Secretary for Import Administration.

[FR Doc. 01–2055 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–820, A–428–830, A–475–829, A–580–847, A–583–836, A–412–822]

Notice of Initiation of Antidumping Duty Investigations: Stainless Steel Bar From France, Germany, Italy, Korea, Taiwan, and the United Kingdom

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

ACTION: Initiation of Antidumping Duty Investigations.

EFFECTIVE DATE: January 24, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Smith (France, Korea, and the United Kingdom) at (202) 482–1766, Jarrod Goldfeder (Italy) at (202) 482–0189, Ryan Langan (Taiwan) at (202) 482–1279, and Craig Matney (Germany) at (202) 482–1778, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Initiation of Investigations

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 of Commerce's (''the Department's'') regulations are references to the provisions codified at 19 CFR part 351 (April 2000).

The Petitions

On December 28, 2000, the Department received petitions filed in proper form by Carpenter Technology Corp., Crucible Specialty Metals, Electralloy Corp., Empire Specialty Steel Inc., Slater Steels Corp., and the United Steelworkers of America, AFL–CIO/CLC (collectively, ''the petitioners''). The Department received supplemental information to the petitions on January 8, 9, and 12, 2001.

In accordance with section 732(b)(1) of the Act, the petitioners allege that imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan, and the United Kingdom are, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that the petitioners filed these petitions on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support with respect to each of the antidumping investigations that they are requesting the Department to initiate. *See infra,* ''Determination of Industry Support for the Petition.''

Scope of Investigations

For purposes of these investigations, the term ''stainless steel bar'' includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to these investigations is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of these investigations is dispositive.

During our review of the petitions, we discussed the scope with the petitioners and Customs Service (*see* Memorandum to Paula Ilardi, ''Scope Language for Stainless Steel Bar Petitions,'' dated January 9, 2001) to ensure that the scope in the petitions accurately reflects the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (*Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments within 20 calendar days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of

scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determinations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that the Department's industry support determination, which is to be made before the initiation of the investigation, be based on whether a minimum percentage of the relevant industry supports the petition. A petition meets this requirement if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall either poll the industry or rely on other information in order to determine if there is support for the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

We reviewed the description of the domestic like product presented in the petitions with Customs and the ITC. Based upon our review of the petitioners' claims, we concur that there is a single domestic like product, which is defined in the ''Scope of Investigations'' section above. Moreover, the Department has determined that the petitions contain adequate evidence of industry support and, therefore, polling is unnecessary. *See* Import Administration Antidumping Investigations Initiation Checklist, Industry Support section, January 17, 2001 (hereafter, the ''Initiation Checklist''), on file in the Central Records Unit, Room B–099 of the main Department of Commerce building.

The Department received no opposition to the petitions. For all countries, the petitioners established industry support representing over 50 percent of total production of the domestic like product. Accordingly, we determine that these petitions are filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Initiation Standard for Cost Investigations

Pursuant to section 773(b) of the Act, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales in the home markets of France, Germany, Italy, Korea, Taiwan, and the United Kingdom were made at prices below the cost of production (''COP'') and, accordingly, requested that the Department conduct country-wide sales-below-COP investigations in connection with these investigations. The Statement of Administrative Action (''SAA''), submitted to the Congress in connection with the interpretation and application of the URAA, states that an allegation of sales below COP need not be specific to individual exporters or producers. SAA, H.R. Doc. No. 316 at 833 (1994). The SAA, at 833, states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.''

Further, the SAA provides that new section 773(b)(2)(A) of the Act retains the requirement that the Department have ''reasonable grounds to believe or suspect'' that below-cost sales have occurred before initiating such an investigation. Reasonable grounds exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices. *Id.* We have analyzed the country-specific allegations as described below.

Export Price (''EP''), Constructed Export Price (''CEP''), and Normal Value (''NV'')

The following are descriptions of the allegations of sales at less than fair value upon which the Department based its decision to initiate these investigations. A more detailed description of these allegations is provided in the Initiation Checklist. Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determinations, we may re-examine the information and revise the margin calculations, as appropriate.

France

CEP

The petitioners identified four companies that produce subject merchandise in France. The petitioners provided pricing and cost information for one of these four producers: Ugine Savoie Imphy Produits Longs (''USI''). The petitioners state that these four producers account for the majority of all stainless steel bar production in France, and that USI accounts for all of the exports of subject merchandise to the United States. According to the petitioners, USI sells subject merchandise through its U.S. affiliate, Ugine Stainless & Alloys Inc. (''US&A''), to unaffiliated U.S. purchasers. For USI, the petitioners based CEP on C.I.F. delivered offers for sale of USI stainless steel bar from its affiliated U.S. distributor, which were obtained from U.S. industry sources. To calculate CEP, the petitioners deducted a distributor mark-up, movement expenses (ocean freight and insurance, U.S. import duty, U.S. port fees, and U.S. and foreign inland freight), and U.S. direct (*i.e.*, credit) and indirect selling expenses (*i.e.*, CEP selling expenses and inventory

[1] *See Algoma Steel Corp. Ltd.,* v *United States,* 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380–81 (July 16, 1991).

carrying costs) from the price quotes. The information supporting these deductions was obtained from publicly available data, foreign market research, and U.S. industry sources (*see* Initiation Checklist).

NV

Price-to-Price Comparisons

The petitioners obtained home market delivered offers for sale of stainless steel bar by USI to unaffiliated home-market customers as a result of foreign market research. To calculate NV, the petitioners deducted home market freight and imputed credit expenses for comparisons to CEP.

The information supporting these deductions was obtained from publicly available data and foreign market research. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses. *See* Initiation Checklist. For comparisons to CEP, the petitioners converted the net home market prices to U.S. dollars based on the exchange rate in effect on the date of the U.S. sale.

Based on the petitioners' price-to-price comparisons, in accordance with section 773(a) of the Act, the estimated dumping margins for stainless steel bar from France range from 6.55 to 20.04 percent.

Price-to-Constructed Value (''CV'') Comparisons

The petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of cost of manufacture (''COM''), selling, general and administrative (''SG&A'') expenses, and packing. The petitioners calculated COM based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and France using publicly available data and foreign market research. To calculate SG&A, the petitioners relied upon amounts reported in a French company's unconsolidated 1999 financial statements. For interest expense, the petitioners used the French company's consolidated 1999 financial statements. Based upon a comparison of the prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also based NV for sales in France on CV. The petitioners calculated CV using the same COM, depreciation, SG&A and interest expense figures used to compute French home market costs. Consistent with 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in a French steel producer's unconsolidated 1999 financial statements. For comparisons to CEP, the petitioners also deducted from CV home market credit expenses.

Based upon the petitioners' CV-to-CEP comparisons, the estimated dumping margins range from 45.94 to 71.83 percent.

Germany

EP and CEP

The petitioners identified eleven companies that produce subject merchandise in Germany. The petitioners provided pricing and cost information for four of these eleven producers: Walzwerke Einsal GmbH (''Einsal''), Edelstahl Witten-Krefeld GmbH (''EWK''), BGH Edelstahl Seigen GmbH and BGH Edelstahl Freital GmbH (''BGH''), and Krupp Edelstahlprofile GmbH (''KEP''). The petitioners state that these four producers account for a majority of all stainless steel bar production in Germany, and substantially all of the subject merchandise exported to the United States from Germany. According to the petitioners, Einsal sells subject merchandise through unaffiliated distributors in the United States, while EWK, BGH and KEP sell subject merchandise through affiliated U.S. distributors. For Einsal, the petitioners based EP on actual sales of Einsal stainless steel bar from an unaffiliated U.S. distributor. To calculate EP, the petitioners deducted a distributor's gross margin (*i.e.*, distributor mark-up) and movement expenses (foreign inland freight, ocean freight and insurance, U.S. import duty, U.S. port fees, and U.S. inland freight) from the price quote. For EWK, KEP and BGH, the petitioners based CEP on a number of offers for sale for subject merchandise by these companies' respective affiliated U.S. resellers. To calculate CEP, the petitioners deducted from the price quotes, in addition to the movement expenses list above (where applicable), U.S. direct (*i.e.*, credit) and indirect selling expenses (*i.e.*, CEP selling expenses and inventory carrying costs). *See* Initiation Checklist and Germany Calculation memorandum. Finally, the petitioners did not use all of the U.S. price quotes provided by its industry sources for BGH and Einsal. For these U.S. price quotes, we examined the home market price quotes for potential product matches. Where we found a similar product that, after adjusting the respective prices, yielded a more conservative margin, we have included these margins in the range of estimated margins. *See* Initiation Checklist and Germany Calculation memorandum.

NV

Price-to-Price Comparisons

The petitioners obtained home market offers for sale of stainless steel bar by Einsal, EWK, KEP and BGH to unaffiliated distributors as a result of foreign market research. To calculate NV, the petitioners deducted home market freight and imputed credit expenses and, for comparisons to EP, added U.S. imputed credit expenses. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses. For comparisons to EP/CEP, the petitioners converted the net home market prices to U.S. dollars based on the exchange rate in effect on the date of the U.S. sale.

Based on EP/CEP price-to-price comparisons, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for stainless steel bar from Germany range from zero to 53.62 percent.

Price-to-CV Comparisons

Petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of COM, SG&A expenses, and packing. The petitioners calculated COM based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and Germany using publicly available data and foreign

market research. To calculate SG&A, the petitioners relied upon amounts reported in each named German company's most recently available unconsolidated financial statements. For interest expense, the petitioners used each named German company's consolidated 1999 financial statements. Based upon a comparison of the prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also based NV for sales in Germany on CV. The petitioners calculated CV using the same COM, SG&A and interest expense figures used to compute German home market costs. Consistent with 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in a German steel producer's unconsolidated 1999 financial statements. For comparisons to EP/CEP, the petitioners made adjustments to CV for credit expenses.

Based upon the comparison of CV to EP, or CEP, the petitioners calculated estimated dumping margins ranging from 62.48 to 228.66 percent.

Italy

EP and CEP

The petitioners identified ten companies that produce subject merchandise in Italy. The petitioners provided pricing and cost information for four of these ten producers: Cogne Acciai Speciali Srl (''Cogne''), Acciaiera Foroni SpA (''Foroni''), Italfond, and Acciaierie Valbruna Srl (''Valbruna''). The petitioners state that these four producers account for the majority of all stainless steel bar production in Italy and substantially all of the stainless steel bar products exported to the United States from Italy. According to the petitioners, Italfond made direct sales of the subject merchandise to unaffiliated U.S. customers, while Valbruna, Cogne, and Foroni sell subject merchandise through their U.S. subsidiaries, who in turn sell stainless steel bar to unaffiliated U.S. customers. For Italfond, the petitioners based EP on offers for sale of stainless steel bar by Italfond to unaffiliated U.S. customers. To calculate EP, which was based on CIF U.S. prices of stainless steel bar sold through one or more unaffiliated distributors, the petitioners deducted a distributor's gross margin (*i.e.*, distributor mark-up) and movement expenses (foreign inland freight, ocean freight and insurance, U.S. import duty, U.S. port fees, and U.S. inland freight) from the price quote. For Valbruna, Cogne, and Foroni, the petitioners based CEP on a number of offers for sale of subject merchandise through these companies' respective affiliated U.S. subsidiaries. To calculate CEP, which was based on CIF, FOB warehouse, or FOB U.S. port of entry prices from these companies through their U.S. subsidiaries, the petitioners deducted from the price quotes, in addition to the movement expenses listed above (where applicable), U.S. direct (*i.e.*, credit) and indirect selling expenses (*i.e.*, CEP selling expenses and inventory carrying costs). Finally, the petitioners did not use all of the U.S. price quotes provided by its industry sources for Valbruna. For these U.S. price quotes, we examined the home market price quotes for potential product matches. Where we found a similar product that, after adjusting the respective prices, yielded a more conservative margin, we have included these margins in the range of estimated margins.

NV

Price-to-Price Comparisons

The petitioners provided home-market prices for Valbruna, Cogne, Foroni, and Italfond based on several grades and sizes of stainless steel bar sold to unaffiliated home-market customers, which were obtained from foreign market research. These products are comparable to the products exported to the United States which served as the basis for EP or CEP. The prices the petitioners used in the calculation of NV were delivered prices, exclusive of VAT taxes. To calculate NV, the petitioners deducted foreign inland freight, which was also obtained from foreign market research. *See* Initiation Checklist. To calculate NV, the petitioners deducted home market freight and imputed credit expenses and, for comparisons to EP, added U.S. imputed credit expenses. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses. For comparisons to EP/CEP, the petitioners converted the net home market prices to U.S. dollars based on the exchange rate in effect as of the date of the U.S. sale.

Based on EP/CEP price-to-price comparisons, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for stainless steel bar from Italy range from zero to 33.00 percent.

Price-to-CV Comparisons

Petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of the COM, SG&A expenses (which include financial expenses), and packing. The petitioners calculated COM based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and Italy using publicly available data and foreign market research. To calculate SG&A and financial expenses, the petitioners relied upon amounts reported in each of the four Italian producers' 1999 financial statements. Based upon the comparison of the prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, the petitioners also based NV for sales in Italy on CV. The petitioners calculated CV using the same COM, SG&A and financial expenses they used to compute Italian home-market costs. Consistent with section 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in each of the four Italian producers' 1999 financial statements. For comparisons to EP/CEP, the petitioners made adjustments to CV for credit expenses.

Based upon the comparison of CV to EP, or CEP, the petitioners calculated estimated dumping margins ranging from 17.04 to 132.57 percent.

Korea

EP

The petitioners identified eight companies that produce subject merchandise in Korea. The petitioners provided pricing and cost information for three of these eight producers: Changwon Speciality Steel Co., Ltd. (''Changwon''), Dongbang Special Steel Co., Ltd. (''Dongbang''), and Bae Myung

Metal Company, Ltd. (''Bae Myung''). The petitioners state that these three producers account for a majority of all stainless steel bar production in Korea, and substantially all of the subject merchandise exported to the United States from Korea. According to the petitioners, Changwon, Dongbang, and Bae Myung sell subject merchandise through unaffiliated distributors in the United States. On a company-specific basis, the petitioners based EP on C.I.F. delivered offers for sale for stainless steel bar from unaffiliated U.S. distributors, which were obtained from U.S. industry sources. To calculate EP, the petitioners deducted a distributor mark-up and movement expenses (ocean freight, insurance, U.S. import duty and port fees, and U.S. and foreign inland freight). The information supporting these deductions was obtained from publicly available data, foreign market research and U.S. industry sources. Finally, the petitioners did not use all of the U.S. price quotes provided by its industry sources. For these U.S. price quotes, we examined the home market price quotes for potential product matches. Where we found a similar product that, after adjusting the respective prices, yielded a more conservative margin, we have included these margins in the range of estimated margins.

NV

Price-to-Price Comparisons

The petitioners obtained home market delivered offers for sale of stainless steel bar by Changwon, Dongbang, and Bae Myung to unaffiliated distributors as a result of foreign market research. To calculate NV, the petitioners deducted home market freight and imputed credit expenses and added U.S. credit expenses. The information supporting these deductions and adjustments was obtained from publicly available data and foreign market research. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses. See Initiation Checklist. For comparisons to EP, the petitioners converted the net home market prices to U.S. dollars based on the exchange rate in effect on the date of the U.S. sale.

Based on the petitioners' price-to-price comparisons and the Department's recalculations to account for the highest U.S. prices obtained by the petitioners, in accordance with section 773(a) of the Act, the estimated dumping margins for stainless steel bar from Korea range from zero to 61.07 percent.

Price-to-CV Comparisons

The petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of COM, SG&A expenses, and packing. The petitioners calculated COM based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and Korea using publicly available data and foreign market research. To calculate SG&A and interest expenses, the petitioners relied upon amounts reported in the Korean companies' financial statements. Based upon a comparison of the prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, the petitioners also based NV for sales of stainless steel bar made by Changwon, Dongbang and Bae Myung on CV. The petitioners calculated CV using the same figures for COM, SG&A expenses, and packing costs they used to compute Korean home-market costs. Consistent with section 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in a Korean steel producer's unconsolidated 1999 financial statements. For comparisons to EP, the petitioners also made a COS adjustment to CV for differences in credit expenses between the U.S. and Korean markets.

Based upon the petitioners' CV-to-EP comparisons, the petitioners calculated estimated dumping margins ranging from 25.72 to 122.18 percent.

Taiwan

EP

The petitioners identified two companies that produce subject merchandise in Taiwan: Walsin Lihwa (''Walsin'') and Gloria Metals Technology (''GMT''). The petitioners provided pricing information for both producers and stated that they are the only producers of stainless steel bar in Taiwan that export subject merchandise to the United States. According to the petitioners, Walsin and GMT sell subject merchandise to unaffiliated purchasers in the United States. For Walsin and GMT, the petitioners based EP on offers for sale of Walsin and GMT stainless steel bar through unaffiliated U.S. distributors. To calculate EP, the petitioners deducted a distributor's mark-up (where applicable) and movement expenses (foreign inland freight, international freight and insurance, U.S. import duty, U.S. port fees, and U.S. inland freight) from the price quotes.

Based on information contained in the petition and supplements to the petition, we made adjustments to the distributor mark-up calculations. *See* Initiation Checklist and Taiwan Calculation memorandum.

NV

Price-to-Price Comparisons

The petitioners obtained information on prices for home market sales of stainless steel bar from a foreign market researcher. Petitioners obtained prices for actual recent sales or offers for sale to unaffiliated customers in Taiwan from Walsin and GMT. To calculate NV, the petitioners deducted home market imputed credit from the price quotes and added U.S. imputed credit to the price quotes. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses.

Based on price-to-price comparisons of EP to NV, calculated in accordance with section 773(a) of the Act, the estimated dumping margins for stainless steel bar from Taiwan range from 6.83 to 15.83 percent.

Price-to-CV Comparisons

Petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of COM, SG&A expenses, and packing. The petitioners calculated COMs for a variety of grades and sizes of stainless steel bar based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and Taiwan using publicly available data and foreign market research. The petitioners

calculated SG&A and interest expense using information contained in Walsin's 1999 financial statements. Based upon a comparison of the prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners also based NV for sales in Taiwan on CV. The petitioners calculated CV using the same COM, depreciation, SG&A and interest expense figures used to compute Taiwan home market costs. Consistent with 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, consistent with their SG&A calculations, the petitioners relied upon amounts reported in Walsin's 1999 financial statements. The petitioners also made a COS adjustment to CV for differences in credit expenses between the U.S. and Taiwan markets.

Based upon the comparisons of CV to EP, the petitioners calculated estimated dumping margins ranging from 18.83 to 68.55 percent.

United Kingdom

EP and CEP

The petitioners identified four companies that produce subject merchandise in the United Kingdom (''UK''). The petitioners provided pricing and cost information for two of these four producers: Corus Engineering Steels (''CES'') and Crownridge Stainless Steel, Ltd. (''Crownridge''). The petitioners state that these four producers account for the majority of all stainless steel bar production in the UK, and that CES and Crownridge account for substantially all of the subject merchandise exported to the United States from the UK. According to the petitioners, Crownridge sells subject merchandise through unaffiliated distributors in the United States, while CES sells subject merchandise through an affiliated U.S. distributor.

For Crownridge, the petitioners based EP on C.I.F. delivered offers for sale for Crownridge stainless steel bar through an unaffiliated U.S. distributor, which were obtained from U.S. industry sources. To calculate EP, the petitioners deducted a distributor mark-up and movement expenses (foreign inland freight, ocean freight and insurance, U.S. import duty and port fees, and U.S. inland freight) from the price quotes. The information supporting these deductions was obtained from publicly available data, foreign market research and U.S. industry sources.

For CES, the petitioners based CEP on C.I.F. delivered offers for sale of stainless steel bar merchandise by its affiliated U.S. reseller, which were also obtained from U.S. industry sources. To calculate CEP, the petitioners deducted from these price quotes the movement expenses mentioned above, U.S. direct (*i.e.*, credit) and indirect selling expenses (*i.e.*, CEP selling expenses and inventory carrying costs). The information supporting these deductions was also obtained from publicly available data, foreign market research and U.S. industry sources (*see* Initiation Checklist).

NV

Price-To-Price Comparisons

The petitioners obtained home market delivered offers for sale of stainless steel bar from Crownridge and CES to unaffiliated distributors as a result of foreign market research. However, based on the data in the petition, Crownridge's home market (and third country) sales volumes are less than five percent of its U.S. sales volume. Therefore, we did not rely on the petitioners' price-to-price comparisons with respect to Crownridge. To calculate NV based on CES' home market prices, the petitioners deducted home market freight and imputed credit expenses for comparisons to CEP. The information supporting these deductions was obtained from publicly available data and foreign market research. The petitioners conservatively did not adjust the prices for differences in packing costs, stating that packing expenses for export would be the same or greater than home market packing expenses. *See* Initiation Checklist. For comparisons to CEP, the petitioners converted the net home market prices to U.S. dollars based on the exchange rate in effect on the date of the U.S. sale.

Based on the petitioners' price-to-price comparisons for CES, in accordance with section 773(a) of the Act, the estimated dumping margin for stainless steel bar from the UK is 4.88 percent.

Price-to-CV Comparisons

The petitioners also provided information demonstrating reasonable grounds to believe or suspect that sales of stainless steel bar in the home market were made at prices below the fully absorbed COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.

Pursuant to section 773(b)(3) of the Act, COP consists of COM, SG&A expenses, and packing. The petitioners calculated COM based on their own production experience, adjusted for known differences between costs incurred to produce stainless steel bar in the United States and the UK using publicly available data and foreign market research. To calculate SG&A and interest expenses, the petitioners relied upon amounts reported in the UK companies' financial statements. Based upon a comparison of CES' prices of the foreign like product in the home market to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, the petitioners also based NV for sales of stainless steel bar made by CES and Crownridge on CV. The petitioners calculated CV using the same figures for COM, SG&A expenses, and packing costs they used to compute UK home market costs. Consistent with section 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in the UK steel producers' unconsolidated 1999 financial statements. For comparisons to EP/CEP, the petitioners made adjustments to CV for credit expenses.

Based upon the petitioners' CV-to-CEP and CV-to-EP comparisons, the estimated dumping margins range from 21.93 to 125.77 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan, and the United Kingdom are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitions allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise. The petitioners contend that the industry's injured condition is evident in the declining trends in net operating income, net sales volume and value, profit to sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant

evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and have determined that these allegations are properly supported by accurate and adequate evidence, and meet the statutory requirements for initiation (see Initiation Checklist).

Initiation of Antidumping Investigations

Based upon our examination of the petitions on stainless steel bar, we have found that they meet the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended pursuant to section 733(b)(1)(A), we will make our preliminary determinations no later than 140 days after the date of this initiation.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of France, Germany, Italy, Korea, Taiwan, and the United Kingdom. We will attempt to provide a copy of the public version of each petition to each exporter named in the petitions, as provided for under section 351.203(c)(2) of the Department's regulations.

ITC Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine no later than February 12, 2001 whether there is a reasonable indication that imports of stainless steel bar from France, Germany, Italy, Korea, Taiwan, and the United Kingdom are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: January 7, 2001.

Troy H. Cribb,

Assistant Secretary for Import Administration.

[FR Doc. 01–2057 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–039. *Applicant:* Rensselaer Polytechnic Institute, 110 Eighth Street, Troy, NY 12180–3590. *Instrument:* Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument is intended to be used to determine the morphology, elemental composition, crystal structure, long/short range ordering and microcrystalline structures during studies of the physics-chemical properties of inorganic and polymer materials including minerals, ceramics or other particulates, semiconductors, composites, alloys and polymers. *Application accepted by Commissioner of Customs:* December 15, 2000.

Docket Number: 00–040. *Applicant:* The University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. *Instrument:* UHV Scanning Tunneling Microscope/Atomic Force Microscope. *Manufacturer:* Omicron Vakuumphysik GmbH, Germany. *Intended Use:* The instrument is intended to be coupled to an existing molecular beam epitaxy chamber in ultra-high vacuum and used to characterize magnetic surfaces and self-assembled metallic and insulating nanostructures. The studies will include investigation of growth morphology in a large area of micron size and detailed structure with atomic resolution in a small area. The goal of these studies is to understand the formation of nanostructures during growth, and to gain fundamental understanding of the novel magnetic phenomena in nanoscale systems. *Application accepted by Commissioner of Customs:* December 15, 2000.

Docket Number: 00–041. *Applicant:* Massachusetts Institute of Technology, 77 Massachusetts Avenue, Room 8–309, Cambridge, MA 02139. *Instrument:* Nanoindentor. *Manufacturer:* Micro Materials Ltd., United Kingdom. *Intended Use:* The instrument is intended to be used for studies of the mechanical properties such as strength and stiffness of industrial metals—aluminum, various steels, ceramics and super alloys. In addition, the instrument will be used to illustrate state of the art testing procedures of advanced materials on the undergraduate and graduate levels in the course Mechanical Behavior of Materials. *Application accepted by Commissioner of Customs:* December 20, 2000.

Docket Number: 00–042. *Applicant:* Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439–4874. *Instrument:* Track Mounted Cone Penetrometer Vehicle and Associated Equipment, Model COSON 200. *Manufacturer:* A. P. Van Den Berg, Inc., The Netherlands. *Intended Use:* The instrument is intended to be used for research concentrated on the development of instrumentation to expand the knowledge and understanding of geotechnical properties of subsurface sediments and to better recover this data through improved electronic software and sampling systems. Experiments will involve the geotechnical properties of soils, metallurgy of the rods used to push the electronic cones, and the development of improved electronic and sampling equipment based upon experience gained and subsurface environmental conditions encountered during the normal course of site characterization studies. *Application accepted by Commissioner of Customs:* December 22, 2000.

Docket Number: 00–043. *Applicant:* Harvard University, 16 Divinity Avenue, Cambridge, MA 02138. *Instrument:* Picking and Gridding QBot with Accessories. *Manufacturer:* Genetix Ltd., United Kingdom. *Intended Use:* The instrument is intended to be used for studies of bacterial cultures, bacterial colonies and DNA fragments performing amplification, arraying and selection applications while optimizing the following characteristics: (1) Speed

and throughput, (2) cost-effectiveness, (3) accuracy, (4) user safety, (5) robustness, (6) reduction error, (7) flexibility and (8) automation of otherwise tedious procedures.

Application accepted by Commissioner of Customs: December 29, 2000.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01–2058 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–063]

Certain Iron-metal Castings From India: Rescission of Countervailing Duty Administrative Review

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

ACTION: Notice of Rescission of Countervailing Duty Administrative Review.

SUMMARY: On November 30, 2000, in response to a request from Howrah Ferrous Limited, the Department of Commerce initiated an administrative review of the countervailing duty order on certain iron-metal castings from India. The administrative review covers the period January 1, 1999 through December 31, 1999. In accordance with 19 CFR 351.213(d)(1), the Department is now rescinding this review because the company has withdrawn its request for the review.

EFFECTIVE DATE: January 24, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

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

Background

On October 31, 1999, the Department received a request for an administrative review of the countervailing duty order on certain iron-metal castings from India from Howrah Ferrous Limited, for the period January 1, 1999 through December 31, 1999. On November 30, 2000, the Department published in the **Federal Register** (65 FR 71299) a notice of ''Initiation of Countervailing Duty Administrative Review,'' initiating the administrative review. On December 26, 2000, the company withdrew its request for the review.

Rescission of Review

The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review, the Secretary will rescind the review. In this case, respondents have withdrawn their request within the 90-day period. No other interested party requested a review, and we have received no other submissions regarding the withdrawal of the request for review. Therefore, we are rescinding this review of the countervailing duty order on certain iron-metal castings from India covering the period January 1, 1999 through December 31, 1999. We will issue appropriate appraisement instructions to the U.S. Customs Service.

This notice is in accordance with 19 CFR 351.213(d)(4) and section 777(i) of the Act.

Dated: January 16, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–2056 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 000911256–0256–01]

RIN 0693–ZA40

Small Grant Programs

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice; correction.

SUMMARY: The National Institute of Standards and Technology (NIST) published a document in the **Federal Register** on January 11, 2001, announcing the availability of 2001 Funds for: (1) Precision Measurements Grants—Availability of Funds; (2) Physics Laboratory (PL) 2001 Summer Undergraduate Research Fellowships (SURF); (3) Materials Science and Engineering Laboratory (MSEL) 2001 Summer Undergraduate Research Fellowships (SURF); (4) Manufacturing Engineering Laboratory (MEL) 2001 Summer Undergraduate Research Fellowships (SURF); (5) Information Technology Laboratory (ITL) 2001 Summer Undergraduate Research Fellowships (SURF); (6) Building and Fire Research Laboratory (BFRL) 2001 Summer Undergraduate Research Fellowships (SURF); (7) Electronics and Electrical Engineering Laboratory (EEEL) 2001 Summer Undergraduate Research Fellowships (SURF); (8) Materials Science and Engineering Laboratory (MSEL) Grants Program—Availability of Funds; (9) Fire Research Grants Program—Availability of Funds; (10) Physics Laboratory (PL) Grants Program—Availability of Funds; (11) Chemical Science and Technology Laboratory (CSTL) Grants Program—Availability of Funds; (12) Manufacturing Engineering Laboratory (MEL) Grants Program—Availability of Funds; and (13) Electronics and Electrical Engineering Laboratory (EEEL) Grants Program—Availability of Funds. This document contains corrected dates for the Precision Measurement Grants Program and corrected contact information for the Materials Science and Engineering Laboratory Grants Programs.

FOR FURTHER INFORMATION CONTACT: For the Precision Measurement Grants Program, technical questions should be submitted to: Dr. Peter J. Mohr, Chairman, NIST Precision Measurement Grants Committee, National Institute of Standards and Technology, Bldg. 225, Rm. B161, 100 Bureau Drive, Stop 8401, Gaithersburg, MD 20899–8401, Tel: (301) 975–3217, E-mail: *mohr@nist.gov.* Website: *http://physics.nist.gov/pmg.*

For the MSEL Grants Program, contact Ms. Marlene Taylor, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8501, Building 223, Room A305, Gaithersburg, MD 20899–8501, Tel: (301) 975–5653, E-mail *marlene.taylor@nist.gov.*

Correction

In the **Federal Register** issue of January 11, 2001, in FR Doc. 01–836, on page 2399, in the third column, correct the **DATES** caption to read:

DATES: Applicants for the Precision Measurement Grants Program must submit an abbreviated proposal for preliminary screening. Based on the merit of the abbreviated proposal, applicants will be advised whether a full proposal should be submitted. The abbreviated proposals must be received at the address listed below no later than the close of business February 15, 2001.

The semi-finalists will be notified of their status by April 6, 2001, and will be requested to submit full proposals to NIST by close of business on May 25, 2001. NIST expects to issue awards on or before September 30, 2001.

In the **Federal Register** issue of January 11, 2001, in FR Doc. 01–836, on page 2403, in the third column, correct the fourth paragraph of the *Program Description and Objectives* caption to read:

III. Metallurgy Division, 855—The primary objective is to develop techniques to predict, measure and control transformations, phases, microstructure and kinetic processes as well as mechanical, physical and chemical properties in metals and their alloys. The contact person for this division is Dr. Richard J. Fields and he may reached at (301) 975–5712 or by e-mail at *richard.fields@nist.gov.*

Dated: January 17, 2001.

Karen H. Brown,

Deputy Director.

[FR Doc. 01–2122 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011201D]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (CFMC), the South Atlantic Fishery Management Council (SAFMC), and the Gulf of Mexico Fishery Management Council (GMFMC) will hold a joint meeting.

DATES: The meeting will be held on February 22, 2001, from 9 a.m. until 5 p.m.

ADDRESSES: The meeting will be held at the Wyndham Sugar Bay Beach Club and Resort, 6500 Estate Smith Bay, St. Thomas, U.S.V.I.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; telephone: (787) 766-5926.

SUPPLEMENTARY INFORMATION: The Caribbean, South Atlantic, and Gulf of Mexico Councils will hold a joint meeting to discuss the items contained in the following agenda:

Call to Order - Virdin Brown

Adoption of Agenda

Dolphin/Wahoo Fishery Management Plan (FMP)

-Status of FMP Development - Bob Mahood

-Overview of Decision Document - Roger Pugliese

-Public Comment Period

-Discussion of Proposed Management Measures in the Decision Document

-Approval of Management Measures by each Council as Necessary

-Approve all Actions to be Included in the FMP - CFMC, GMFMC and SAFMC

-Approve FMP for Submission to the Secretary - CFMC, GMFMC, and SAFMC

-Schedule for Finalizing and Submitting the FMP - Bob Mahood

Other Business

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Councils' intent to take final action to address the emergency.

The meeting is open to the public, and will be conducted in English.

Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

Dated: January 18, 2001.

Richard W. Surdi,

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

[FR Doc. 01–2022 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011201E]

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (MAFMC) and its Comprehensive Management Committee, Surfclam and Ocean Quahog Committee, Executive Committee, and Law Enforcement Committee will hold public meetings.

DATES: The meetings will be held on Tuesday, February 6, 2001, to Thursday, February 8, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Wyndham Hotel, 700 King Street, Wilmington, DE; telephone: 302-655-0400.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: *Tuesday, February 6, 2001, 1 p.m. to 5 p.m.*—the Comprehensive Management Committee will meet.

From 3 p.m. to 5 p.m.—the Surfclam and Ocean Quahog Committee will meet concurrently.

At 7 p.m., there will be a New England Council Scoping Meeting for the development of a Skate Fishery Management Plan (FMP).

Wednesday, February 7, 2001, 8 a.m. to 9 a.m.—the Executive Committee will meet.

From 8 a.m. to 9 a.m.—the Law Enforcement Committee will meet concurrently.

From 9 a.m. until 4:15 p.m.—the MAFMC will meet.

Thursday, February 8, 2001, 8 a.m. until approximately noon—the MAFMC will meet.

Agenda items for this meeting are: Update MAFMC's research priorities, review and approve draft quota set-aside request for proposals (RFP), review Framework 1 for Secretarial approval, discuss future Comprehensive

Management Committee projects; review and evaluate position paper for Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan; discuss coordination and processing of joint plans (MAFMC and New England Fishery Management Council, MAFMC and Atlantic States Marine Fisheries Commission); address Federal enforcement of summer flounder, scup, and black sea bass recreational rules in light of possible differences in size, season, and bag limits between exclusive economic zone and state jurisdiction; review and discuss Framework 2 management measures regarding extension of *Illex* moratorium, *Loligo* exemption in *Illex* fishery, real time management of *Loligo* and rule roll-over for mackerel; review and approve Framework 1 measures regarding quota set-aside for Secretarial submission; Stock Assessment Workshop 32 public review workshop for sea scallops, American plaice, Gulf of Maine haddock, silver hake (whiting); horseshoe crab management update; Information and Education presentation on Marine Recreational Fisheries Statistics Survey (MRFSS) data; review and approve Framework 2 management measures regarding conservation equivalency for Secretarial submission; hear organizational and committee reports including the New England Council's report where the MAFMC may address possible actions on mahogany quahogs, groundfish, scallops, skates, herring, monkfish and dogfish; and address and recommend MAFMC position regarding joint venture processing allocation for mackerel.

Although non-emergency issues not contained in this agenda may come before the MAFMC for discussion, these issues may not be the subject of formal MAFMC action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the MAFMC's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the MAFMC (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: January 18, 2001.

Richard W. Surdi,

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

[FR Doc. 01–2023 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011201F]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee and its Herring Oversight Committee and Advisory Panel (joint with the Atlantic States Marine Fisheries Commission (ASMFC) Herring Section Advisory Panel, in February, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will held between Tuesday, February 6, 2001 and Tuesday, February 13, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody, MA and Danvers, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978)465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, February 6, 2001, 9:30 a.m.--Groundfish Oversight Committee Meeting.

Location: Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535-4600.

The Groundfish Oversight Committee will continue development of management alternatives for Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). The Committee will continue to refine the area management alternative. It will also consider the recommendations of the Plan Development Team (PDT) with respect to minor adjustments to the status quo management measures, and will provide further advice to the PDT for developing those alternatives. The Committee will also further develop technical measures in the alternatives, such as developing a flexible closure system, days-at-sea counting and allocation alternatives, and other issues. The Committee intends to present these alternatives to the Council at the March 14-15, 2001 Council meeting.

Tuesday, February 13, 2001, 9:30 a.m.--Joint Herring Oversight Committee, Advisory Panel and ASMFC Meeting.

Location: Sheraton Ferncroft Hotel, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777-2500.

The agenda includes discussion of the Atlantic States Marine Fisheries Commission (ASMFC) proposal for an Area 1A landings prohibition until June 1 of each fishing year, as well as possible modification of spawning area boundaries and the spawning tolerance provisions in the ASMFC Atlantic Herring management plan. The committee and panel will review the controlled access/limited entry goals and proposals from recent industry group meetings and develop recommendation to the Council for further action. There will also be a discussion of herring research priorities and possible funding sources.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: January 18, 2001.

Richard W. Surdi,

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

[FR Doc. 01–2024 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011201B]

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings.

DATES: The meetings will be held Monday, February 5, 2001 through Thursday, February 8, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: All meetings will be held at the Anchorage Hilton Hotel, 500 W. Third Avenue, Anchorage, AK, unless otherwise noted.

Council Address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Council staff, telephone: 907-271-2809.

SUPPLEMENTARY INFORMATION: The Council's Advisory Panel will begin at 8 a.m., Monday, February 5, and continue through Thursday, February 8. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, February 5, and continue through Wednesday, February 7.

The Council will begin their plenary session at 8 a.m. on Wednesday, February 7, continuing through Monday, February 12, 2001. All meetings are open to the public except executive sessions which may be held during the week at which the Council will discuss personnel issues and/or current litigation.

Council: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports:
(a) Executive Director's Report.
(b) State Fisheries Report by Alaska Dept. of Fish and Game.
(c) NMFS Management Report.
(d) Enforcement and Surveillance reports by NMFS and the Coast Guard.
(e) Report on Marine Research Funds
(f) U.S. Fish and Wildlife Report on Eider Critical Habitat Final Rule.

2. Halibut Charter Individual Fishing Quotas (IFQ): Initial review of analysis, direction to staff.

3. Gulf of Alaska Ecosystem Research: Report from Prince William Sound Science Center.

4. Steller sea lion issues: discuss all aspects of current and planned management measures to protect Steller sea lions; take action as appropriate to initiate further management actions.

5. Receive report on Kodiak adaptive management experiment.

6. American Fisheries Act:
(a) Review final co-op reports and Bering Sea/Aleutian Islands (BSAI) salmon bycatch provisions; take action as appropriate.
(b) Discuss alternatives for processing sideboards and provide direction.
(c) Receive industry report on Pacific cod sideboards; take action as appropriate.
(d) Discuss the Report to Congress on fisheries during the first year of the American Fisheries Act.

7. Gulf of Alaska Rationalization: Receive committee report and provide further direction.

8. Administration of Community Development Quotas: Receive progress report and provide direction to committee.

9. Appointments to Council committees and Scientific and Statistical Committee.

10. Groundfish Management:
(a) Initial review of Pacific cod allocation (BSAI Amendment 68); direction to staff.
(b) Progress report on process of setting total allowable catch.
(c) Review a discussion paper on vessel-by-vessel catch and bycatch disclosure; task staff as appropriate.

11. Crab Management: Receive report from Crab Plan Team on bycatch; task staff as appropriate.

12. Staff Tasking: Review current staff tasking and projects to be tasked; provide direction to staff.

Advisory Meetings

Advisory Panel: The agenda for the Advisory Panel will mirror that of the Council listed above, with the exception of the reports under Item 1, and Item 9, appointments to committees.

Scientific and Statistical Committee: The Scientific and Statistical Committee will address the following issues:

1. SSC review of the November 30, 2000 biological opinion addressing Steller sea lion/groundfish fishery interactions.

2. Groundfish management issues listed under Council agenda.

3. Crab management issues listed under Council agenda.

4. Review initial analysis for Halibut Charter IFQ program and provide comments to staff and Council.

Committee and Workshop Meetings

IFQ Implementation Team will meet Sunday, February 4, between 1 p.m. and 5 p.m. in the Penthouse Meeting Room of the Westmark Hotel, 720 W. 5th Avenue, Anchorage, AK. The Team will review the draft Halibut Charter IFQ analysis and provide comments to the North Pacific Fishery Management Council.

*Halibut Charter IFQ Industry Workgroup*will meet Monday, February 5, at 1 p.m. in the Iliamna Room at the Anchorage Hilton Hotel, to review the draft Halibut Charter IFQ analysis and provide comments to the North Pacific Fishery Management Council.

Gulf of Alaska Rationalization Committee will meet Thursday, February 8, at 6 p.m. in the Aleutian Room at the Anchorage Hilton Hotel, to continue work on elements and options of a rationalization plan for Gulf of Alaska groundfish fisheries.

Other committees and workgroups may hold impromptu meetings throughout the meeting week. Such meetings will be announced during regularly-scheduled meetings of the Council, Advisory Panel, and SSC, and will be posted at the hotel.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: January 18, 2001.

Richard W. Surdi,

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

[FR Doc. 01–2020 Filed 1–23–01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011201C]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a joint meeting of the North Pacific Fishery Management Council and the Alaska Board of Fisheries.

SUMMARY: The North Pacific Fishery Management Council (Council) and the Alaska Board of Fisheries (Board) will meet February 6, 2001, in Anchorage, AK.

DATES: The meeting will be held on Tuesday, February 6, 2001.

ADDRESSES: The meeting will be held at the Fourth Avenue Theater, 630 W. 4th Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Council staff, telephone: 907-271-2809.

SUPPLEMENTARY INFORMATION: The Board and Council will hold their annual joint meeting to receive reports and discuss the following issues of mutual concern:

1. Halibut Charter Individual Fishing Quota Program.
2. Halibut subsistence.
3. Steller sea lions/fishery interactions.
4. Salmon bycatch in groundfish fisheries.
5. C. opilio bycatch in other fisheries.
6. Rationalization of the Bering Sea crab fisheries.
7. Rationalization of the Gulf of Alaska groundfish fisheries.
8. Habitat areas of particular concern.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: January 18, 2001.

Richard W. Surdi,

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

[FR Doc. 01–2021 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Meeting To Discuss Results of Ultrawideband Systems Testing

AGENCY: National Telecommunications and Information Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will host a public meeting to discuss the results of tests conducted by the agency to develop practical methods for characterizing the very narrow pulses of ultrawideband (UWB) systems and to assess the compatibility between UWB devices and selected federal radio communications or sensing systems.

DATES: The meeting will be held from 2 p.m.–4 p.m., Wednesday, January 31, 2001.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Room 1605, 1401 Constitution Avenue, NW., Washington, DC. The meeting will be open to the public. For updated information on this meeting, please see NTIA's homepage at <http://www.ntia.doc.gov>.

FOR FURTHER INFORMATION CONTACT: Paul Roosa, Office of Spectrum Management, NTIA, telephone: (202) 482–1559; or electronic mail: <proosa@ntia.doc.gov>. Media inquiries should be directed to the Office of Public Affairs, NTIA, at (202) 482–7002.

SUPPLEMENTARY INFORMATION: Recent advances in microcircuit and other technologies have allowed the use of very narrow pulses (typically less than a nanosecond) with very wide bandwidths in new applications in both radar and communications devices. These ''ultrawideband'' or ''UWB'' devices are capable of locating nearby objects and can use processing technology to ''see through walls'' and communicate in multipath propagation environments, making them useful in many commercial and government applications. The manufacturers of these devices are seeking authorization from NTIA and the Federal Communications Commission (FCC) to operate UWB systems on an unlicensed basis. The current regulations for unlicensed devices, located in Part 15 of Title 47 of the Code of Federal Regulations, do not address such UWB devices. The FCC has initiated a rulemaking proceeding to examine whether UWB devices can be accommodated compatibly with existing systems operating in the electronic environment.[1] NTIA has conducted a series of measurements and analyses for characterizing and assessing the impact of UWB devices on selected Federal equipment operation between 400 kHz and 6 GHz. The results of these tests were released by NTIA on January 18, 2001 in the form of two reports: ''The Temporal and Spectral Characteristics of Ultrawideband Signals,'' NTIA Report 01–383, which provides practical methods for characterizing UWB systems; and ''Assessment of Compatability between Ultrawideband Devices and Selected Federal System,'' NTIA Special Publication 01–43, which provides information needed to measure the potential of UWB systems to interfere with existing radio communications or sensing systems.[2] At the same time, NTIA filed both reports with the FCC to be included in the public record of its rulemaking proceeding.

Public Participation: The meeting will be open to the public and is physically accessible to people with disabilities. To facilitate entry to the Department of Commerce building, please have a photo identification available and/or a U.S. Government building pass, if applicable. Any member of the public wishing to attend and requiring special services, such as sign language interpretation or other ancillary aids, should contact Paul Roosa at least three (3) days prior to the meeting via the contact information provided above.

Dated: January 19, 2001.

Kathy D. Smith,

Chief Counsel.

[FR Doc. 01–2113 Filed 1–23–01; 8:45 am]

BILLING CODE 3510–60–P

[1] See Revision of Part 15 of the Commission's Rules regarding Ultra-Wideband Transmission Systems, ET Docket No. 98–153, Notice of Proposed Rulemaking, 65 Fed. Reg. 37332 (June 14, 2000).

[2] Both of these reports are available on NTIA's website at <www.ntia.doc.gov>.

DEPARTMENT OF EDUCATION

[CFDA No. 84.031S]

Office of Postsecondary Education; Developing Hispanic-Serving Institutions Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: Assists eligible Hispanic-Serving Institutions (HSI) of higher education to expand their capacity to serve Hispanic and low-income students by enabling them to improve their academic quality, institutional management, and fiscal stability and to increase their self-sufficiency. Five-year development grants will be awarded in FY 2001. One-year planning grants will not be awarded in FY 2001. For FY 2001 the competition for new awards focuses on projects designed to meet the priorities we describe in the PRIORITIES section of this application notice.

Eligible Applicants: Institutions of higher education that have been designated eligible to receive funding under Parts A or B of Title III or under Title V of the Higher Education Act of 1965, as amended (HEA), are eligible to apply for individual development grants and are eligible to apply for cooperative arrangement grants. In addition, at the time of application, the institution must provide assurances that it has an enrollment of undergraduate full-time equivalent (FTE) students that is at least 25 percent Hispanic students, and that not less than 50 percent of their Hispanic students are low-income individuals.

Special Notes: 1. An institution may not receive funding under the Title V program and the Title III Part A or B programs at the same time. An institution that is currently a recipient of a grant under Title III Part A or B may not relinquish that grant in order to apply for a Title V grant. The programs authorized under Part A of Title III of the HEA include the Strengthening Institutions Program, the American Indian Tribally Controlled Colleges and Universities Program, the Alaska Native-Serving Institutions Program, and the Native Hawaiian-Serving Institutions Program. The programs authorized under Part B of Title III include the Strengthening Historically Black Colleges and Universities Program and the Strengthening Historically Black Graduate Institutions Program.

2. An institution may apply for a grant under both Title III Part A programs and Title V. However, an institution can only receive funding under one of those programs. Accordingly, if an institution applies for a grant under more than one program, the institution should indicate that fact in each application, and should indicate which program grant it prefers to receive.

Applications Available: January 24, 2001.

Deadline for Transmittal of Applications: March 12, 2001.

Deadline for Intergovernmental Review: May 11, 2001.

Electronic Field Reading: All grant applications under the HSI Program will be reviewed by a three member panel of peer reviewers. The reviewers will provide comments and score applications online via a secured website. Reviewers will have opportunities to discuss any significant scoring differences by conference calls.

Estimated Available Funds: Congress has appropriated $68,500,000 for this program for FY 2001. Approximately, $48,900,000 will support continuing grants. Therefore, approximately $19,600,000 will be available for the new grant competition.

Estimated Range of Awards: Individual Development Grants: $400,000–$450,000 per year. Cooperative Arrangement Grants: $575,000–$625,000 per year.

Estimated Average Size of Awards: Individual Development Grant: $425,000 per year. Cooperative Arrangement Development Grant: $600,000 per year.

Estimated Number of Awards: Individual Development Grants: 39. Cooperative Arrangement Development Grants: 3–5.

Note: The Department is not bound by any estimates in this notice.

Project Period: 60 months for Individual Development and Cooperative Arrangement Development grants.

Page Limit: We have established mandatory page limits for both the individual development grant and the cooperative arrangement development grant. You must limit the application to the equivalent of no more than 100 pages for the individual development grant and 140 pages for the cooperative arrangement development grant, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins top, bottom, and both sides. Page headings, page numbers, and footnotes may be outside the 1″ margin.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, and headings. However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the application cover sheet, the table of contents, the two page abstract, or the assurances and certificates. Furthermore, the page limit does not apply to the allowed appendices for the individual development grant and the cooperative arrangement development grant.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, 86, 97, 98 and 99, and (b) The regulations for this program in 34 CFR part 606.

Priorities: This competition focuses on development grant applications that meet the priority in section 511(d) of the HEA (see 34 CFR 75.105(b)(2)(iv)). This priority is as follows:

Collaborative Arrangement Absolute Priority. The Secretary shall give priority to an individual development grant application that contains satisfactory evidence that the HSI applicant has entered into or will enter into a collaborative arrangement with at least one local educational agency or community-based organization to provide such agency or organization with assistance (from funds other than funds provided under Title V of the HEA) in reducing dropout rates for Hispanic students, improving rates of academic achievement for Hispanic students, and increasing the rates at which Hispanic secondary school graduates enroll in higher education.

Under 34 CFR 75.105(c)(3) we consider only development grant applications that meet this priority.

This competition also focuses on cooperative arrangement development grant applications that meet the priority in section 514(b) of the HEA (see 34 CFR 75.105(b)(2)(iv) and 34 CFR 606.25). This priority is as follows:

Geographic and Economic Absolute Priority. The Secretary gives priority to grants for cooperative arrangements that are geographically and economically sound or will benefit the applicant Hispanic-Serving institution.

Under 34 CFR 75.105(c)(3) we consider only applications for cooperative arrangement development grants that meet this priority.

Invitational Priorities: Within the Geographic and Economic absolute priority for cooperative arrangement development grants for this competition for FY 2001, we are particularly interested in applications that meet one or more of the following priorities.

Invitational Priority 1

Cooperative arrangements between two-year and four-year institution partners aiming to increase transfer and retention of Hispanic students.

Invitational Priority 2

Cooperative arrangements that develop and share technological resources in order to enhance the institution's partners' ability to serve the needs of low-income communities and/or minority populations, especially in rural areas.

Invitational Priority 3

Cooperative arrangements that include at least one HSI partner that does not currently have funding under the Title V HSI program.

Invitational Priority 4

Cooperative arrangements that involve the institutional partners from more than one university or college system.

Under 34 CFR 75.105(c)(1) we do not give an application that meets one or more of these invitational priorities a competitive or absolute preference over other applications.

Special Funding Consideration: In tie-breaking situations described in 34 CFR 606.23 of the HSI Program regulations, the Secretary awards one additional point to an application from an institution that has an endowment fund for which the current market value per FTE student is less than the average endowment fund value per FTE student at the same type of institution (two-year or four-year). The Secretary also awards one additional point to an application from an institution that currently has library material expenditures per FTE student less than the average library material expenditure per FTE student at the same type of institution (two-year or four-year).

If a tie still remains after applying the additional points specified above, we use a combined ranking of library expenditures and endowment fund values per FTE student as a final tiebreaker. The institutions with the lowest combined library expenditures per FTE student and endowment fund values per FTE student are ranked higher in strict numerical order.

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Jessie DeAro, Carnisia Proctor, or Sophia McArdle, Title V-Developing Hispanic-Serving Institutions Program, U.S. Department of Education, 1990 K Street NW., 6th floor, Washington DC 20006–8501. Telephone: (202) 502–7777, or via Internet: title_five@ed.gov

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR APPLICATIONS AND FURTHER INFORMATION CONTACT.**

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting those persons. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 USC 1059c.

Dated: January 18, 2001.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 01–2112 Filed 1–23–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

National Committee on Foreign Medical Education and Accreditation; Meeting

AGENCY: National Committee on Foreign Medical Education and Accreditation, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the upcoming meeting of the National Committee on Foreign Medical Education and Accreditation. Parts of this meeting will be open to the public, and the public is invited to attend those portions.

When and Where Will the Meeting Take Place?

We will hold the meeting on March 9, 2000 beginning at 9 a.m. at the U.S. Department of Education, in the 8th Floor Conference Center, 1990 K Street, NW., Washington, D.C. 20006.

What Access Does the Conference Center Provide for Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

What Are the Functions of the Committee?

The National Committee on Foreign Medical Education and Accreditation was established by the Secretary of Education under section 102 of the Higher Education Act of 1965, as amended. The Committee's responsibilities are to (1) evaluate the standards of accreditation applied to applicant foreign medical schools; and (2) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

What Are the Issues To Be Considered at This Meeting?

The National Committee on Foreign Medical Education and Accreditation will review the standards of accreditation applied to medical schools by several foreign countries to determine whether those standards are comparable to the standards of accreditation applied to medical schools in the United States. Discussions of the standards of accreditation will be held in sessions open to the public. Discussions that focus on specific determinations of comparability are closed to the public in order that each country may be properly notified of the decision. Beginning February 19, you may call to obtain the identity of the countries whose standards are to be evaluated during this meeting.

Who Is the Contact Person for the Meeting?

Please contact Bonnie LeBold, who is the Executive Director of the National Committee on Foreign Medical

Education and Accreditation, if you have questions about the meeting. You may contact her at the U.S. Department of Education, 7th Floor—Rm. 7007, 1990 K St. NW., Washington, DC 20006–7563, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: Bonnie_LeBold@ed.gov. Individuals who use telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

Dated: January 18, 2001.

A. Lee Fritschler,

Assistant Secretary for Postsecondary Education.

[FR Doc. 01–2116 Filed 1–23–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–542–000, FERC Form 542]

Proposed Information Collection and Request for Comments

January 18, 2001.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before March 26, 2001.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.fed.us.*

SUPPLEMENTARY INFORMATION: The information collected under FERC Form 542 ''Gas Pipeline Rates: Rate Tracking'' (OMB No. 1902–0070) is used by the Commission to implement the statutory provisions governed by Title IV of the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301–3432, and sections 4, 5, and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717–717w). These statutes empower the Commission to collect natural gas transmission cost information from interstate natural gas transporters for the purposes of verifying that these costs, which are passed on to pipeline customers, are just and reasonable. The Commission implements FERC 542 filing requirements in 18 CFR Parts 154.4, 154.7, 154.101, 154.107, 154.201, 154.207–.209 and 154.401–.403.

Interstate natural gas pipelines are required by the Commission to track their transportation associated costs to allow for the Commission's review and where appropriate, approval of the pass through of these costs to pipeline customers. Most of these FERC 542 tracking filings are monthly accountings of the cost of fuel or electric power necessary to operate compressor stations. Others track the costs of: (1) Gas Research Institute fees; (2) annual charges of various types, and (3) other types of rate adjustments.

Tracking filings may be submitted at any time or on a regularly scheduled basis in accordance with the pipeline company's tariff. Filings may be either: (1) Accepted; (2) suspended and set for hearing; (3) suspended, but not set for hearing; or (4) suspended for further review, such as a technical conference or some other type of Commission action.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
55	3	140	23,100

Estimated Cost Burden to Respondents: 23,100 hours/2,080 hours per year × $115,357 [1] per year=$1,281,128. The cost per respondent is equal to $23,293.

The reporting burden includes the total time, effort, or financial resources expended to assemble and disseminate the information including: (1) Reviewing the instructions; (2) developing, or acquiring appropriate technological support systems necessary for the purposes of collecting, validating, processing, and disseminating the information; (3) administration; and (4) transmitting, or otherwise disclosing the information.

The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's burden estimate of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

David P. Boergers,

Secretary.

[FR Doc. 01–2069 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

[1] The cost per year per average employee estimate is based on the annual allocated cost per Commission employee for fiscal year 2001. The estimated $115,357 cost consists of approximately $92,286 in salary and $23,071 in benefits and overhead.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC01–556–000, FERC Form 556]

Proposed Information Collection and Request for Comments

January 18, 2001.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before March 26, 2001.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at *mike.miller@ferc.fed.us*

SUPPLEMENTARY INFORMATION: The information collected under FERC Form 556 ''Cogeneration and Small Power Production'' (OMB No. 1902–0075) is used by the Commission to implement statutory provisions governed by section 3 of the Federal Power Act (FPA), (16 U.S.C. 792–828c), and sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). The reporting requirements associated with FERC Form 556 require owners or operations of small power production or cogeneration facilities, who seek qualifying status for their facilities, to file the information requested in Form 556 for Commission certification as a qualifying facility (QF).

A primary objective of PURPA is the conservation of energy through efficient use of energy resources in the generation of electric power. One means of achieving this objective is to encourage electric power production by cogeneration facilities which make use of reject heat associated with commercial or industrial processes, and by small power production facilities which use waste and renewable resources as fuel. PURPA, through the establishment of various regulatory benefits, encourages the development of small power production facilities and cogeneration facilities which meet certain technical and corporate criteria. Facilities that meet these criteria are called QFs.

Owners and operators of small power production and cogeneration facilities desiring QF certification for their facilities must file the information prescribed in FERC 556 with the Commission. In addition to identifying the required filing information, FERC 556 also outlines the QF certification procedure,and specifies the criteria which must be met for QF certification. The Commission's QF regulations are published in 18 CFR 262. Respondents who comply with the Form 556 criteria and are granted QF certification by the Commission are exempt from certain sections of the FPA and the Public Utility Holding Company Act of 1935 as listed in 18 CFR 262.601 and 262.602.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
100	1	4	400.

The estimated total cost to respondents is $22,184, (400 hours divided by 2,080 hours per year per employee times $115,357[1] per year per average employee = $22,184). The cost per respondent is $222. These estimates reflect a reduction in the number of filings submitted to the Commission and an adjustment from its last submission to OMB.

The reporting burden includes the total time, effort, or financial resources expended by the respondent to assemble and disseminate the information including: (1) Reviewing the instructions; (2) developing or acquiring appropriate technological support systems needed for purposes of collecting, validating, processing, and disseminating the information; (3) administration; and (4) transmitting, or otherwise disclosing the information.

The cost estimate for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

David P. Boergers,

Secretary.

[FR Doc. 01–2070 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

[1] The cost per year per average employee estimate is based on the annual allocated cost per Commission employee for fiscal year 2001. The estimated $115,357 cost consists of approximately $92,286 in salary and $23,071 in benefits and overhead.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR01–3–000]

Big West Oil Company v. Anschutz Ranch East Pipeline, Inc., and Express Pipeline Partnership; Notice of Complaint

January 18, 2001.

Take notice that on January 17, 2001, Big West Oil Company (Big West) tendered for filing a complaint against Anschutz Ranch East Pipeline, Inc. (Anschutz) and Express Pipeline Partnership (Express).

Big West states that it is a shipper of crude oil on tariffs filed by Anschutz as well as on joint tariffs published by Anschutz and Express for the shipment of crude petroleum between International Boundary, Canada and Salt Lake City, Utah. Big West further states that the rates being charged on the Anschutz tariff and on the Anschutz portion of the Anschutz/Express joint tariffs are unjust and unreasonable and unduly discriminatory and unduly preferential, and therefore in violation of the Interstate Commerce Act.

Any person desiring to be heard or to protest this 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 must be filed on or before February 6, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before February 6, 2001. 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.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–2077 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–209–000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

January 18, 2001.

Take notice that on January 12, 2001, Granite State Gas Transmission, Inc. (Granite State) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective January 1, 2001:

Twenty-third Revised Sheet No. 21
Twenty-four Revised Sheets No. 22
Fifteenth Revised Sheet No. 23

Granite State states that this filing is being submitted in accordance with the Commission order issued on September 19, 2000 in Gas Research Institute's (GRI) Docket No. RP00–313–000 (Order Approving Settlement) and in accordance with Section 33 of the General Terms and Conditions of its FERC Gas Tariff. Granite State is submitting revised tariff sheets to reflect the GRI 2001 funding mechanism.

Granite State states further that copies of this filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party just file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http:///www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–2076 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–320–035]

Gulf South Pipeline Company, L.P.; Notice of Negotiated Rate

January 18, 2001.

Take notice that January 11, 2001, Gulf South Pipeline Company, L.P. (formerly Koch Gateway Pipeline Company) (Gulf South) tendered for filing contracts between Gulf South and the following company for disclosure of a recently negotiated rate transaction. As shown on the contract, Gulf South requests an effective date of January 12, 2001.

Special Negotiated Rate Between Gulf South Pipeline Company, LP and Koch Energy Trading Company

Gulf South states that it has served copies of this filing upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–2073 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–031]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

January 18, 2001.

Take notice that on January 12, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing with the to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective December 1, 2000.

Natural states that the purpose of this filing is to comply with the Commission's Letter Order accepting tariff sheet and negotiated rate agreement subject to condition, issued on December 28, 2000, in Docket Nos. RP99–176–025 and RP99–176–026.

Natural requests waiver of the Commission's Regulations to the extent necessary to permit the revised tariff sheets to become effective December 1, 2000.

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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/fed/us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–2074 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2902]

Nekoosa Packaging Corporation; Notice of Authorization for Continued Project Operation

January 18, 2001.

On December 29, 1998, Nekoosa Packaging Corporation, licensee for the Big Island Project No. 2902, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2902 is located on the James River in Amherst and Bedford Counties, Virginia.

The license for Project No. 2902 was issued for a period ending December 31, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1) requires the Commission, at the expiration of a license term, to issue form year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license; then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2902 is issued to Nekoosa Packaging Corporation for a period effective January 1, 2001, through December 31, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Nekoosa Packaging Corporation is authorized to continue operation of the Big Island Project No. 2902 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–2068 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–027]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 18, 2001.

Take notice that on January 12, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to become effective on January 16, 2001:

Fifteenth Revised Sheet No. 66
Sixth Revised Sheet No. 66A

Northern states that the above sheets are being filed to amend the negotiated rate transaction with OGE Energy Resources, Inc. filed on December 29, 2000 and corrected in a filing on January 9, 2001 in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call

202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.200(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–2072 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2056]

Northern States Power Company; Notice of Authorization for Continued Project Operation

January 18, 2001.

On December 21, 1998, Northern States Power Company, licensee for the St. Anthony Falls Project No. 2056, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2056 is located on the Mississippi River in Hennepin County, Minnesota.

The license for Project No. 2056 was issued for a period ending December 31, 2000. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2056 is issued to Northern States Power Company for a period effective January 1, 2001, through December 31, 2001, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before January 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Northern States Power Company is authorized to continue operation of the St. Anthony Falls Project No. 2056 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–2067 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–257–005]

Ozark Gas Transmission, L.L.C.; Notice of Compliance Filing

January 18, 2001.

Take notice that on January 12, 2001, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet, to be effective November 1, 2000:

Second Revised Sheet No. 80

Ozark asserts that the purpose of this filing is to comply with the Commission's order issued December 15, 2000, in Docket No. RP00–257–000.

Ozark states that it is filing to reflect its commitment under Article III of the settlement of its rate case, as approved by the Commission in Docket No. RP00–257–000 (Ozark Gas Transmission, 93 FERC ¶ 61,281 (2000)), to file annual actual fuel usage reports with the Commission no later than April 1 of each year.

Ozark further states that it has served copies of this filing upon the company's jurisdictional customers and interested state commissions. Questions concerning this filing may be directed to counsel for Ozark, James F. Bowe, Jr., Dewey Ballantine LLP, at (202) 429–1444, fax (202) 429–1579, or jbowe@deweyballantine.com.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). 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.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–2075 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–64–000]

Trailblazer Pipeline Company; Notice of Application

January 18, 2001.

On January 10, 2001, Trailblazer Pipeline Company (Trailblazer), 747 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP01–64–000 an application pursuant to section 7 of the Natural Gas Act (NGA) and the Commission's Rules and Regulations for a certificate of public convenience and necessity authorizing Trailblazer to construct and operate facilities that would expand its transportation capacity from Colorado to Nebraska in order to provide 324,000 Dth/d of new firm, long-term transportation service commencing July 2002.[1] Trailblazer is proposing that incremental rates be established for the proposed expansion facilities and is seeking approval for pro

[1] Trailblazer is a general partnership consisting of Kinder Morgan Trailblazer, LLC, CGT Trailblazer (both subsidiaries of Kinder Morgan Operating, L.P.) and Enron Trailblazer Pipeline Company, a subsidiary of Enron Corp. Trailblazer indicates that if the requested certificate authority in Docket No. CP01–64–000 is granted and accepted then CIG Trailblazer Gas Company will join the Trailblazer partnership.

forma tariff provisions that would establish a fuel tracker applicable to any volumes charged the expansion rates, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Trailblazer proposes to: (1) Install two new 10,000 site-rated horsepower gas-fired compressor units at a site specified as Compressor Station 601 in Logan County, Colorado, (2) install two new 10,000 horsepower electric compressor units at a site specified as Compressor Station 603 in Kearney County, Nebraska, (3) expand one existing electric compressor unit from 5,200 horsepower to 10,000 horsepower, and (4) install one new electric 10,000 horsepower unit at existing Compressor Station 602 in Lincoln County, Nebraska. Trailblazer estimates that the compression will cost approximately $58.5 million.

Trailblazer asserts that the proposed expansion is a result of the growth in demand for Rocky Mountain natural gas supplies from existing market centers served by Natural Gas Pipeline Company of America (Natural) and Northern Natural Gas Company (Northern) and other pipelines connected to those two interstate pipeline systems. Based on an open season that was held from August 7 to August 18, 2000, Trailblazer has signed binding precedent agreements for service on Trailblazer between its existing receipt point at Rockport and its delivery point at Beatrice with the following expansions shippers:

Shipper name	Quantity (Dth/d)
Western Gas Resources, Inc	57,500
Enron North America Corp	41,000
CMS Energy Marketing Services and Trading Company	100,000
Barrett Resources Corp	70,000
Devon Energy Production Co	33,000
Pennaco Energy, Inc	22,500
Total	324,000

Trailblazer discloses that the six expansion shippers have signed agreements that call for fixed rates for the entire term of their respective agreements. According to Trailblazer such fixed-rate contracts constitute negotiated rates pursuant to General Terms and Conditions (GT&C) section 38 of Trailblazer's FERC Gas Tariff. As required by the Commission's regulations, Trailblazer proposes separate recourse rates for firm services along the expansion facilities. For the reservation rate, Trailblazer proposes a rate of $3.5931/Dth and a commodity rate of $0.0038/Dth. Trailblazer based its firm recourse rate on a cost of service of $14.4 million and the expansion volume of 324,000 Dth. Trailblazer states that it utilized a 5.0 percent depreciation rate and a pre-tax return of 13.99 percent. Trailblazer noted that it is not proposing any change to the rates charged for interruptible transportation service under Rate Schedule ITS. Additionally, Trailblazer proposes an initial fuel retention factor of 3.2 percent for the expansion shippers. Trailblazer submitted pro forma tariff provisions in the certificate proceeding proposing a separate fuel tracker mechanism for the expansion shippers. This fuel tracker mechanism would adjust the 3.2 percent retention factor on an annual basis.

Trailblazer proposes an in-service date of July 2002 and requests that a certificate be issued by July 2001. According to Trailblazer the proposed timing will allow sufficient time for the pouring of concrete foundations and the construction of the compressor buildings prior to the start of the winter season.

Questions regarding the details of this proposed project should be directed to Mr. James J. McElligott, at (663) 691–3525, or in writing to his attention at Trailblazer Gas Transmission Company, 747 East 22nd Street, Lombard, Illinois 60148.

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 February 8, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this 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.fed.us/efi/doorbell.htm.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of

the Commission's review process, a final Commission order approving or denying a certificate will be issued.

David P. Boergers,

Secretary.

[FR Doc. 01–2066 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES01–17–000, et al.]

Valley Electric Association, Inc., et al.; Electric Rate and Corporate Regulation Filings

January 17, 2001.

Take notice that the following filings have been made with the Commission:

1. Valley Electric Association, Inc.

[Docket No. ES01–17–000]

Take notice that on January 11, 2001, Valley Electric Association, Inc. (Valley Electric) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to make long-term borrowings under a loan agreement with the National Rural Utilities Cooperative Finance Corporation (CFC) in the amount of $39.3 million and short-term borrowings under a line of credit with the CFC in an amount not to exceed $15 million.

Valley Electric also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: February 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket No. ER97–2846–002]

Take notice that on January 12, 2001, Florida Power Corporation (Florida Power), tendered for filing a request that the Commission accept the market study submitted in its recent merger proceedings with Carolina Power & Light Company as its updated market analysis that is required in conjunction with sales under its market-based rate tariff (FERC Electric Tariff, Original Volume No. 8).

Copies of the filing were served upon the public service commissions of Florida, North Carolina and South Carolina.

Comment date: February 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Wheelabrator Lassen Inc., Wheelabrator Hudson Energy Company, Wheelabrator Shasta Energy Company Inc., Martell Cogeneration Limited Partnership, Wheelabrator Frackville Energy Company, Wheelabrator Sherman Energy Company, Ridge Generating Station Limited Partnership, and Wheelabrator Norwalk Energy Company

[Docket No. QF81–21–003, Docket No. QF81–35–002, Docket No. QF84–431–002, Docket No. QF85–20–001, Docket No. QF85–204–003, Docket No. QF85–698–001, Docket No. QF92–158–001, and Docket No. QF01–15–001]

Take notice that on January 9, 2001, Wheelabrator Lassen Inc. (Lassen), Wheelabrator Hudson Energy Company (Hudson), Wheelabrator Shasta Energy Company Inc. (Shasta Energy), Martell Cogeneration Limited Partnership (Martell), Wheelabrator Frackville Energy Company (Frackville), Wheelabrator Sherman Energy Company (Sherman), Ridge Generating Station Limited Partnership (Ridge), and Wheelabrator Norwalk Energy Company (Norwalk), filed an amendment to their respective Requests for Recertification of Qualifying Facility Status filed on November 1, 2000 in the above-referenced proceedings.

Comment date: February 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Carolina Power & Light Company

[Docket No. ER99–2311–003]

Take notice that on January 11, 2001, Carolina Power & Light Company tendered for filing a request that the Commission accept the market study submitted in its recent merger proceedings as its updated market analysis that is required in conjunction with sales under its market-based rate tariff (FERC Electric Tariff, Volume No. 4).

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission and the Florida Public Service Commission.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Old Dominion Electric Cooperative

[Docket No. ER01–259–001]

Take notice that on January 11, 2001, Old Dominion Electric Cooperative (Applicant), tendered for filing designated rate schedule sheets in this proceeding as directed by the Director, Division of Corporate Applications, in an Order issued on December 12, 2000. These rate schedule designations were filed to comply with Commission Order No. 614, FERC Stats. & Regs. 31,096 (2000).

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. WPS Resources Operating Companies

[Docket No. ER01–320–001]

Take notice that on January 12, 2001, WPS Resources Operating Companies (WPSR), tendered for filing substitute tariff sheets in compliance with the Commission's order issued December 29, 2000 in WPS Resources Operating Companies, 93 FERC ¶ 61,338.

WPSR requests that this compliance filing be made effective January 1, 2001, consistent with the Commission's acceptance of the original filing in its December 29 order.

Copies of the filing were served upon those persons on the official service list in this proceeding, the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

Comment date: February 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. NEV, L.L.C., et al.

[Docket Nos. ER97–4636–011, ER97–4652–011 ER97–4653–011, ER97–4654–011, and ER01–429–001]

Take notice that on January 11, 2001, AES NewEnergy, Inc. (AES NewEnergy), tendered for filing its compliance filing pursuant to the Letter Order issued on December 12, 2000, by the Federal Energy Regulatory Commission, conditionally accepting for filing the triennial updated market power analysis filed on November 8, 2000, by NEV, L.L.C., NEV East, L.L.C., NEV California, L.L.C., and NEV Midwest, L.L.C.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. American Transmission Company LLC

[Docket No. ER01–826–001]

Take notice that on January 12, 2001, American Transmission Company LLC (ATCLLC), tendered for filing Attachment A to Service Agreement 54, which was inadvertently omitted when the Agreement was originally filed on December 29, 2000 in Docket No. ER01–826–000.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Pacific Gas and Electric Company

[Docket No. ER00–851–002]

Take notice that on January 11, 2001, Pacific Gas and Electric Company (PG&E), tendered for filing a response regarding a wholesale customers refund report in compliance with an Order of the Federal Energy Regulatory Commission, in Docket Nos. ER00–851–000 and ER00–851–001, dated October 12, 2000, 93 FERC ¶ 61,038.

PG&E never billed to or collected from its wholesale customers any OOM costs for the ''locked-in'' period from January 1, 2000 until June 28, 2000 and therefore has no refunds to report in FERC Docket Nos. ER00–851–000 or ER00–851–001.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Company

[Docket No. ER01–745–001]

Take notice that on January 11, 2001, New England Power Company (NEP), tendered for filing an amendment to its December 21, 2000 filing in the above-referenced docket. This docket concerns a service agreement between NEP and Rhode Island State Energy Partners, L.P. (RISEP) for Firm Local Generation Delivery Service under NEP's FERC Electric Tariff, Second Revised Volume No. 9.

Copies of the filing have been served upon RISEP and the Rhode Island Public Utilities Commission.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. The Cincinnati Gas & Electric Company

[Docket No. ER01–810–000]

Take notice that on January 11, 2001, The Cincinnati Gas & Electric Company (CG&E), tendered for filing Notice of One-Day Delay in cancellation for the Electric Service Agreement between CG&E and The West Harrison Gas and Electric Company (West Harrison) filed with the Commission on December 27, 2000 in the above-referenced docket.

CG&E requests that the termination be effective as of January 2, 2001.

Copies of the filing were served upon the affected customer and the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–925–000]

Take notice that on January 11, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Service Agreement No. 108 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements for an effective date of December 12, 2000 for LG&E Energy Marketing Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Wisconsin Electric Power Company

[Docket No. ER01–926–000]

Take notice that on January 11, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Calpine Energy Services, LP.

Wisconsin Electric respectfully requests an effective date of January 12, 2001 to allow for economic transactions.

Copies of the filing have been served on Calpine Energy Services, LP., the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. LSP Energy Limited Partnership

[Docket No. ER01–927–000]

Take notice that on January 11, 2001, LSP Energy Limited Partnership (LSP Energy), tendered for filing under Section 205 of the Federal Power Act a Third Revised Service Agreement No. 10 under LSP Energy's FERC Electric Tariff, Original Volume No. 1 (Power Purchase Agreement between LSP Energy and Virginia Electric and Power Company, as amended through the Fourth Amendment thereto dated as of December 13, 2000).

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. American Transmission Company LLC

[Docket No. ER01–928–000]

Take notice that on January 11, 2001, American Transmission Company LLC (ATCLLC), tendered for filing four short-term firm and non-firm service agreements for point-to-point transmission service with Enron Power Marketing, Inc and Alliant Energy Corporate Services, Inc.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Electric Power Company

[Docket No. ER01–924–000]

Take notice that on January 11, 2001 Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing, electric service agreements under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) and its Coordination Sales Tariff (FERC Electric Tariff, Second Revised Volume No. 2) with Minnesota Municipal Power Agency.

Wisconsin Electric respectfully requests an effective date of December 30, 2000 to allow for economic transactions.

Copies of the filing have been served on Minnesota Municipal Power Agency, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. New England Power Company

[Docket No. ER01–888–001]

Take notice that on January 11, 2001, New England Power Company (NEP), tendered for filing an amendment to its January 3, 2001 filing in the above-referenced docket. This docket concerns a service agreement between NEP and American Paper Mills of Vermont, Inc. (American) for Firm Local Generation Delivery Service under NEP's FERC Electric Tariff, Second Revised Volume No. 9.

Copies of the filing have been served upon American and the Vermont Public Service Board.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. PJM Interconnection, L.L.C.

[Docket No. ER01–204–001]

Take notice that on January 11, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing amendments to the confidentiality provisions of the

Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. in compliance with the Commission's order in *PJM Interconnection, L.L.C.,* 93 FERC ¶ 61,369 (2000).

Copies of this filing were served upon all parties to this proceeding, PJM Members, and the state electric regulatory commissions within the PJM control area.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Panda Gila River, L.P.

[Docket No. ER01–931–000]

Take notice that on January 11, 2001, Panda Gila River, L.P. (Panda Gila River), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting Panda Gila River to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

Panda Gila River intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Panda Gila River sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Panda Gila River represents that neither Panda Gila River nor any of its affiliates possesses market power as would prevent approval of the requested authorization.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Union Power Partners, L.P.

[Docket No. ER01–930–000]

Take notice that on January 11, 2001, Union Power Partners, L.P. (UPP), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting UPP to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

UPP intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where UPP sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. UPP represents that neither UPP nor any of its affiliates possesses market power as would prevent approval of the requested authorization.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: February 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. American Transmission Company LLC

[Docket No. ER01–765–001]

Take notice that on January 12, 2001, American Transmission Company LLC (ATCLLC), tendered for filing Designations for the Operating Agreement between Alliant Energy Corporate Services, Inc., and American Transmission Company LLC which were inadvertently omitted when the Agreement was originally filed on December 22, 2000.

ATCLLC requests an effective date of January 1, 2001.

Comment date: February 2, 1996, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

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).

David P. Boergers,

Secretary.

[FR Doc. 01–2065 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2954–020]

City of Santa Barbara, CA; Notice of Availability of Final Environmental Assessment

January 18, 2001.

A final environmental assessment (FEA) for Project No. 2954–020 is available for public review. The FEA examines the City of Santa Barbara, California's proposal to surrender its license for the Gibraltar Hydroelectric Project. The hydroelectric facilities to be abandoned are located at the head of Lauro Canyon, a tributary to Diablo Creek, in Santa Barbara County, California.

The FEA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. Copies of the FEA can be viewed in the Public Reference Branch, Room 2A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. This document may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

For further information, contact the environmental project manager, Paul Friedman, at (202) 208–1108.

David P. Boergers,

Secretary.

[FR Doc. 01–2071 Filed 1–23–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100165; FRL–6762–3]

Arctic Slope Regional Corporation Aerospace; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to Arctic Slope Regional Corporation (ASRC) Aerospace in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). ASRC Aerospace has been awarded multiple contracts to perform work for

OPP, and access to this information will enable ASRC Aerospace to fulfill the obligations of the contract.

DATES: ASRC Aerospace will be given access to this information on or before January 29, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the 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/.

II. Contractor Requirements

Under contract number 68–W0–0102, work assignment 003, the contractor will perform the following:

With the passage of the Food Quality Protection Act and reorganization initiatives, the Office of Pesticide Programs (OPP) created the Antimicrobials Division (AD) and gave it responsibility for a range of science and regulatory functions including issuing Reregistration Eligibility Decisions (REDs) for antimicrobial pesticides.

REDs are the mechanisms through which EPA announces a pesticide's eligibility for reregistration. All pesticides sold or distributed in the United States must be initially registered by the EPA prior to sale or distribution. The reregistration process is necessary to ensure that older pesticides meet today's standards for ensuring human and environmental health.

The purpose of the contract is to provide information and records management assistance to Chemical Review Managers (CRMs) and the Reregistration Team. The scope of work includes activities related to the preparation and issuance of REDs and Product Specific Reregistration.

This contract involves no subcontractors.

OPP has determined that the contract described in this document involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with ASRC Aerospace, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, ASRC Aerospace is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to ASRC Aerospace until the requirements in this document have been fully satisfied. Records of information provided to ASRC Aerospace will be maintained by EPA Project Officers for the contract. All information supplied to ASRC Aerospace by EPA for use in connection with the contract will be returned to EPA when ASRC Aerospace has completed its work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: January 2, 2001.

Joanne Martin,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–1830 Filed 1–23–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6936–7]

Peer Review of Agency Draft Strategy for Global Change Research Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: This notice announces a workshop organized by Eastern Research Group, Inc., a U.S. Environmental Protection Agency (EPA) contractor, to obtain scientific peer-review of an EPA Office of Research and Development (ORD) draft Research Strategy entitled: Research Strategy—Global Change Research Program.

DATES: The peer review workshop will begin at 8:30 a.m. and end no later than 5 p.m. on Thursday, February 15, 2001, and begin at 8 a.m. and end no earlier than 3 p.m. on Friday, February 16, 2001. Members of the public may attend as observers. Due to limited space, seating at the meetings will be on a first-come first-serve basis.

ADDRESSES: The peer review will be held at the Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024. To attend the workshop as an observer, contact Eastern Research Group, Inc., Telephone: (781) 674–7374. Space is limited so please register early.

Availability of Review Materials: An electronic version of the draft Research Strategy is accessible on EPA's National Center for Environmental Assessment (NCEA) home page via the Internet at http://www.epa.gov/ncea/glbchng.htm.

FOR FURTHER INFORMATION CONTACT: The EPA has contracted with Eastern Research Group, Inc., (ERG, Inc., 110 Hartwell Avenue, Lexington, Massachusetts 02421). To attend the meeting as an observer, please preregister by calling ERG at 781–674–7374 or fax a registration request to 781–674–2906. Upon registration, you will be sent an agenda and a logistical fact sheet.

SUPPLEMENTARY INFORMATION: ERG is convening the peer review panel to review the draft Research Strategy—Global Change Research Program. The peer review panel is requested to comment on the extent to which the

Research Strategy clearly identifies the appropriate strategic directions for a core research program that will develop the methods, models, and measurements to strengthen the scientific foundation for assessing the potential consequences of global change on human health, ecosystems, and social well-being in the United States.

The emphasis of the Program's research and assessment strategy is on understanding the risks and opportunities presented by global change, the interdependent and interactive effects of multiple stresses, the human dimensions of global change (*i.e.*, human activities that catalyze, as well as those that respond to global change), and adaptation options.

After considering recommendations from extramural advisory groups, as well as from senior scientists from across EPA's Program and Regional Offices, ORD has identified, in the Research Strategy, the strategic directions for its Global Change Research Program. While the Research Strategy delineates the research areas comprising the framework for the Global Change Research Program, the details of the research areas, including the scientific approach at the individual project level, and the anticipated products, performance measures, and schedules, will be included in subsequent research plans and are not a part of this Research Strategy. ERG is undertaking the establishment of a peer review panel to review the Research Strategy.

Dated: January 17, 2001.

William H. Farland,

Acting Deputy Assistant Administrator for Science, Office of Research and Development.

[FR Doc. 01–2178 Filed 1–23–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PF–993; FRL–6758–9]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–993, must be received on or before [*insert date 30 days after date of publication in the* **Federal Register**].

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–993 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–993. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–993 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control

number PF–993. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 12, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioners. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Aventis CropScience

F6160

EPA has received a pesticide petition (F6160) from Aventis CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of Iodosulfuron-methyl-sodium, methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-ureidosulfonyl]benzoate, sodium salt in or on the raw agricultural commodityies corn grain at 0.05 parts per million (ppm), corn forage and stover at 0.1 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of iodosulfuron-methyl-sodium (methyl 4-iodo-2-[3-(4-methoxy-6- methyl-1,3,5-triazin-2-yl)-ureidosulfonyl]benzoate, sodium salt) in wheat, as representative of the cereals grain crop grouping has been investigated and is understood. The results of two metabolism studies in wheat show that the total radioactive residue levels in wheat commodities were very low. The principal compound was the parent, iodosulfuron-methyl-sodium. The metabolism in wheat proceeded via hydrolysis of iodosulfuron-methyl-sodium to three metabolites, AE F0031838 (2-amino-4-hydroxy-6-hydroxymethyl-1,3,5-triazine), AE F075736 (methyl-2-[3-(4-methyoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate), and AE F145741(methyl 2-[3-(4-hydroxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]-4-iodo-benzoate) in harvested straw and at extremely low levels in grain. A fourth metabolite, AE F059411(2-amino-4-methoxy-6-methyl-1,3,5-triazine) was only detected in the straw, again at very low levels. All metabolites characterized in plants were also found in the animal metabolism studies.

2. *Analytical method*. Based on the results of the metabolism studies, the analytical targets selected were only the parent compound, iodosulfuron-methyl-sodium and AE F075736, based on its potential toxicological significance. Extractable residues of iodosulfuron-methyl-sodium and AE F075736 are extracted from the crop matrices corn grain, forage and stover by blending with acetonitrile. After blending, the extract is filtered, volume reduced, partitioned, evaporated to dryness, dissolved in dichloromethane and cleaned-up. The organic extract is rotary evaporated to dryness and analyzed by HPLC/UV. The limit of quantification (LOQ) is 0.025 ppm in corn grain and 0.05 ppm in corn forage and stover.

3. *Magnitude of residues*. Residue trials were carried out in a total of 21 U.S. residue field trials using a water dispersible granule (WG) formulation containing 20 percent w/w iodosulfuron-methyl-sodium. The preparation was applied in a split application of 5 g/ha followed by 2.5 g/ha. Pre-harvest intervals were between 37 to 53, 58 to 102 and 58 to 125 days for forage, grain and stover, respectively. Grain, stover and forage of field corn did not contain residues of iodosulfuron-methyl-sodium at or above the respective limits of quantification of 0.025, 0.05 and 0.05. Also no residues of the metabolite AE F075736 were found in corn grain, stover or forage at harvest above the respective limits of quantification of 0.025, 0.05 and 0.05 mg/kg. It is proposed, therefore, that AE

F075736 is not included in the tolerance expression. Tolerances of iodosulfuron-methyl-sodium are proposed at twice the limit of quantification of the analytical method, namely 0.05, 0.1 and 0.1 mg/kg in grain, stover and forage, respectively. In a corn processing study, no residues above 0.025 mg/kg were observed in corn grain following treatment of the crop at the nominal rate of 25 followed by 12.5 g/ha. This exaggerated rate is approximately eighteen times the maximum proposed label rate. Since no residues were observed in the raw agricultural commodity, neither analysis of the processed commodities nor tolerances are required. Although corn grain is fed to cattle and poultry and cattle may be grazed on forage or fed stover, tolerances in meat, milk or eggs are not necessary because none of these commodities contained iodosulfuron-methyl-sodium or its metabolite.

B. Toxicological Profile

1. *Acute toxicity*. Iodosulfuron-methyl-sodium is slightly toxic following acute oral exposure, no more than slightly toxic following acute dermal exposure and practically non-toxic following acute inhalation exposure. The acute rat oral LD_{50} of iodosulfuron-methyl-sodium was 2,678 mg/kg (combined males plus females). The acute rat dermal LD_{50} was greater than 2,000 mg/kg and the 4-hour rat inhalation LC_{50} was < 2.81 mg/l. Iodosulfuron-methyl-sodium was non-irritating to rabbit skin and caused corneal involvement or irritation clearing in 7 days or less. Based on these results, iodosulfuron-methyl-sodium would be classified as EPA Category IV for inhalation toxicity and dermal irritation and EPA Category III for eye irritation, dermal and oral toxicity. Technical iodosulfuron-methyl-sodium was not a sensitizer to skin.

2. *Genotoxicty*. Testing for possible genotoxic properties of the technical active substance of iodosulfuron-methyl-sodium in several *in vitro* and *in vivo* test systems on different endpoints gave consistently negative results. The *in vitro* testing battery was comprised of investigations for gene mutation in bacterial and mammalian cells, examination of chromosomal aberration in Chinese Hamster cells and testing for unscheduled DNA-synthesis (UDS) in primary rat hepatocytes. The test program was complemented by a mouse micronucleus assay as an indirect investigation on the end-point chromosomal aberration *in vivo*. As there was no evidence of genotoxicity, the overall weight of evidence indicates that iodosulfuron-methyl-sodium is not genotoxic.

3. *Reproductive and developmental toxicity*. A rat developmental toxicity (teratogenicity) study was conducted at dose levels of 0, 100, 315, and 1,000 mg/kg/day. No increased mortality was noted. High dose dams exhibited clinical signs of toxicity including increased salivation, some body weight effects and statistically significantly decreased food consumption. Treatment-related fetal effects were seen only at the high dose of 1,000 mg/kg body weight, expressed by slightly increased incidences of retarded skeletal ossification, blood in the abdominal cavity and distended kidney pelvis. The mid dose dams reduction in food consumption was marginal (7.9 mg/kg versus 8.1 mg/kg for controls). Therefore, the no observable adverse effect level (NOAEL) with respect to maternal and fetal toxicity was 315 mg/kg body weight.

A rabbit developmental (teratogenicity) toxicity study was conducted at dose levels of 0, 25, 100 and 400 mg/kg/day. No treatment related deaths or clinical signs were seen except reduced defecation at 100 and 400 mg/kg. At 400 mg/kg, reduced body weight gain were observed. Food consumption was decreased in all dose level groups. No compound related effects were noted during necropsy except one animal at 400 mg/kg which had white depression on the liver. Fetal weights, crown rump lengths, litter sizes, number of live fetuses and placental weights were not affected by administration of iodosulfuron-methyl-sodium. The NOEL was considered to be 25 mg/kg for maternal toxicity and 400 mg/kg for fetal toxicity. In a 2-generation rat reproduction study with iodosulfuron-methyl-sodium, dietary concentrations of 0, 50, 500, and 5,000 ppm were administered to Wistar male and female rats. Iodosulfuron- methyl-sodium did not cause adverse effects on reproduction, fertility, mating behavior in parents or malformations in the offspring at any dose level tested. Treatment-related changes in parental animals were limited to significant decreases in body weight gains for males and females. Depression of body weight gain was also seen during the gestation periods in females. Retarded body weight gain in pups at the high dose level of 5,000 ppm was seen during lactation. At 5,000 ppm, a slightly statistically significant increase in the number of supernumerary implantation sides was observed in F1 females only. Based on depression of body weight development in parental animals during all phases and on toxicity to the fetuses/offspring at 5,000 ppm, the NOEL for parental animals and offspring was determined to be 500 ppm (equivalent to daily test substance intakes of 25.6 to 116.8 mg/kg/ body weight depending on the phase of the study).

4. *Subchronic toxicity*. In a 90-day rat feeding study, iodosulfuron-methyl-sodium was administered at dietary concentrations of 0, 200, 1,000, 5,000 and 10,000 ppm to groups of 10 male and 10 female Sprague Dawley rats. Futher 10 males and 10 females fed either 0, 5,000 or 10,000 ppm were maintained on control diet for a further 4 weeks to examine reversibility of possible effects. Treatment related depression in body weight gains was seen in males and females at 10,000 ppm and at 5,000 ppm after 13 weeks. Depression of body weight gains was partly reversible during the 4-week recovery period. Overall food consumption was reduced in the 10,000 ppm males. No effects on food consumption were observed in the other dose level groups. Food consumption was comparable in all groups after the 4-week recovery period. Total red cell count and hemoglobin and hematocrit were slightly to marginally reduced in females at 10,000 ppm. No such changes could be seen in the respective recovery animals. Liver weight to body weight ratio was slightly increased in females at 1,0000 ppm compared to controls. This effect was no longer seen in recovery animals. Based on body weight effects at 10,000 and 5,000 ppm and the hepatocyte enlargement in males at 10,000 ppm, the NOEL was considered to be 10,000 ppm, equivalent to a daily intake of 71 mg/kg/day. In a 90-day feeding study in mice, iodosulfuron-methyl-sodium was administered at dietary concentrations of 0, 700, 2,100, and 7,000 ppm. There were no treatment related deaths or clinical signs. Terminal body weight was reduced and body weight gain in males at 7,000 ppm compared to controls. There were no treatment-related effects on food consumption or hematological evaluations. A treatment-related statistically significant increase in alkaline phosphatase was seen in males at 7,000 ppm. Treatment related effects on organ weights were observed in livers of males at 7,000 ppm and 2,100 ppm and in females at 7,000 ppm. Based on depression of body weight development in males and liver effects in both sexes at 7,000 ppm and liver effects in males at 2,100 ppm, the NOEL was considered to be 700 ppm, equivalent to daily intakes of 119 mg/kg body weight for males and 139 mg/kg body weight for females. In a 90-day dog

feeding study, iodosulfuron-methyl-sodium was administered to beagle dogs at dietary concentrations of 0, 200, 1,200 and 7,200 ppm. iodosulfuron-methyl-sodium at dietary concentrations of 7,200 ppm showed effects on the hemapoietic system, in particular on maturation of blood cells in the bone marrow for both sexes. Decreased body weight gain was also seen in the highest dose. At 7,200 ppm, increased absolute and relative liver weights for males and females were observed. Absolute kidney weights in males and relative kidney weights in males and females were increased. Absolute and relative spleen weights were increased in males at 7,200 ppm. All dogs, at 7,200 ppm, had a generalized hemapoietic hyperplasia. Extramedullary hemopoiesis was also detected in the spleen for males and females, in the liver for females and in the mediastinal lymph node for male dogs. At 1,200 ppm one of four females had generalized hemopoietic hyperplasia in the sternal medullary cavities with moderate extramedullary hemopoiesis in the spleen and a reduction in the mature granulocyte forms in the marrow smear. The dietary concentrations of 7,200 ppm clearly exceeded the maximum tolerated dose (MTD). Based on the findings in one female at 1,200 ppm, the NOEL was considered to be 200 ppm, equating to 8.1 mg/kg/day for males and 8.4 mg/kg/day for females.

5. *Chronic toxicity*. Testing was performed in Sprague-Dawley rats and CD-1 mice using dietary concentrations up to and including 7,000 ppm and 1,750 ppm respectively. In the combined chronic toxicity/carcinogenicity study an interim sacrifice in 10 animals per sex and group as an early check for possible effects was performed after 12 months. Doses of 331 mg/kg bw (males) or 452 mg/kg bw (females) in rats caused marked decreases of body weight gains and terminal body weights of high dose animals. Slight body weight effects were also seen in the mid dose of 29.7 mg/kg bw (m) or 39.1 mg/kg bw (famales). The NOAEL was equivalent to a dietary intake of 2.96 mg/kg bw (males) or 3.91 mg/kg bw (females). No body weight effects but hepatotoxicity was seen in mice in line with the results of the 90-day study. Liver effects in the form of pigment deposition were seen in most of the males and part of the females at the top dose of 1,750 ppm. With respect to the marked lipofuscin storage as observed in the 90-day study the high dose of the oncogenicity study had been selected at 1,750 ppm and pigment deposition was seen even at this lower dose due to the longer study duration. In addition hepatocyte enlargement and increased mononuclear cell infiltration was seen in both sexes at the high dose and also in males at the mid dose. There were no significant increases in neoplastic changes in rats or mice after administration of the mentioned doses for the animals natural lifespan. Based on the available chronic toxicity data, Aventis CropScience believes the Reference Dose (RfD) for iodosulfuron-methyl-sodium is 0.03 mg/kg/day based on the most sensitive species, rat. Iodosulfuron-methyl-sodium was not oncogenic in rats or mice and is not likely to be carcinogenic in humans. Aventis Crop Science believes, iodosulfuron-methyl-sodium should be classified as a ‘‘ Not Likely’’ carcinogen based on the lack of carcinogenicity in rats and mice.

6. *Animal metabolism*. The absorption, distribution metabolism and excretion of, iodosulfuron-methyl-sodium is well understood mammals. Wistar rats were orally administered low doses of 10 mg/kg/ body weight and 500 mg/kg body weight. After specific toxic effects had become obvious in the dog, absorption, distribution, elimination and in particular metabolism were also examined in Beagle dogs using an oral low dose of 6 mg/kg bw which was close to the 90-day NOEL, as well as an oral high dose of 200 mg/kg bw. The influence of the label position was examined using two different labels (U-14C-phenyl and 2-14C-triazinyl-label), iodosulfuron-methyl-sodium was metabolized by hydrolysis of the methylester of the benzoic acid function to AE F145740 (4-iodo- 2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)-ureidosulfonyl]benzoic acid and o-demethylation at the 1,3,5-traizine leading to AE F145741 after single and repeated dosing. Oxidative hydroxylation of the 6-methyl group of the 1,3,5-triazinyl moiety was also observed. Breakdown of the sulfonylurea bridge possibly due to amidases leads to AE F114368 (methyl 2-sulfamoylbenzoate) and AE 0031850 (2-aminosulfonyl-4-iodo-benzoic acid) which cyclised to AE F143133 (6-iodo-1,2-benzisothiazol-3(2H)-one-1,1-dioxide). The cleavage of the iodine-phenyl- bond resulting in AE F075736 and AE F161778 (methyl 2-[3-(4-hydroxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate) was observed to be a minor metabolic reaction. Overall no significant difference in the metabolic profile between sexes, dose levels or following repeated dosing in the rat were found. Metabolites identified in the dog study were the same as those found in rats The metabolism of, iodosulfuron-methyl-sodium in ruminants is adequately understood. A dairy cow was dosed with the compound at a level equivalent to 14.23 ppm in the diet for 7 days. The compound appeared to be well absorbed and rapidly excreted mainly in the urine. Total residue levels were very low. The major metabolite identified in all tissues and milk was unchanged, iodosulfuron-methyl-sodium together with up to 7 minor metabolites. All of the metabolic products of iodosulfuron-methyl-sodium were also observed in the rat. The metabolism of iodosulfuron-methyl-sodium in poultry is also adequately understood. Laying hens were fed the compound at a level equivalent to 10 ppm in the diet for 14 days. Residue levels were low in all commodities. Unchanged iodosulfuron-methyl-sodium was the major metabolite identified in all of the tissues and yolks. Up to 6 minor metabolites of iodosulfuron-methyl-sodium were also detected in all tissues and excreta which were identical to those formed in the rat.

7. *Endocrine disruption*. No special studies have been conducted to investigate the potential of iodosulfuron- methyl-sodium to induce estrogenic or other endocrine effects. However, no evidence of estrogenic or other endocrine effects have been noted in any of the standard toxicology studies that have been conducted with this product and there is no reason to suspect that any such effects would be likely.

C. Aggregate Exposure

1. *Dietary exposure*. Iodosulfuron-methyl-sodium is proposed for use as an herbicide on corn. No non- agricultural uses are anticipated. The potential sources of exposure would consist of any potential residues in food and drinking water. As indicated in Unit B. there are no acute toxicity concerns and thus only chronic exposure has been evaluated.

i. *Food*. Chronic dietary analysis was conducted to estimate exposure to potential iodosulfuron- methyl-sodium residues in/on corn. A Tier One analysis was conducted using the DEEM software and the 1994-1996 CSFII food consumption data. It was assumed that residues were at tolerance levels of 0.05 ppm (twice the limit of quantification) in grain and that 100% of crop was treated. Additionally, based on the results from appropriate studies, it was assumed that there was no concentration into processed commodities and that contributions

from residues in meat, milk or eggs are not required. A chronic RfD of 0.03 mg/kg /day is derived from the most sensitive species, rat. Using these inputs the chronic dietary exposure estimate from residues of iodosulfuron-methyl-sodium for the U.S. population was 0.000079 mg/kg /day or 0.3% of its RfD. For the sub-population with the highest exposure, non-nursing infants, the chronic dietary exposure estimate from residues of iodosulfuron-methyl-sodium was 0.000201 mg/kg /day, or 0.7% of its RfD. These values are highly conservative, having been based on worst case assumptions of tolerance level residues and 100% of the crop treated.

ii. *Drinking water*. EPA's Standard Operating Procedure (SOP) for drinking water exposure and risk assessments was used to perform the drinking water assessment. This SOP uses a variety of tools to conduct drinking water assessment. These tools include water models such as SCI-GROW, GENEEC, PRZMS/EXAMS, and monitoring data. If monitoring data are not available then the models are used to predict potential residues in surface and ground water and the highest value is assumed to be the potential drinking water residue. In the case of iodosulfuron-methyl-sodium monitoring data do not exist therefore model calculations were used to estimate a water residue. The calculated drinking water levels of comparison (DWLOC) for chronic exposures for all adults and children greatly exceed the drinking water estimated concentrations (DWEC) from the models. The chronic DWLOC for adults is 1,047 ppb. The chronic DWLOC for children/toddlers is 298 ppb. The worst case chronic DWEC is 0.015 ppb based on a PRZM/EXAMS simulation of runoff into surface water in a standard EPA exposure assessment scenario for corn (MLRA 111, Ohio). The DWEC represents combined residues of iodosulfuron-methyl-sodium and its metabolite AE F075736, expressed as iodosulfuron-methyl-sodium equivalents.

2. *Non-dietary exposure*. Exposure to iodosulfuron-methyl-sodium for the mixer/loader/ground boom/aerial applicator was calculated using the Pesticide Handlers Exposure Database (PHED). It was assumed that the product would be applied to a maximum of 50 hectares per day (125 A/day) by ground boom applicator and 140 hectares per day (350 A/day) by aerial applicator at a maximum use rate of 2 grams active ingredient. Normal work attire consisting of long-sleeved shirt, long pants, and protective gloves was assumed in the PHED assessment. Margins of exposure (MOEs) for a 70 kg operator were calculated utilizing a dermal NOEL of 810 mg/kg body weight/day from the rat dermal toxicity study and an inhalation NOAEL of 8 mg/kg body weight/day based on a 90–day dog feeding study. There were no signs of developmental toxicity in the rabbit developmental toxicity study. The combined MOE (inhalation plus dermal) for iodosulfuron-methyl-sodium was 1,101,000 for a ground operator undertaking mixing, loading and spraying. For aerial application where the mixer/loader was assumed to be a different operator from the pilot combined MOEs were 629,000 for the mixer/loader and 10,131,000 for the pilot. The results indicate that large margins of safety exist for the proposed use of iodosulfuron-methyl-sodium. The timing of iodosulfuron-methyl-sodium application to corn is such that field reentry shortly after spraying is atypical. Therefore estimations of worker reentry exposure were not considered necessary.

D. Cumulative Effects

There is no available data at this time to determine whether iodosulfuron-methyl-sodium has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Therefore a cumulative assessment was not done for this chemical.

E. Safety Determination

1. *U.S. population*. Using the conservative assumptions described above, based on the completeness and reliability of the toxicity data, it is concluded that aggregate exposure, in this case food only, to the proposed uses of iodosulfuron-methyl-sodium will utilize at most 0.3% of the reference dose for the U.S. population. The actual exposure is likely to be much less as more realistic data and models are developed. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate exposure over a lifetime will not pose appreciable risk to human health. Drinking water levels of comparison based on the dietary exposure are much greater than highly conservative estimated levels, and would be expected to be well below the 100% level of the RfD, if they occur at all. Therefore, there is a reasonable certainty that no harm will occur to the U.S. Population from aggregate exposure (food and drinking water) to iodosulfuron-methyl-sodium.

2. *Infants and children*. No evidence of increased sensitivity to fetuses was noted in developmental toxicity studies in rats or rabbits. There has been no indication of reproductive effects or indication of increased sensitivity to the offspring in the 2-generation rat reproduction study. No additional safety factor to protect infants and children is necessary as there is no evidence of increased sensitivity in infants and children.

Using the conservative assumptions described in the exposure section above, the percent of the reference dose that will be used for exposure to residues of iodosulfuron-methyl-sodium in food for non-nursing infants (the most highly exposed sub group) is 0.7%. The children (1-6) exposure uses 0.6% of the reference dose. As in the adult situation, drinking water levels of comparison are much higher than the worst case drinking water estimated concentrations and are expected to use well below 100% of the reference dose, if they occur at all. Therefore, there is a reasonable certainty that no harm will occur to infants and children from aggregate exposure to residues of iodosulfuron-methyl-sodium.

F. International Tolerances

There are no Codex Alimentarius Commission maximum residue levels established for residues of iodosulfuron-methyl-sodium.

[FR Doc. 01–2182 Filed 1–23–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00690; FRL–6758–6]

Pesticide Guidelines; Request for Information to Update Plant Commodity Table

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA intends to update its guidance on the residue data requirements that support registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and that support tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA) for use in the conduct of human health risk assessments. The Agency will update the Series 860—Residue Chemistry Test Guidelines by revising Table 1 in OPPTS 860.1000, describing raw agricultural commodities (RACs), processed foods, and livestock feedstuffs because of changes in commercial food/feed processing practices, livestock feeding practices, and consumer consumption patterns. The Agency seeks information from

interested parties on the raw agricultural commodities, processed foods, and livestock feedstuffs currently listed in Table 1, as well as information about other such commodities that should be considered for addition to Table 1.

DATES: Comments, identified by docket control number OPP–00690, must be received on or before April 24, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00690 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Jerry Stokes, Health Effects Division (7509C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–7561; fax number: (703) 305–5147; e-mail address: *stokes.jerry@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 or may be required to conduct testing of chemical substances under FFDCA or FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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/. You may also obtain copies of the test guidelines from the EPA Internet Home page at http://www.epa.gov/opptsfrs/home/guidelin.htm/. The OPPTS 860.1000 test guideline must be downloaded in Adobe portable document format (PDF) in order for the current Table 1 to be viewed or printed.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00690 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: *opp-docket@epa.gov*, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00690. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to include docket control number OPP–00690 in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is the Agency Taking?

''Table 1.—Raw Agricultural and Processed Commodities and Feedstuffs Derived From Crops,'' appearing in the OPPTS 860.1000 test guideline (61 FR 44308, August 28, 1996) (FRL–5390–7), provides a listing of most significant food and feed commodities, both raw and processed, for which residue data are collected and pesticide tolerances may be set. Table 1 also provides a description of the raw agricultural commodity and the proper growth stage to take samples for residue analysis. In addition, for feedstuffs, Table 1 provides:

1. The maximum percent of the diet for beef and dairy cattle, poultry and swine; and
2. Guidance on those crops EPA believes it would be appropriate to allow label restrictions prohibiting use of commodities as feedstuffs.

The Agency believes that it is now appropriate to update Table 1 because there have been significant changes in commercial processing and livestock feeding practices. In addition, changes in consumer consumption patterns suggest that additional data for some

processed commodities may help to further refine Agency dietary exposure assessments. Commodities that predominate in children's diets will be a special focus of attention.

EPA is seeking stakeholder involvement to make the process most effective. Interested parties are asked to provide information on raw agricultural commodities, associated processed commodities and livestock feedstuffs derived from the RACs, and/or processed commodities. Information provided could include:

1. Amount of RAC, processed commodity, or feedstuff produced;
2. Common processing practices;
3. Disposition of processing wastes;
4. Regional production/distribution of feedstuffs;
5. Cultural practices and harvesting information needed to assess the RAC;
6. Portion of commodity consumed;
7. Percent dry matter at sampling stages; or
8. Changes in the maximum percent of livestock diet.

Information concerning national or local distribution or utilization of livestock feedstuffs is desirable. All information supplied should be accompanied with adequate supporting documentation.

Additional raw agricultural commodities will be incorporated into Table 1 as appropriate. It is anticipated that Table 1 will also be expanded to include more processed commodities. Interested parties are encouraged to submit information on processed commodities not previously considered in Table 1.

B. What is the Agency's Authority for Taking this Action?

In response to a FIFRA Scientific Advisory Panel recommendation that the Agency, ''. . . retain a standing committee to continue monitoring and updating the contents of this table,'' the Agency is now updating Table 1. The feedstuffs section of Table 1 was the primary focus of revisions reflected in the August 1996 revision. Effectively, the processed commodities have not been updated since the original 1982 version of Table 1.

List of Subjects

Environmental protection, Agricultural commodities, Health, Livestock, Test guidelines.

Dated: January 11, 2001.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 01–2183 Filed 1–23–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–3]

Extension of Time to File Requests to Intervene and Expansion of Permissible Intervenors In Connection With Petition for Case-by-Case Determination—Membership Based on Convenience Under the Federal Home Loan Bank Act and the Federal Housing Finance Board's Regulations

AGENCY: Federal Housing Finance Board.

ACTION: Notice of Extension of Time to File Requests to Intervene and Expansion of Permissible Intervenors.

SUMMARY: The Federal Housing Finance Board (Finance Board) has waived the 45-day deadline for filing Requests to Intervene in the Finance Board's Procedures Regulation, and extended the deadline for an additional 30 days, *i.e.,* to February 24, 2001, in connection with the Federal Home Loan Bank (Bank) of Dallas' Petition for Case-by-Case Determination (Petition). Because February 24 is a Saturday, Requests to Intervene due on February 24 may be filed on the next business day, *i.e.,* February 26, 2001. The Finance Board also has waived the provisions of the Procedures Regulation that would limit the persons eligible to file a Request to Intervene, to allow any interested persons to file a Request to Intervene in connection with the Dallas Bank Petition.

ADDRESSES: Send Requests to Intervene to: Elaine L. Baker, Secretary to the Board, at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Copies of non-confidential portions of the Petition and of non-confidential portions of Requests to Intervene will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Managing Director and Chief Economist, (202) 408–2821; Scott L. Smith, Acting Director, Office of Policy, Research and Analysis, (202) 408–2991; Deborah F. Silberman, General Counsel, (202) 408–2570, Sharon B. Like, Senior Attorney-Advisor, (202) 408–2930, Office of General Counsel. Staff also can be reached by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: The Dallas Bank filed the Petition, dated December 8, 2000, and received by the Finance Board on December 11, 2000, requesting that the Finance Board approve the membership of Washington Mutual Bank, FA (WMBFA), currently a member of the San Francisco Bank, in the Dallas Bank upon completion of the merger of Bank United into WMBFA, under section 4(b) of the Federal Home Loan Bank Act (Bank Act) and § 925.18(a)(2) of the Finance Board's regulations, thereby allowing WMBFA to be a member of both the San Francisco and Dallas Banks. *See* 12 U.S.C. 1424(b); 12 CFR 925.18(a)(2). On December 27, 2000, the Finance Board published a Notice of Receipt of the Petition (Notice) in the **Federal Register**. 65 FR 81861 (Dec. 27, 2000). The Notice stated, among other things, that, pursuant to the Finance Board's Procedures Regulation, 12 CFR part 907, any member, Bank, or the Office of Finance may file a Request to Intervene in consideration of the Petition in accordance with 12 CFR 907.11 if it believes its rights may be affected by the issues raised by the Petition. The Notice stated that any Request to Intervene must be in writing and must be filed with the Secretary to the Finance Board within 45 days from the date the Petition was filed, *i.e.*, by January 25, 2001. *See* 12 CFR 907.11(a)(1).

Potential intervenors have requested an extension of time of 45 days within which to file Requests to Intervene, on the basis that additional time is needed to fully consider the ramifications of the fundamental legal, political and policy issues of first impression raised by the Petition that are critical to the structure and function of the Bank System. In addition, persons not otherwise listed as parties eligible to file a Request to Intervene under § 907.8(b) of the Finance Board's Procedures Regulation have inquired whether they could be granted permission to file a Request to Intervene. *See* 12 CFR 907.8(b).

After consideration of the above requests and the importance of the issues raised by the Petition, pursuant to § 907.15(a) of the Finance Board's Procedures Regulation, the Finance Board has waived the 45-day deadline for filing Requests to Intervene in § 907.11(a)(1), and extended the deadline for an additional 30 days, *i.e.,* to February 24, 2001; because February 24 is a Saturday, Requests to Intervene due on February 24 may be filed on the next business day, *i.e.,* February 26, 2001. *See* 12 CFR 907.11(a)(1), 907.15(a). The Finance Board also has waived the provisions of § 907.8(b) that would limit the persons eligible to file a Request to Intervene, to allow any interested persons to file a Request to Intervene in connection with the Dallas Bank Petition. *See* 12 CFR 907.8(b).

Dated: January 18, 2001.

By the Federal Housing Finance Board.

James L. Bothwell,

Managing Director.

[FR Doc. 01–2129 Filed 1–23–01; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011745.

Title: Evergreen/Lloyd Triestino Alliance Agreement.

Parties:

Evergreen Marine Corp. (Taiwan) Ltd.
Lloyd Triestino Di Navegazione S.p.A.

Synopsis: The proposed agreement allows the parties to cooperate on matters relating to the exchange of vessel space and equipment, electronic data interchange, office operations, joint service contracts, rates, and vessel operations and costs in the trade between all U.S. ports and ports in the Far East, Southeast Asia, Indian Subcontinent, Australia, and New Zealand.

By Order of the Federal Maritime Commission.

Dated: January 19, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–2190 Filed 1–23–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 4599N and 4599F.
Name: AFS Freight Management (USA), Inc. d/b/a AFS Projects and Logistics (USA).
Address: 111 West Ocean Blvd., Suite 1100, Long Beach, CA 90802.
Date Revoked: December 7, 2000 and December 24, 2000.
Reason: Failed to maintain valid bonds.

License Number: 2691N.
Name: Atlas Van Lines, Inc.
Address: 1212 St. George Road, Evansville, IN 47703.
Date Revoked: December 13, 2000.
Reason: Failed to maintain a valid bond.

License Number: 15445N.
Name: Cargocare North America, Ltd.
Address: 3201 Route 38 West, Suite 201, Mount Laurel, NJ 08054.
Date Revoked: December 18, 2000.
Reason: Failed to maintain a valid bond.

License Number: 16420N.
Name: Continental Container Line, Inc.
Address: 182–16 147th Avenue, Jamaica, NY 11413.
Date Revoked: December 7, 2000.
Reason: Failed to maintain a valid bond.

License Number: 16079N.
Name: Internet Shipping Lines, Inc.
Address: 175–41 148th Road, Jamaica, NY 11434.
Date Revoked: December 14, 2000.
Reason: Failed to maintain a valid bond.

License Number: 1470N.
Name: Kenney Transport, Inc.
Address: 145–38 157th Street, Jamaica, NY 11434.
Date Revoked: December 10, 2000.
Reason: Failed to maintain a valid bond.

License Number: 14243N.
Name: Lih Ming Air & Sea Co., Ltd.
Address: 920 Sivert Drive, Wood Dale, IL 60191.
Date Revoked: December 1, 2000.
Reason: Failed to maintain a valid bond.

License Number: 13718N.
Name: Paramount Transportation Services, Inc.
Address: 3216 Rose Walk Ct., Mt. Pleasant, SC 29464.
Date Revoked: December 17, 2000.
Reason: Failed to maintain a valid bond.

License Number: 486.
Name: Ramon Araujo d/b/a Delmar Forwarding.
Address: 180 Broadway, New York, NY 10038.
Date Revoked: November 14 2000.
Reason: Failed to maintain a valid bond.

License Number: 15960N.
Name: Seabreeze Logistics Inc.
Address: 890 Airport Park Road, Suite 118, Glen Burnie, MD 21061.
Date Revoked: December 14, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3369F.
Name: Shelia Perry d/b/a Benchmark Forwarding Company.
Address: 108 Gearge Coggins Road, Newnan, GA 30265.
Date Revoked: December 14, 2000.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–2192 Filed 1–23–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants:

Seaspeed Overseas Shipping Co., Inc., 69 La Fante Lane, Bayonne, NJ 07002, Officer: John Trimarchi, Director/President (Qualifying Individual)

United Logistics Group, Inc., 20355 Via Sanlucar, Yorba Linda, CA 92887, Officer: Ling Zou, Director/President (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Albacor Shipping (USA) Inc. d/b/a Pearl Line, 86 Brookwood Drive, Mahwah, NJ 07430, Officers: Bernd Ferber, President (Qualifying Individual), Gerald Ness, Vice President

Rodair International (Phoenix) Inc., 1224 W. Fairmont Drive, Tempe, AZ 85282, Officers: Nancy Greiner, Vice President (Qualifying Individual), Jeffrey Cullen, President

TLI Shipping, LLC, 4000 Blackburn Lane, Suite 250, Burtonsville, MD

20866, Officer: Mark T. Lambert, President (Qualifying Individual)

South West Marine, Inc., 400–C Ansin Blvd., Hallandale, FL 33009, Officer: Eti Cohen, Vice President (Qualifying Individual)

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

C.O. Logistic, 3711 Country Club, Drive #6, Long Beach, CA 90807, Pavao Sosic, Sole Proprietor

Fauveder (USA) Inc., 65 South 21st Street, 2nd Floor, Let Unit, Kenilworth, NJ 07033, Officers: Nicolas Lemiere, Managing Director (Qualifying Individual), Philippe Fauveder, President

Joseph B. Hohenstein Customhouse Brokers, 645 Indian Street, Suite 209, Savannah, GA 31401, Joseph B. Hohenstein, Sole Proprietor

Uniworld International, Inc., 1610 Tropic Park Drive, Sanford, FL 32773, Officers: M. Wael Shrourou, President (Qualifying Individual), Mona Z. Shrourou, Secretary

American Logistic Co. Inc., 10840 Warner Avenue, Suite 205, Fountain Valley, CA 92708, Officers: David Silverman, V. President of Sales (Qualifying Individual), Dennis Morrison, President

Kito Electronics Limited Company, 10530 N.W. 37th Terrace, Miami, FL 33178, Officers: Andres Messulam, General Partner, (Qualifying Individual), Mary Francis Messulam, Partner

V & M International Forwarders, Inc., 1343 N.W. 79th Terrace, Medley, FL 33166, Officers: Marcelino Vazquez, President (Qualifying Individual), Manuel Vazquez, Vice President

Dated: January 19, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–2191 Filed 1–23–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 8, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Mary Garst, Oakland, California, and Tom Chrystal, Scranton, Iowa; both to acquire additional voting shares of Community Grain Co., Coon Rapids, Iowa, and thereby indirectly acquire additional voting shares of Iowa Savings Bank, Carroll, Iowa.

Board of Governors of the Federal Reserve System, January 19, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–2168 Filed 1–23–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 20, 2001.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. F.N.B. Corporation, Hermitage, Pennsylvania; to merge with Citizens Community Bancorp, Inc., Marco Island, Florida, and thereby indirectly acquire voting shares of Citizens Community Bank of Florida, Marco Island, Florida.

In connection with application, Applicant also has applied to acquire Citizens Financial Corporation, Marco Island, Florida, and thereby engage in loan origination activities, pursuant to § 225.28(b)(1) of Regulation Y, and CCB Mortgage Corporation, Marco Island, Florida, and thereby engage in mortgage brokerage activities, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, January 19, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–2167 Filed 1–23–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting Act

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 11:00 a.m., Monday, January 29, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an

electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: January 19, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–2247 Filed 1–19–01; 5:04 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality (AHRQ)

Statement of Organization, Functions, and Delegations of Authority

Part E, Chapter E (Agency for Healthcare Research and Quality), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (61 FR 15955–58, April 10, 1996, most recently amended 65 FR 16395, March 28, 2000) is further amended to reflect recent organizational changes. Specifically, AHRQ is re-titling its Center for Quality Measurement and Improvement as the Center for Quality Improvement and Patient Safety (CQuIPS, pronounced ''see quips'') to reflect the Center's additional functional responsibilities for patient safety. The specific changes are as follows:

1. Under *Section E–10, Organization,* replace ''I. Center for Quality Measurement and Improvement'' with ''I. Center for Quality Improvement and Patient Safety''.

2. Under *Section E–20, Functions,* delete the title and statement for the Center for Quality Measurement and Improvement (EL) in its entirety and insert the following:

Center for Quality Improvement and Patient Safety (EL)

Conducts and supports research on the measurement and improvement of the quality of health care and enhancement of patient safety. Specifically, (1) Conducts and supports research, demonstrations, and evaluations of the quality of health care and patient safety; (2) conducts and supports research on the measurement of healthcare quality and promotes the use of these measures; (3) conducts and supports research on effective ways to improve the quality of healthcare and participates in the dissemination of this knowledge; (4) evaluates methods for identifying and preventing medical errors; (5) supports dissemination and communication activities to improve quality of care and patient safety; (6) designs, conducts, and supports surveys to assess the quality of and satisfaction with health care services and systems; (7) develops and tests measures and methods for evaluating the quality of care and enhancing patient safety; (8) provides technical assistance and gathers information on the use of quality measures, consumer and patient information, and reporting on patient safety and the resulting effects; (9) develops and disseminates an annual report on healthcare quality in general and patient safety specifically; and (10) represents the Agency in meetings with domestic and international experts and organizations concerned with measuring and evaluating the quality of care and enhancing patient safety.

These changes are effective upon date of signature.

Dated: January 17, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–2064 Filed 1–23–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Healthcare Infection Control Practices Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through January 19, 2003.

For further information, contact Michele Pearson, M.D., Executive Secretary, Healthcare Infection Control Practices Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, 1600 Clifton Road, NE, M/S E–69, Atlanta, Georgia 30333, telephone 404/639–6415 or fax 404/639–6459.

The Director, Management and Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 18, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–2107 Filed 1–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee on Immunization Practices (ACIP).

Times and Dates: 8:30 a.m.–6:45 p.m., February 21, 2001; 8 a.m.–3:15 p.m., February 22, 2001.

Place: Atlanta Marriott Century Center, 2000 Century Boulevard, N.E., Atlanta, Georgia 30345–3377.

Status: Open to the public, limited only by the space available.

Purpose: The Committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents. In addition, under 42 U.S.C. 1396s, the Committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding the appropriate periodicity, dosage, and contraindications applicable to the vaccines.

Matters to be Discussed: The agenda will include a discussion on the U.S. influenza surveillance summary; international update and vaccine selection for 2001–2002 influenza season; 2001–2002 control and prevention of influenza recommendations; update on live attenuated influenza vaccine; status report of ACIP statement on prevention of hepatitis B; update on thimerosal and DTaP vaccines; options to transition to thimerosal free DTaP vaccines; polio outbreak in the Dominican Republic; status of outbreak and control measures; policy implications for polio vaccine in the U.S.; stock pile of polio vaccine; update from the Haemophilus influenza b vaccine dose-reduction working group; smallpox vaccine recommendations; recommended use of vaccine for laboratorians working with highly-attenuated and non-attenuated strains of vaccinia virus or other or thopoxviruses; recommended use of vaccine in a bioterrorism event involving smallpox virus; recommendations regarding antiviral alternatives to VIG for treating vaccine adverse reactions; update from the National Center for Infectious Diseases; update from the National Immunization Program; update

from the Food and Drug Administration; update from the National Institutes of Health; update from the Vaccine Injury Compensation Program; update from the National Vaccine Program; Institute of Medicine report on the Immunization Safety Review Committee; review and approval of the general recommendations document; discontinuation of manufacture and marketing of the only licensed cholera vaccine in the U.S. and the only licensed typhoid fever vaccine for children age 6 months–2 years in the U.S.; pertussis among adolescents and adults in the U.S.; data from the APERT trial; update on Td vaccine supply; update on hepatitis A vaccination activities; cost effectiveness of universal childhood vaccination against hepatitis A in states covered by ACIP recommendations; and a StaphVAX phase 3 efficacy trial in end-stage renal disease patients on hemodialysis.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gloria A. Kovach, Program Analyst, Epidemiology and Surveillance Division, National Immunization Program, CDC,1600 Clifton Road, NE., m/s E61, Atlanta, Georgia 30333. Telephone 404/639–8096.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 18, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–2109 Filed 1–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committee, Subcommittee on Future Vaccines, Subcommittee on Immunization Coverage, and Subcommittee on Vaccine Safety and Communication Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

Name: National Vaccine Advisory Committee (NVAC).

Times and Dates: 9 a.m.–2:15 p.m., February 13, 2001. 8:30 a.m.–2:45 p.m., February 14, 2001.

Place: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each day either between 8:00 a.m. and 8:30 a.m. or 12:30 p.m. and 1:00 p.m. Entrance to the meeting at other times during the day cannot be assured.

Purpose: This committee advises and makes recommendations to the Director of the National Vaccine Program on matters related to the Program responsibilities.

Matters to be Discussed: Agenda items will include: a report from the National Vaccine Program Office (NVPO) and the Interagency Vaccine Workgroup; a report on the cytomegalovirus vaccine (CMV) meeting; discussions on influenza vaccine supply and delay; pandemic influenza preparedness; NVAC Polio Containment Workgroup report; Vaccine Safety and Communication Subcommittee report; Immunization Coverage Subcommittee report; Future Vaccines Subcommittee report; update from the Office of the Assistant Secretary for Health and Surgeon General; a report on the Global Immunization Initiative; ACCV Annual Report, VRPBC Highlights, and ACIP Highlights; an update on the NVAC Mandatory Immunization Requirements Workgroup and a report of the Introduction of New Vaccines Workgroup.

Name: Subcommittee on Future Vaccines.

Time and Date: 2:15 p.m.–5 p.m., February 13, 2001.

Place: Hubert H. Humphrey Building, Room 305A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee develops policy options and guides national activities that lead to accelerated development, licensure, and the best use of new vaccines in the simplest possible immunization schedules.

Matters to be Discussed: Agenda items will include discussions on new National Institute of Health data on rotavirus and intussusception and future actions regarding CMV based on results of the National Vaccine Advisory Committee sponsored meeting.

Name: Subcommittee on Immunization Coverage.

Time and Date: 2:15 p.m.–5 p.m., February 13, 2001.

Place: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee will identify and propose solutions that provide a multifaceted and holistic approach to reducing barriers that result in low immunization coverage for children.

Matters to be Discussed: Agenda items will include discussions on adult immunization standards; Pediatric immunization standards; an update on the Introduction of New Vaccines Workgroup; an update on the Mandatory Immunization Guidelines Workgroup; an update on Immunization Registries Progress Report; discussion of areas of focus for unmet needs funding; an update on the Strategies to Sustain Success Blue Ribbon Panel; and future dates for interim Subcommittee meetings.

Name: Subcommittee on Vaccine Safety and Communication.

Time and Date: 2:15 p.m.–5 p.m., February 13, 2001.

Place: Hubert H. Humphrey Building, Room 325A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee reviews issues relevant to vaccine safety and adverse reactions to vaccines.

Matters to be Discussed: Review of the Executive Summary of the NVAC Risk Communication Workshop; a discussion of the Subcommittee's relationship with IOM; and, discussion of new business.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gloria Sagar, Committee Management Specialist, NVPO, CDC, 1600 Clifton Road, NE, M/S D–66, Atlanta, Georgia 30333, telephone 404/687–6672.

Dated: January 18, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–2108 Filed 1–23–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Federal Tax Offset, Administrative Offset, and Passport Denial Programs.

OMB No.: 0970–0161.

Description: The Tax Refund Offset and Administrative Offset Program collects past-due child support by intercepting certain Federal payments, including Federal Tax refunds of parents who have been ordered to pay child support and are behind in paying the debt. The program is a cooperative effort including the Department of Treasury's financial Management Service (FMS), the Federal Office of Child Support Enforcement (OCSE) and State Child Support Enforcement (CSE) agencies. The Passport Denial program reports noncustodial parents who owe arrears above a threshold to Department of State (DOS), which will then deny

passports to these individuals. On an ongoing basis, CSE agencies submit to OCSE the names, Social Security Numbers (SSNs) and the amount(s) of past due child support of people who are delinquent in making child support payments.

Respondent: Annual Burden Estimates.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Input Record	54	52	.3	842.4
Output Record	54	52	.46	1,292.0
Payment File	54	26	.27	379.0
Certification Letter	54	1	.4	21.6
Estimated Total Annual Burden Hours				2,535

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: January 18, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–2157 Filed 1–23–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Delegations of Authority

Notice is hereby given that on January 17, 2001, the Assistant Secretary for the Administration for Children and Families redelegated to the Principal Deputy Assistant Secretary, all the authorities delegated to the Assistant Secretary for Children and Families by the Secretary of the Department of Health and Human Services on August 20, 1991, September 28, 1994, and September 16, 1997. This delegation does not include any authority delegated to the Assistant Secretary which was not authorized to be redelegated and is subject to any limitations or conditions contained in the delegations from the Secretary.

Dated: January 17, 2001.

Olivia A. Golden,

Assistant Secretary for Children and Families.

[FR Doc. 01–2060 Filed 1–23–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration Advisory Committee

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 2001.

Name: Advisory Committee on Infant Mortality (ACIM).

Date and Time: February 26, 2001; 9:00 a.m.–5:00 p.m.; February 27, 2001; 8:30 a.m.–3:00 p.m.

Place: Georgetown Latham Hotel, 3000 M. Street, NW., Washington, DC 20007 (202) 726–5000.

The meeting is open to the public.

Purpose: The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department programs which are directed at reducing infant mortality and improving the health status of pregnant women and infants; factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth; factors determining the length of hospital stay following childbirth; strategies to coordinate the variety of Federal, State, and local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start initiative and infant mortality objectives from *Healthy People 2010.*

Agenda: Topics that will be discussed include: Early Postpartum Discharge; Low-Birth Weight; Disparities in Infant Mortality; and the Healthy Start Program.

Anyone requiring information regarding the Committee should contact Peter C. van Dyck, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration (HRSA), Room 18–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone: (301) 443–2170.

Individuals who are interested in attending any portion of the meeting or who have questions regarding the meeting should contact Ms. Kerry P. Nesseler, HRSA, Maternal and Child Health Bureau, telephone: (301) 443–2170.

Agenda items are subject to change as priorities are further determined.

Dated: January 18, 1001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–2130 Filed 1–23–01; 8:45 am]

BILLING CODE 4160–15–P–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Rates for Calendar Year 2001

Notice is given that the Director of Indian Health Service (IHS), under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248(a) and 249(b)) and section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1601), has approved the following rates for inpatient and outpatient medical care provided by IHS facilities for Calendar Year 2001 for Medicare and Medicaid Beneficiaries and Beneficiaries of other Federal Agencies. Since the inpatient rates do not include physician services, IHS facilities may also be entitled to bill State Medicaid programs for physician services to the extent that those services meet applicable requirements under an approved State Medicaid plan.

Inpatient Hospital Per Diem Rate (Excludes Physician Services)

Calendar Year 2001

Lower 48 States—$1,306
Alaska—$1,813

Outpatient Per Visit Rate (Other Than Medicare)

Calendar Year 2001

Lower 48 States—$185
Alaska—$349

Outpatient Per Visit Rate (Medicare)

Calendar Year 2001

Lower 48 States—$157
Alaska—$334

Medicare Part B Inpatient Ancillary Per Diem Rate

Calendar Year 2001

Lower 48 States—$751
Alaska—$997

Outpatient Surgery Rate (Medicare)

Established Medicare rates for freestanding Ambulatory Surgery Centers.

Effective Date for Calendar Year 2001 Rates

Consistent with previous annual rate revisions, the Calendar Year 2001 rates will be effective for services provided on/or after January 1, 2001 to the extent consistent with payment authorities including the applicable Medicaid State plan.

Regulatory Impact

We have examined the impacts of this rule as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all cost 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 annually). This notice is not a major notice because we have determined that the economic impact will be negligible.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. This rule will not have a significant economic effect on these governments or the private sector.

The Department has determined that this notice does not have a substantial effect on States or local governments under Executive Order 13132 and will not interfere with the roles, rights and responsibilities of States or local governments. We are not preparing analysis for the RFA because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities.

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

Dated: January 18, 2001.

Michel E. Lincoln,

Deputy Director.

[FR Doc. 01–2131 Filed 1–23–01; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Establishment of the Joint Fire Science Program Stakeholder Advisory Group

AGENCY: Office of the Secretary, Interior.

ACTION: Establishment of the Joint Fire Science Program Stakeholder Advisory Group.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C. App.). Notice is hereby given that the Secretary of the Interior and the Secretary of Agriculture have established the Joint Fire Science Program Stakeholder Advisory Group to provide advice concerning priorities and approaches for research and implementation of research findings for the management of wildland fuels on lands administered by the U.S. Department of the Interior, through the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture, through the Forest Service.

EFFECTIVE DATE: This Committee is established effective January 24, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Bob Clark, Joint Fire Science Program Manager, National Interagency Fire Center, 3833 S. Development Ave., Boise, Idaho 83705, (208) 387–5349. Internet: bob_clark@blm.gov.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 FACA) (5 U.S.C. App.).

The Committee will conduct its operations in accordance with FACA. The Committee will report to the Joint Fire Science Program Governing Board (Governing Board). The Committee's charter provides for the Committee to assist the Governing Board by gathering and analyzing information and considering public comments in order to provide advice develop recommendations from a national public interest perspective to the Secretaries and the Governing Board on matters pertaining to research into the wildlands fuels problem and implementation of solutions, and other related matters as the Governing Board may request.

To achieve the Committee's goals, members will be appointed who can represent effectively the varied interests affected by the Joint Fire Science Program. Members will represent a variety of viewpoints and will have varying experience and the Committee will be fairly balanced in terms of view, background, and tasks. Federal Members will represent the U.S. Department of the Interior, through the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture, through the Forest Service.

The Secretary of the interior will designate one of the members to serve as chair. The Department of the Interior will provide the necessary administrative support for the Committee.

Pursuant to a waiver under 41 CFR § 101–6.1015, a copy of the Committee's charter will be filed with the Committee on Energy and Natural Resources, United States Senate; Committee on Resources, U.S. House of Representatives; the Library of Congress; and the Committee Management Secretariat; General Services Administration simultaneously with the publication of this notice.

CERTIFICATION: I hereby certify that the establishment of the Joint Fire Science Program Stakeholder Advisory Group is necessary and in the public interest in connection with the Secretary of the interior's statutory responsibilities to manage the lands and resources administered by the Department of the Interior.

Dated: January 18, 2001.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 01–2128 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

$50 Million FY 2001 Wildlife Conservation and Restoration Account, $50 Million FY 2001 State Wildlife Grants Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and description of processes to obtain grants.

SUMMARY: Title IX of Commerce, Justice, State Appropriations Act (Wildlife Conservation and Restoration Account) and Title VIII of the Interior Appropriations Act (Land Conservation, Preservation and Infrastructure Improvement) authorize two separate appropriations to provide grant funds to States and U.S. Territories to enhance fish and wildlife conservation and restoration.

DATES:

—State program and plan descriptions are due by March 1, 2001.

—The Service will determine compliance with the criteria and initiate apportionments of Wildlife Conservation and Restoration Program funds by April 1, 2001.

—States must submit proposals for the competitively-based State Wildlife Grants Program by May 1, 2001.

—The Service Director will determine which proposals are to be funded by July 1, 2001.

ADDRESSES: Kris E. LaMontagne, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22003.

FOR FURTHER INFORMATION CONTACT: Kris E. LaMontagne, Chief, Division of Federal Aid, at the above address.

SUPPLEMENTARY INFORMATION:

Descriptions of Both Programs

Title IX of Commerce, Justice, State Appropriations Act (Wildlife Conservation and Restoration Account) and Title VIII of the Interior Appropriations Act (Land Conservation, Preservation and Infrastructure Improvement) authorize two separate appropriations to provide grant funds to States and U.S. Territories to enhance fish and wildlife conservation and restoration.

The Commerce, Justice, State Appropriations Act provides $50 million in FY 2001 by creating and authorizing a subaccount under the Pittman-Robertson Act for a Wildlife Conservation and Restoration Program, a formula-based apportionment to States and Territories similar to that in the existing Sport Fish and Wildlife Restoration Programs. These funds are to be ''used for the development, revision, and implementation of wildlife conservation and restoration plans and programs * * * for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Priority for funding from the Wildlife Conservation and Restoration account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.''

The Interior Appropriations Act provides $50 million for FY 2001 for a State Wildlife Grants Program, a cost-shared, competitively awarded, project-based program. Report language accompanying the Act provides: ''The funds should not be distributed based on formula basis and every effort should be made to leverage the Federal funding to the maximum extent possible * * * the Service shall not provide a grant to any State unless the State has, or commits to develop * * * a required conservation plan.''

The Fish and Wildlife Service has determined that States will use just one planning process to meet the criteria for the required conservation plans under the Commerce, Justice, State Appropriations Act and the Interior Appropriations Act.

More Detailed Information on Due Dates

State program and plan descriptions to satisfy the requirements for the FY 2001 Wildlife Conservation and Restoration Program and the FY 2001 State Wildlife Grants Program are due by March 1, 2001. The Service will determine compliance with the criteria no later than April 1, 2001, and initiate apportionments of Wildlife Conservation and Restoration Program funds to those States whose Plan description satisfies the requirements of the Wildlife Conservation and Restoration Program. The Service will assist those States whose responses initially do not meet the statutory criteria in fulfilling these requirements.

States must submit proposals for the competitively-based State Wildlife Grants Program by May 1, 2001. Only a State whose Program and Plan description was submitted and approved pursuant to the preceding paragraph may apply. The Service Director will determine no later than July 1, 2001, which proposals are to be funded.

Further Description of Eligibility for Funding for Both Programs

Wildlife Conservation and Restoration Program (Commerce, Justice, State Appropriation Act)

States and Territories shall not use Wildlife Conservation and Restoration Program funds to replace existing Federal Aid funds available to them. Funds may be used for new programs, including development of the Wildlife Conservation and Restoration Program and projects and enhancement of existing programs and projects. Priority for funding shall be for those species with the greatest conservation need as defined by the State or Territory's program. An agency is not eligible if ''sources of revenue'' available to it for the conservation of wildlife after January 1, 2000, are diverted.

The Wildlife Conservation and Restoration Program contains two program elements not found in the existing Wildlife Restoration (Pittman-Robertson Act) portion of the Federal Aid program, ''wildlife-associated recreation'' and ''wildlife conservation education.'' Wildlife-associated recreation projects are those intended to meet the demand for outdoor activities associated with wildlife. This includes, but is not limited to, such activities as hunting and fishing, wildlife observation and wildlife photography, and projects such as construction or restoration of wildlife viewing areas, observation towers or platforms, trails, trail heads, water access points, and access for such activities and projects.

Wildlife conservation education projects are intended to foster responsible natural resources stewardship and includes public outreach.

The State Plan Elements

States and territories are to submit a description of their plan by March 1, 2001, and if approved, qualifies a State to receive funds under both the Wildlife Conservation and Restoration Program and the State Wildlife Grants Program. Submission of this information constitutes a commitment by the State to develop a Wildlife Conservation Strategy within five years. Each Plan must include a description of the four statutory elements of the Program as follows:

1. The State fish and wildlife agency must have the authority to develop and implement the Wildlife Conservation and Restoration Program. Under this requirement, a State should cite existing statutory or constitutional authority to protect and manage wildlife. Such authority should include authority that

covers both game and nongame species as well as authority to undertake wildlife-associated recreation projects and wildlife-conservation education projects. If the State wildlife agency does not have authority for any of these items but another State agency does, the State wildlife agency might still qualify if it were delegated ''overall responsibility and accountability'' for the Wildlife Conservation and Restoration program by the other agency.

2. Eligible projects include:

(a) The development and implementation of new wildlife conservation projects and/or projects that supplement existing wildlife programs, with appropriate consideration to all wildlife and priority for those species with the greatest conservation need, as defined by the State or Territory's program. As a practical matter, a State must describe how the State determines or will determine which species are in the most need of assistance, and give a description of how particular game and nongame species benefit directly from a program or project;

(b) Wildlife-associated recreation projects; including how the new funds will be used to develop and implement a program and projects to address wildlife-associated recreation needs; and,

(c) Wildlife conservation education projects; including how the new funds will be used to develop and implement a program and projects to address wildlife conservation education needs. No funds from the Wildlife Conservation and Restoration Program subaccount may be used for wildlife conservation education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

3. How the State involved the public in the development, revision, and implementation of the program or plan and how it intends to involve the public in development of a comprehensive strategy over the next five years.

4. What is the State's commitment to development of a wildlife conservation strategy? Within five years of the date of their initial apportionment, the Service requires States to develop and begin implementation of a wildlife conservation strategy based upon the best available scientific information that:

(a) uses such information on the distribution and abundance of species of wildlife, including declining species as the State fish and wildlife department deems appropriate, that show the diversity and health of wildlife of the State;

(b) identifies the extent and condition of wildlife habitats and community types essential to the conservation of species, focusing on species identified in a State's Wildlife Conservation and Restoration Program;

(c) identifies the problems that may adversely affect the species or their habitats, and provides for priority research and surveys to identify factors that may help in restoration and more effective conservation of such species and their habitats;

(d) determines those actions that they should take to conserve species and their habitats identified in the State's Wildlife Conservation and Restoration Program as having the greatest conservation need and establishes priorities for implementing such conservation actions;

(e) provides for periodic monitoring of such species and their habitats and the effectiveness of the conservation actions taken, and for adapting conservation actions as appropriate to respond to new information or changing conditions;

(f) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than 10 years; and

(g) during the development, implementation, review, and revision of the wildlife conservation strategy, provides for coordination by the State fish and wildlife department with Federal, State, and local agencies and Indian Tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species or their habitats as identified in a State's Wildlife Conservation and Restoration Program Plan.

The Wildlife Conservation and Restoration Program is statutorily established as a subaccount of the existing Federal Aid in Wildlife Restoration Fund. Except as expressly provided otherwise, the disbursement of funds for the Federal share of individual projects approved under this program will be conducted in the same manner as, and under the existing rules and regulations of, the Federal Aid in Wildlife Restoration program. Not more than 3 percent of the funds in the account are available for administration and execution of the program. Funding under this program will remain available for obligation for three fiscal years.

For the Wildlife Conservation and Restoration Program we base the statutory formula for apportionment one-third in the ratio that the land area of a State bears to the total land area of all States and two-thirds in the ratio that the population that a State bears to the overall population of all States with no State receiving more than 5 percent or less than 1 percent of the amount available. The District of Columbia and the Commonwealth of Puerto will receive one-half of 1 percent and Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands will receive one-fourth of 1 percent.

FY2001 APPORTIONMENTS FOR $50 MILLION WILDLIFE GRANTS: C–J–S APPROPRIATION

State	Land area	Population *	Amount
Alabama	51,718	4,447,100	753,573
Alaska	587,875	626,932	2,425,000
Arizona	114,006	5,130,632	1,148,630
Arkansas	53,182	2,673,400	566,536
California	158,647	33,871,648	2,425,000
Colorado	104,100	4,301,261	1,006,751
Connecticut	5,006	3,405,565	485,000
Delaware	2,026	783,600	485,000
Florida	58,620	15,982,378	2,054,361
Georgia	58,930	8,186,453	1,200,808
Hawaii	6,459	1,211,537	485,000
Idaho	83,574	1,293,953	571,398
Illinois	56,343	12,419,293	1,651,820
Indiana	36,185	6,080,485	852,921
Iowa	56,276	2,926,324	610,179

FY2001 APPORTIONMENTS FOR $50 MILLION WILDLIFE GRANTS: C–J–S APPROPRIATION—Continued

State	Land area	Population *	Amount
Kansas	82,282	2,688,418	717,720
Kentucky	40,411	4,041,769	651,008
Louisiana	47,719	4,468,976	735,422
Maine	33,128	1,274,923	485,000
Maryland	10,455	5,296,486	634,704
Massachusetts	8,262	6,349,097	738,898
Michigan	58,513	9,938,444	1,390,843
Minnesota	84,397	4,919,479	973,316
Mississippi	47,695	2,844,658	557,126
Missouri	69,709	5,595,211	971,961
Montana	147,046	902,195	854,590
Nebraska	77,359	1,711,263	585,236
Nevada	110,567	1,998,257	787,363
New Hampshire	9,283	1,235,786	485,000
New Jersey	7,790	8,414,350	963,013
New Mexico	121,598	1,819,046	824,391
New York	49,122	18,976,457	2,333,978
North Carolina	52,672	8,049,313	1,153,607
North Dakota	70,704	642,200	485,000
Ohio	41,329	11,353,140	1,457,720
Oklahoma	69,903	3,450,654	737,718
Oregon	97,052	3,421,399	874,020
Pennsylvania	45,310	12,281,054	1,579,961
Rhode Island	1,213	1,048,319	485,000
South Carolina	31,117	4,012,012	599,985
South Dakota	77,121	754,844	485,000
Tennessee	42,145	5,689,283	840,636
Texas	266,873	20,851,820	2,425,000
Utah	84,904	2,233,169	681,257
Vermont	9,615	608,827	485,000
Virginia	40,598	7,078,515	985,074
Washington	68,126	5,894,121	996,614
West Virginia	24,232	1,808,344	485,000
Wisconsin	56,145	5,363,675	876,862
Wyoming	97,819	453,588	485,000
District of Columbia			242,500
Puerto Rico			242,500
Guam			121,250
Virgin Islands			121,250
American Samoa			121,250
N. Mariana Islands			121,250
Subtotal	3,615,161	280,809,653	48,500,000
Administration			1,500,000
Total			50,000,000

* Population Figures are the April 1, 2000 U.S. Census Bureau Figures (http://www.census.gov/population/www.cen2000/respop.html)

No more than 10 percent of the amount apportioned to a State may be used for wildlife-associated recreation.

Once the Service has approved the State Program and Plan, funds are available to make payments on a project that is a segment of the State's Wildlife Conservation and Restoration Program. The Service may also advance funds to a State for project payments and program development.

The intent of this program is to provide funding to the States for additional wildlife conservation projects. These funds should be additive to existing sources and not serve as a substitute to these sources. No State will be eligible to receive funding under the Wildlife Conservation and Restoration Program if they have diverted funding provided to it after January 1, 2000, for any purpose other than the administration of the State fish and wildlife agency.

State Wildlife Grants Program (Interior Appropriation Act)

The State Wildlife Grants Program will provide funding to States for on-the-ground conservation projects that implement existing or future planning efforts to stabilize, restore, enhance, and protect species and habitats of conservation concern. These funds are available for obligation until expended. The program will focus on projects that: (1) address the needs of species and their habitats most in need of conservation, (2) address species conservation needs that are most in need of funding, and (3) leverage Federal funding to the maximum extent possible. To be eligible for this grant program States must have or agree to develop wildlife conservation plans for the conservation of the State's full array of wildlife and their habitats. The Fish and Wildlife Service has determined that a strategy developed to meet the criteria of the Commerce, Justice, State Appropriations Act will satisfy the planning requirements under the Interior Appropriations Act. Thus, submission and approval of a Wildlife Conservation and Restoration Program plan will make a State eligible to compete for funding under the State Wildlife Grant Programs.

The Service may make grants to support development of wildlife

conservation plans. Assuming annual appropriations at the $50 million level, the Service will use a portion of available funds, not to exceed 20 percent, for grants to States to support plan/strategy development, subject to State cost sharing.

The Service will also use a portion of available funds, not to exceed 10 percent, for small project grants, recognizing that small projects that address a more localized high priority conservation need or take advantage of a short-term opportunity would otherwise not compete successfully with large scale, multi-faceted, and long term conservation projects.

Proposals for conservation projects, as opposed to planning proposals, must result in measurable on-the-ground habitat restoration or conservation. Project objectives should be consistent with existing conservation plans and strategies, such as Partners in Flight plans, the North American Waterfowl Management Plan, Shorebird Conservation Plans, and endangered species recovery plans. The Service will give priority to projects based on a set of ranking factors, including such items as: the extent of threats to habitat used by the species benefitted by the project; whether a project will benefit multiple species; whether a project brings in multiple partners, particularly partners across State lines, tribal partners or international partners; and the extent to which a project leverages federal funds. A project's total score will be a major factor in project selection, but geographic balance, feasibility, urgency of funding needs, the amount of funding required by a project compared with the total amount of funding available and other such factors may be used to select the final projects.

The Service will develop application procedures, standardized project proposal outlines and the criteria that will be used to rank proposals in coordination with the States and provide these to interested States when complete. Proposals will compete nationally for funding. A joint Federal-State panel will be assembled to assess and recommend priorities for proposals. Application procedures, standardized project proposal outlines, and the criteria that will be used to rank proposals will be available on or before March 1, 2001.

Dated: January 18, 2001.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–2119 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Establishment of the Kingman Reef National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Director of the U.S. Fish and Wildlife Service approved the establishment of the Kingman Reef National Wildlife Refuge in the central Pacific Ocean to protect the coral reef ecosystem for the benefit of the wildlife that live on the lands and in the waters of the refuge.

DATES: This action was effective on January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Charles Houghten with the Fish and Wildlife Service in Portland, Oregon, 503–231–6207.

SUPPLEMENTARY INFORMATION: The Director of the U.S. Fish and Wildlife Service (we) approved the establishment of the Kingman Reef National Wildlife Refuge to protect approximately 25,874 acres (10,478.97 hectares) of submerged coral reefs, and includes a total of 483,699 acres (195,898.09 hectares) of submerged lands. The refuge boundary is designated to the extent of the 12-nautical mile (12 NM) territorial sea. In addition to a spectacular diversity of coral reef fishes, corals, and other marine organisms, Kingman Reef provides roosting, feeding and other essential habitat for migratory Pacific seabirds, and supports migratory shorebirds, and threatened green sea turtles.

The authority to establish the Kingman Reef National Wildlife Refuge is the Endangered Species Act of 1976, as amended (16 U.S.C. 1531–1544). The U.S. Navy has a defense reservation over Kingman Reef, but it may be revoked in the future. We have been delegated administrative jurisdiction and control of Kingman Reef, including the reefs and territorial waters surrounding the island, by the Secretary of the Interior for the purpose of carrying out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd–668ee).

The refuge encompasses emergent lands, coral reefs, and submerged lands and associated waters to 12–NM. We will manage the refuge for the conservation and management of native species of wildlife and fish and their habitats. We will give wildlife species identified as endangered or threatened management priority and will emphasize the stewardship of endangered and threatened sea turtles, migratory seabirds that forage in the refuge waters, and the coral reef and pelagic wildlife. Our management actions include protection of the refuge waters and wildlife from commercial fishing activities, enhancement of the environment through the implementation of navigational guidelines and aids to navigation that will protect the shallow reefs from maritime groundings, periodic monitoring surveys of the coral reef environment, and periodic clearance of any marine debris. We will, through the establishment of the refuge, establish a no-take marine preserve in the waters of the refuge. Therefore, we will close the refuge to commercial fishing. We will also do scientific research and monitoring.

In compliance with our policy and the National Environmental Policy Act of 1969, we distributed an Environmental Assessment and a Conceptual Management Plan for a 30-day public review and comment period. We evaluated two alternatives for the protection and management of wildlife and habitat.

Based on the documentation contained in the revised Environmental Assessment and Conceptual Management Plan, we signed a Finding of No Significant Impact on January 17, 2001. The Conceptual Management Plan will serve as an interim management plan until we develop a Comprehensive Conservation Plan.

Dated: January 18, 2001.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–2148 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Establishment of the Palmyra Atoll National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Director of the U.S. Fish and Wildlife Service (we) approved the establishment of the Palmyra Atoll National Wildlife Refuge. Palmyra Atoll is a low-lying equatorial atoll in the Pacific Ocean that is a collection of islets, coral reefs, and waters that teem with wildlife.

DATES: This action was effective on January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Charles Houghten with the U.S. Fish and Wildlife Service, (503) 231–6207.

SUPPLEMENTARY INFORMATION: The Palmyra Atoll National Wildlife Refuge will enable us to protect approximately 680 acres (275.30 hectares) of emergent lands, and approximately 515,232 acres (208,595.95 hectares) of submerged lands and associated waters, including approximately 16,094 acres (6,515.79 hectares) of coral reef habitat. The refuge boundary is the extent of the 12-nautical mile territorial sea. Privately owned emergent lands will be purchased from willing sellers. We will acquire submerged lands through a Secretarial Order transferring jurisdiction and control to us from the Office of Insular Affairs. The refuge establishment and management will allow us to conserve and recover endangered and threatened species, protect migratory birds and coral reef habitats, and contribute to the maintenance of the rich biological diversity of this remarkable atoll.

The authority to establish the Palmyra Atoll National Wildlife Refuge is found in the Endangered Species Act of 1976, as amended (16 U.S.C. 1531–1544). The transfer of jurisdiction and control of Palmyra, including the reefs and territorial waters surrounding the island, from the Office of Insular Affairs to the Fish and Wildlife Service will be accomplished by a Secretarial Order. We will manage Palmyra Atoll National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd–668ee).

We will, through the establishment of the refuge, establish a limited take marine preserve in the waters of the refuge. We will close the refuge to commercial fishing but will permit a low level of compatible recreational fishing for bonefishing and deep water sportfishing under programs that we will carefully manage to ensure compatibility with refuge purposes. We will manage the refuge for the conservation and management of native species of wildlife and fish and their habitats. Wildlife species identified as endangered or threatened will receive management priority, with a special emphasis on stewardship of endangered and threatened sea turtles, migratory seabirds that forage in the refuge waters, the coral reef, and pelagic wildlife. Management actions will include protection of the refuge waters and wildlife from commercial fishing activities, enhancement of the environment through the implementation of navigational guidelines and aids to navigation to protect the shallow reefs from maritime groundings, periodic monitoring surveys of coral reef environment, and periodic clearance of marine debris. Other management programs will include scientific research and monitoring.

In addition to compatible public fishing, we have developed opportunities to permit in designated portions of the atoll a limited level of compatible wildlife observation (in the form of SCUBA diving and snorkeling), environmental education and interpretation, and wildlife photography.

In compliance with our policy and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347), we distributed a draft Environmental Assessment, a draft Land Protection Plan, and a draft Conceptual Management Plan for a 30-day public review and comment period. We evaluated two alternatives for the protection and management of wildlife and habitat.

Based on the documentation contained in the revised Environmental Assessment, Land Protection Plan, and a Conceptual Management Plan, we signed a Finding of No Significant Impact on January 17, 2001. The Conceptual Management Plan will serve as an interim management plan until we develop a Comprehensive Conservation Plan.

Dated: January 18, 2001.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–2149 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–048–00–1060–HI]

Notice of Wild Horse Gathering Activity for Calendar Year 2001

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Rock Springs Field Office Wild Horse Environmental Assessment (WY–048–EA9–87) and Gathering Plan was released on May 21, 1999. The approved Decision Record was issued on July 14, 1999. The action analyzed and planned was not completed in 1999, or 2000 and is scheduled to continue through calendar year 2001. The planned gathering periods will be from February 1 through March 30, and from July 15, through the end of the calendar year, weather permitting. A Decision Record for gathering during February and March will be signed in February 2001. An Environmental Assessment (#WY–040–EA01–019) is currently being prepared and will be available for review and comment in January 2001.

DATES: February 1, through March 30, and July 15 through December 31, 2001.

ADDRESSES: 280 Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: John S. McKee, Field Manager, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901 (307–352–0200)

John S. McKee,

Field Manager.

[FR Doc. 01–1946 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–22–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–952–1420–BJ]

Filing of Plats of Survey; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Robert H. Thompson, Acting Chief, Branch of Geographic Services, Bureau of Land Management (BLM), Nevada State Office, 1340 Financial Blvd., P.O. Box 12000, Reno, Nevada 89520, 775–861–6541.

SUPPLEMENTARY INFORMATION:

1. The Plats of Survey of the following described lands were officially filed at the Nevada State Office, Reno, Nevada on October 12, 2000:

The plat, representing the dependent resurvey of a portion of the subdivisional lines, and the metes-and-bounds survey of the centerline of U.S. Highway 95, through section 13, Township 15 South, Range 49 East, Mount Diablo Meridian, Nevada, under Group 788, was accepted October 11, 2000.

The plat, in 3 sheets, representing the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines and the subdivision of a portion of section 18, and the metes-and-bounds survey of the centerline of U.S. Highway 95, through

sections 18 and 19, Township 15 South, Range 50 East, Mount Diablo Meridian, Nevada, under Group 788, was accepted October 11, 2000.

These surveys were executed to meet certain administrative needs of the Bureau of Land Management.

2. The Supplemental Plat of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on November 20, 2000:

The supplemental plat, showing a subdivision of lots 6, 7 and 13, sec. 14, Township 20 North, Range 20 East, Mount Diablo Meridian, Nevada, was accepted November 17, 2000.

This plat was prepared to meet administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on November 30, 2000:

The plat, representing the dependent resurvey of a portion of the subdivisional lines and the subdivison of section 14, Township 20 North, Range 20 East, Mount Diablo Meridian, Nevada, under Group 791, was accepted November 29, 2000.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on December 21, 2000:

The plat, in 3 sheets, representing the subdivision of sections 4, 5, 6, 7, 9, 18, 19, 20, 28, and 32, Township 13 North, Range 19 East, Mount Diablo Meridian, Nevada, under Group 748, was accepted December 20, 2000.

This survey was executed to meet certain administrative needs of the U. S. Forest Service.

5. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: January 12, 2001.

Robert H. Thompson,

Acting Chief Cadastral Surveyor, Nevada.

[FR Doc. 01–1887 Filed 1–23–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Application for Authorization to Issue Health Care Certificates.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until March 26, 2001.

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 he functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies 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 clarify 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:* New collection.

(2) *Title of the form/Collection:* Application for Authorization to Issue Health Care Certificates.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–905. Business and Trade Services, Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Not-for-profit institutions. The data collected on this form is used by the Service to determine eligibility of an organization to issue certificates to foreign health care workers.

(5) *As estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 responses at 4 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 40 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 202–514–2391, 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, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: January 17, 2001.

Richard A. Sloan,

Department Clearance Office, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–2061 Filed 1–23–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Carrier En Route Inspection Request Form.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until March 26, 2001.

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 agencies 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:* New information collection.

(2) *Title of the Form/Collection:* Carrier En Route Inspection Request Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–896. 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 form is used by transportation carriers or their designated shipping agents or representatives to request the Service perform en route inspections.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 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 5307, 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, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: January 18, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–2062 Filed 1–23–01; 8:45 am]

BILLING CODE 4410–10–M

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, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately 10:30 a.m. on Wednesday, January 17, 2001, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide one appeal from the National Commissioners' decisions pursuant to 28 C.F.R. Section 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: Michael J. Gaines, Edward F. Reilly, Jr., John R. Simpson, and Timothy E. Jones, Sr.

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: January 19, 2001

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 01–2265 Filed 1–22–01; 10:22 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance at the address shown below, not later than February 5, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 5, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistant, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

Appendix

PETITIONS INSTITUTED ON 01/02/2001

TA–W	Subject Firm (Petitioners)	Location	Date of petition	Product(s)
38,489	Western Supplies (IAMAW)	St. Louis, MO	12/15/2000	Cutting Dies for Shoes.
38,490	Latrobe Brewing Co. (Wkrs)	Latrobe, PA	12/18/2000	Rolling Rock Beer.
38,491	Jefferson Apparel Corp. (Co.)	Jefferson, NC	12/18/2000	Knit Shirts.
38,492	Wellman of Mississippi (Co.)	Bay St. Louis, MS	12/15/2000	Polyester Textile Fabers.
38,493	Creative Products (Co.)	Rossville, IL	12/12/2000	Health and Beauty Aids.
38,494	Prime Cast (Co.)	Beloit, WI	12/14/2000	Gray Iron.
38,495	VF Imagewear (Wkrs)	Martinsville, VA	12/13/2000	Fleece and Jersey Garments.
38,496	Dynamic Metal Forming (USWA)	Koppel, PA	12/13/2000	Stainless Steel Tubing.
38,497	EGS O–Z Gedney (Co.)	LaGrange, GA	12/14/2000	Electrical Fittings.
38,498	Ingersoll Rand (IAMAW)	Mayfield, KY	11/20/2000	Centrifugal Air Compressors.
38,499	CHI International (Co.)	Crisfield, MD	11/28/2000	Stainless Steel Cutlery.
38,500	American Pine Products (Wkrs)	Prineville, OR	12/05/2000	Finished Door and Window Parts.
38,501	Photobit Corporation (Co.)	Pasadena, CA	12/12/2000	CMOS Image Sensors.
38,502	Republic Technologies (Wkrs)	Baltimore, MD	12/22/2000	Stainless Steel Products.
38,503	Turner Industries (Wkrs)	Mayfield, KY	12/15/2000	T-Shirt and Sweatshirts.
38,504	Warren Logging (Co.)	Gold Hill, OR	12/15/2000	Logs.
38,505	TDK Electronics (Wkrs)	Irvine, CA	12/14/2000	Audio Cassettes.
38,506	Homestake Mining Co. (Wkrs)	Sparks, NV	12/02/2000	Gold Exploration.

[FR Doc. 01–1903 Filed 1–23–01; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205)

Date and Time: Monday, February 12, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA

Type of Meeting: Closed.

Contact Person: Dr. Clifford Astill, Program Director, Geoenvironmental Engineering and Geohazards Mitigation, Division of Civil and Mechanical Systems, Rm. 545, 703–292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 U.S. Japan Proposal Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: January 19, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–2160 Filed 1–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date and Time: Thursday, February 8, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, Surface Engineering and Materials Design, Division of Civil and Mechanical Systems, Room 545, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: January 19, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–2161 Filed 1–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education (57).

Date/Times: February 15, and 16, 2001; 8 a.m. to 5 p.m.

Place: National Science Foundation, Room 375, 4201 Wilson Blvd., Room 907N, Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Dr. Sonia Ortega, Mrs. Carolyn L. Piper and Mrs. Arneeta Speight, Division of Graduate Education, National Science Foundation, 4201 Wilson Blvd., Room 907N, Arlington, VA 22230. (703) 292–8697.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications submitted to the NSF–NATO Postdoctoral Fellowships in Science and Engineering program as part of the selection process for awards.

Reason for Closing: The applications being reviewed include information of a proprietary or confidential nature, including

technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(b)(4) and (6) of the Government in the Sunshine Act.

Dated: January 19, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–2158 Filed 1–23–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education (57).

Date/Times: March 19 and 20, 2001; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, Room 555, 4121 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Dr. P. Wyn Jennings and Ms. Yvette Jackson, Division of Graduate Education and Dr. Lawrence Goldberg, Division of Electrical & Communications Systems, National Science Foundation, 4201 Wilson Blvd., Rooms 907N and 675S, Arlington, VA 22230. Telephone: (703) 292–8696.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications submitted to the NSF Integrated Graduate Education and Research Traineeship (IGERT) as part of the process for awards.

Reason for Closing: The applications being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 19, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–2159 Filed 1–23–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Entergy Nuclear Operations, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–64 issued to Entergy Nuclear Indian Point 3 and Entergy Nuclear Operations, Inc., for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would allow a one time exception to the 10-year frequency of the performance-based leakage rate testing program for Type A tests as required by Nuclear Energy Institute (NEI) guidance in NEI 94–01, revision 0, ''Industry Guideline For Implementing Performance-Based Option of 10 CFR part 50, appendix J'', and endorsed by 10 CFR part 50, appendix J, option B. The one time exception would allow an integrated leak rate test (ILRT) to be performed at a frequency of up to 15 years from the last test performed on December 2, 1990.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed revision to Technical Specifications adds a one time extension to the current interval for Type A testing. The current test interval of 10 years, based on past performance, would be extended on a one time basis to 15 years from the last Type A test. The proposed extension to Type A testing cannot increase the probability of an accident previously evaluated since the containment Type A testing extension is not a modification and the test extension is not of a type that could lead to equipment failure or accident initiation. The proposed extension to Type A testing does not involve a significant increase in the consequences of an accident since research documented in NUREG–1493 has found that, generically, very few potential containment leakage paths are not identified by Type B and C tests. The NUREG concluded that reducing the Type A (ILRT) testing frequency to one per twenty years was found to lead to an imperceptible increase in risk. IP3 provides a high degree of assurance through testing and inspection that the containment will not degrade in a manner detectable only by Type A testing. The last four Type A tests show leakage to be below acceptance criteria, indicating a very leak tight containment. Inspections required by the maintenance rule and ASME [American Society of Mechanical Engineers] code are performed in order to identify indications of containment degradation that could affect that leak tightness. The weld channel system will monitor the leak tightness of liner plate welds in the containment during plant operation as required by Technical Specifications. Type B and C testing required by Technical Specifications will identify any containment opening such as valves that would otherwise be detected by the Type A tests. These factors show that an IP3 Type A test extension will not represent a significant increase in the consequences of an accident.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed revision to Technical Specifications adds a one time extension to the current interval for Type A testing. The current test interval of 10 years, based on past performance, would be extended on a one time basis to 15 years from the last Type A test. The proposed extension to Type A testing cannot create the possibility of a new or different type of accident since there are no physical changes being made to the plant and there are no changes to the operation of the plant that could introduce a new failure mode creating an accident or affecting the mitigation of an accident.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed revision to Technical Specifications adds a one time extension to the current interval for Type A testing. The current test interval of 10 years, based on past performance, would be extended on a one time basis to 15 years from the last Type A test. The proposed extension to Type A testing will not significantly reduce the margin of safety. The NUREG 1493 generic study of the effects of extending containment leakage testing found that a 20 year extension in Type A leakage testing resulted in an imperceptible increase in risk to the public. NUREG–1493 found that, generically, the

design containment leakage rate contributes about 0.1 percent to the individual risk and that the decrease in Type A testing frequency would have a minimal affect on this risk since 95% of the potential leakage paths are detected by Type C testing. Online testing of the integrity of liner plate welds using the weld channel system and regular inspections will further reduce the risk of a containment leakage path going undetected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. 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.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition

should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. John M. Fulton, Assistant General Counsel, Entergy Nuclear Generating Co., Pilgrim Station, 600 Rocky Hill Road, Plymouth, MA 02360, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 6, 2000, which was submitted by the Power Authority of the State of New York and which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 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 18th day of January 2001.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–2114 Filed 1–23–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 2, 2001, through January 12, 2001. The last biweekly notice was published on January 10, 2001 (66 FR 2010).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By February 23, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first Floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the

petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of amendment request: December 29, 2000.

Description of amendment request: The proposed amendment would increase the Technical Specification allowed outage time from 3 days to 14 days for a single inoperable Division 1 or 2 diesel generator.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed Technical Specification (TS) changes revise the Completion Time for Required Actions A.2 and B.4 associated with the Division 1 and Division 2 Diesel Generators (DG). The proposed changes allow an extension of the current TS Completion Time from 72 hours to 14 days when the Division 1 or Division 2 DG is inoperable.

The proposed changes do not affect the design of the DGs, the operational characteristics of function of the DGs, the interfaces between the DGs and other plant systems, or the reliability of the DGs. Required Actions and the associated Completion Times are not initiating conditions for any accident previously evaluated, and the DGs are not initiators of any previously evaluated accidents. The DGs mitigate the consequences of previously evaluated accidents including a loss of offsite power. The consequences of a previously analyzed event will not be significantly affected by the extended DG Completion Time since the DGs will continue to be capable of performing their accident mitigation function as assumed in the accident analysis. Thus the consequences of accidents previously analyzed are unchanged between the existing TS requirements and the proposed changes. The consequences of an accident are independent of the time the DGs are out of service as long as adequate DG availability is assumed. The proposed changes will not result in a significant decrease in DG availability so that the assumptions regarding DG availability are not impacted.

To fully evaluate the effect of the proposed EDG Completion Time extension, Probabilistic Risk Assessment (PRA) methods and a deterministic analysis were utilized. The results of the analysis show no significant increase in Core Damage Frequency (CDF) and Large Early Release Frequency (LERF). Therefore, the proposed changes do not involve significant increase in the probability or consequences of an accident previously analyzed.

2. The proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve a change in the design, configuration, or method of operation of the plant. The proposed changes will not alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. The changes do not alter assumptions made in the safety analysis. No alteration in the procedures, which ensure that the plant remains within analyzed limits, is being proposed, and no changes are being made to the procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. Therefore, these proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change will not involve a significant reduction in the margin of safety.

Since there are no changes to the plant design and safety analysis, and no changes to the DG design, including any instrument setpoints, no margin of safety assumed in the

safety analysis is affected. If a margin of safety is ascribed to DG availability and plant risk, it has also been determined that such a margin of safety is not significantly reduced, as the proposed changes have been evaluated both deterministically and using a risk-informed approach. The evaluation concluded the following with respect to the proposed changes.

Applicable regulatory requirements will continue to be met, adequate defense-in-depth will be maintained, sufficient safety margins will be maintained, and any increases in CDF and LERF are small and consistent with the NRC Safety Goal Policy Statement (**Federal Register**, Vol. 51, p. 30028 (51 FR 30028), August 4, 1986, as interpreted by NRC Regulatory Guides 1.174 and 1.177). Furthermore, increases in risk posed by potential combinations of equipment out of service during the proposed DG extended Completions Time will be managed under a configuration risk management program consistent with 10 CFR 50.65, ''Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants,'' paragraph (a)(4). The following are examples.

- An extended DG Completion Time will not be entered intentionally for scheduled maintenance purposes if severe weather conditions are expected.
- While in the extended DG Completion Time, additional elective equipment maintenance or testing or equipment failure will be evaluated. Activities that yield unacceptable results will be avoided.
- The condition of the offsite power supply and switchyard will be evaluated.
- Activities have been identified that can mitigate any increase in risk. Procedures are in place for the minimizing risk associated with the following activities:

No elective maintenance will be scheduled within the switchyard that would challenge the offsite power connection or offsite power availability during the extended DG Completion Time.

No elective work will be performed on protected equipment or opposite train emergency core cooling system (ECCS) equipment during the extended DG Completion Time.

The availability of offsite power coupled with the availability of the other DGs and the use of on-lime risk assessment tools provide adequate compensation for the potential small incremental increase in plant risk of the extended DG Completion Time. In addition, the increased availability of the DGs during refueling outages offsets the small increase in plant risk during operation. The proposed extended DG Completion Times in conjunction with the availability of the other DGs continues to provide adequate assurance of the capability to provide power to the engineered safety features (ESF) buses. Therefore, implementation of the proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW, Washington, DC 20036–5869.

NRC Section Chief: Anthony J. Mendiola.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: December 6, 2000.

Description of amendment request: The proposed amendment requests changes to the once-through steam generator tube inspection criteria in order to allow certain inside diameter inter-granular attack indications to remain in service. This amendment request seeks to make permanent the tube inspection criteria that have been used for the past two operating cycles at TMI–1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. Operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed flaw disposition strategy, based on measurable eddy current parameters of axial and circumferential extent for Inside Diameter (ID) Initiated Inter-Granular Attack (IGA), will continue to provide high confidence that unacceptable flaws that do not have the required structural integrity to withstand a postulated MSLB [main steam line break] are removed from service. The axial and circumferential length limits for eddy current ID degradation indications meet Draft Regulatory Guide 1.121 (Reference 9 [of the licensee's application]) acceptance criteria for margin to failure for MSLB-applied differential pressure and axial tube loads. The capability for detection of flaws is unaffected; and the identification of tubes that should be repaired or removed from service is maintained. The operation of the OTSGs [once-through steam generators] or related structures, systems, or components is otherwise unaffected. Therefore, neither the probability nor consequences of a Steam Generator Tube Rupture (SGTR) is significantly increased either during normal operation or due to limiting loads of a MSLB accident.

Therefore, operation of the facility in accordance with the changes included in LCA [license change application] No. 291 will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. Operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because there are no hardware changes involved nor changes to any operating practices. These changes involve only the OTSG tube inservice inspection surveillance requirements, which could only affect the potential for OTSG primary-to-secondary leakage which has been analyzed and is subject to Technical Specification requirements not affected by these changes. The proposed changes continue to impose flaw length limits for ID IGA to assure tube structural and leakage integrity.

Therefore, operation of the facility in accordance with the changes included with LCA No. 291 will not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. Operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The margins of safety defined in Draft Regulatory Guide 1.121 (Reference 9 [of the licensee's application]) are retained. The probability of detecting degradation is unchanged since the bobbin coil eddy current methods will continue to be the primary means of initial detection and the probability of leakage from any indications left in service remains acceptably small. The strategy of dispositioning ID-initiated IGA indications will continue to provide a high level of confidence that tubes exceeding the allowable limits for tube integrity are repaired or removed from service.

Therefore, operation in accordance with the changes included in LCA No. 291 will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esq., PECO Energy Company, 2301 Market Street, S23–1, Philadelphia, PA 19103.

NRC Section Chief: Marsha Gamberoni.

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: December 6, 2000.

Description of amendment request: The proposed amendment provides clarifications to the decay heat removal (DHR) Technical Specifications (TSs). It is intended, in part, to fulfill a

commitment made by the licensee to the NRC during a pre-decisional enforcement conference on April 23, 1999. Specifically, the proposed changes would: (1) Define and clarify the emergency feedwater (EFW) flowpath redundancy as described in the Bases; (2) provide operability requirements for the redundant steam supply paths to the turbine-driven EFW pump; (3) provide a more conservative 72-hour allowed outage time (AOT) with any EFW pump or flowpath inoperable; (4) provide a more conservative 1-hour AOT with both EFW flowpaths to a single once-through steam generator (OTSG) inoperable or with 2 EFW pumps inoperable; and (5) revise and clarify EFW pump and flowpath operability requirements during surveillance testing. Minor administrative and editorial changes are also proposed. A change to the Bases for TS 3.5.5, ''Accident Monitoring Instrumentation,'' regarding the description of the pressurizer level instrument channels to reflect the replacement of Bailey transmitters was also included.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. Operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change incorporates the concept of EFW flowpath redundancy thoughout the TS[s], which takes into consideration the redundancy provided by the EFW System modifications made in the mid-1980s after the accident at TMI–2. This change incorporates a 72 hour required action time when redundant components are made inoperable. These changes do not result in any change to the configuration of the EFW System as described in the [UF]SAR [Updated Final Safety Analysis Report] or used in plant specific analyses. The reliability of EFW System components is unaffected. The 72 hour required action time for inoperability of redundant EFW components ensures that the EFW System can fulfill its safety function to provide adequate OTSG cooling during a design basis accident (DBA). The one hour required action time ensures prompt action to initiate a plant shutdown when the design flow capability of the EFW System cannot be assured.

The current TS 4.9.1.2 contains EFW flowpath operability requirements during surveillance testing rather than requiring that a specific test be performed as do the other subparagraphs of TS 4.9.1. For this reason the requirements of TS 4.9.1.2 are being moved to the LCO [limiting condition for operation] section in Chapter 3 and combined with the note following the current TS 3.4.1.1.a(2) into a new TS 3.4.1.1.a(4) to define the EFW System operability requirements for EFW pumps and flowpaths during surveillance testing. The new specification incorporates the consideration of EFW flowpath redundancy consistent with HSPS [Heat Sink Protection System] train operability requirements and continues to require that compensatory measures be implemented to promptly restore components if EFW is needed during surveillance testing when more than one flowpath is made inoperable to an OTSG. The intent of this surveillance standard has been retained, which assures that the minimum number of EFW flowpaths to the OTSGs will be available with minimal operator action.

This change provides further assurance that EFW System design basis requirements will be met and does not affect EFW System configuration, setpoints, or reliability. These changes will not affect any accident initiation sequence and do not affect off site dose consequences of accidents that have been analyzed.

The editorial changes included in this LCA [license change application] are intended to improve the clarity, consistency, and reliability of the TS[s] [and] do not change the intent or interpretation.

Therefore, operation of the facility in accordance with the changes included in LCA–286 will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. Operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

As a result of this change, no additional hardware is being added; and there will be no effect on EFW System design, operation as described in the [UF]SAR, or assumptions used in plant specific analyses. The requirement for three EFW Pumps and [associated] flowpaths to be operable for continuous plant operation is not affected by this change. Events involving the EFW System operation have been reviewed and determined to have no impact from these changes. The additional operability requirements for the turbine-driven EFW Pump steam supplies, the revised LCOs [limiting condition for operation], and changes to define EFW flowpath redundancy ensures minimum EFW component operability as credited in plant analyses. The editorial changes included in this LCA are intended to improve clarity, consistency and readability of the TS[s] and Bases, [and] do not change the intent or interpretation.

Therefore, operation of the facility in accordance with the changes included with LCA–286 will not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. Operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

This change does not affect the EFW System design or instrumentation setpoints. The requirement for three operable EFW pumps and associated flowpaths is not affected by this change. The revised LCO imposes a 72 hour required action time when any EFW pump or redundant flowpath to either OTSG is inoperable, including inoperability for the purpose of conducting surveillance testing. The revised LCO requires that at least one flowpath to each OTSG must be operable or a plant shutdown is required to be initiated within one hour. The 8 hour action time currently allowed for pump inoperability during surveillance testing is also applied to flowpath inoperability during testing. The revised LCO continues to require compensatory measures during EFW testing when HSPS [heat sink protection system] is required to be operable and an OTSG is isolated, retaining the provision that EFW flowpath valves can be realligned promptly from their test mode to their operational allignment if EFW flow is needed. The revised Accident Monitoring Instrumentation specification is needed to reflect the revised flowpath definition and does not change the intent of the specification. The editorial changes included in this LCA are intended to improve the clarity, consistency, and readability of the TS[s] [and] do not change the intent or interpretation.

Therefore, operation in accordance with the changes included in LCA–286 will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esq., PECO Energy Company, 2301 Market Street, S23–1, Philadelphia, PA 19103.

NRC Section Chief: Marsha Gamberoni.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: December 1, 2000.

Description of amendments request: The proposed amendments would revise the value of the minimum departure from nucleate boiling ratio (DNBR) from ''≥ 1.30'' in the current technical specifications to ''≥ 1.3 (through operating cycle 10)'' and ''≥ 1.34 (operating cycle 11 and later)'' in the safety limits Technical Specification (TS) 2.1.1.1 and in function 15, DNBR—Low, in Table 3.3.1–1, ''Reactor Protective System Instrumentation.'' The proposed amendments are structured such that the ''≥ 1.34'' would become effective for each unit in operating cycle 11 and later. Operating cycle 11 begins in spring 2002 for Unit

2, in fall 2002 for Unit 1, and in spring 2003 for Unit 3. From now to operating cycle 11, the ''≥ 1.30'' will remain the minimum DNBR requirement for the three units.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Standard 1—Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The purpose of the proposed Technical Specification (TS) amendment is to provide a revised Departure from Nucleate Boiling Ratio (DNBR) Safety Limit (TS Section 2.1.1.1) and Low DNBR Reactor Protective System (RPS) trip setpoint (TS Limiting Condition for Operation (LCO) 3.3.1, Table 3.3.1–1).

The proposed TS amendment involves increasing the DNBR Safety Limit and Low DNBR RPS trip setpoint from ''≥ 1.30'' to ''≥ 1.34''. Changing this limit in and of itself will not alter the physical characteristics of any component involved in the initiation of an accident. Thus, the proposed change does not involve a significant increase in the probability of an accident previously evaluated.

The Core Operating Limit Supervisory System (COLSS) Power Operating Limit (POL) is an alarm limit on the maximum steady state core power level. The alarm is based on maintaining COLSS calculated DNBR a pre-determined amount above the DNBR Safety Limit. The Low DNBR RPS trip setpoint[,] in conjunction with the COLSS POL, prevents the DNBR in the limiting coolant channel in the core from violating the DNBR Safety Limit during design basis Anticipated Operational Occurrences (AOO). Operating below the COLSS POL ensures the Low DNBR RPS trip setpoint will protect the core [fuel] from damage due to the occurrence of locally saturated conditions in the limiting (hot) channel during the worst AOO. Thus, during normal and anticipated operation the Low DNBR RPS trip setpoint in conjunction with the COLSS POL prevents overheating of the fuel cladding and subsequent cladding perforation that would release fission products to the reactor coolant.

This change will accommodate increased DNBR sensitivity to uncertainties in inlet flow to the hot assembly and adjacent assemblies. This increased sensitivity is attributed to the flatter power distributions of the more efficient present day erbium core designs. More adverse DNBR sensitivity to inlet flow was first encountered in Unit 1 Cycle 7. At that time the increased DNBR sensitivity was accounted for statistically by applying a thermal margin penalty to Core Operating Limit Supervisory System (COLSS) and Core Protection Calculators (CPCs) using approved Statistical Combination of Uncertainties (SCU) methods. This approach was also used for the subsequent cycles in all units up until the present. The NRC Safety Evaluation (issued May 26, 1994 for Palo Verde Nuclear Generating Stations (PVNGS) Units 1, 2, and 3) for the present ''≥ 1.30'' DNBR limit states, ''Uncertainties in inlet flow to the hot assembly and adjacent assemblies can be accounted for statistically by either increasing DNBR or applying a thermal margin penalty using approved SCU methods.''

The proposed TS amendment change for DNBR Safety Limit and Low DNBR RPS trip setpoint limit (≥ 1.34) was calculated using approved SCU methods to statistically include the above described increased DNBR sensitivity. This new DNBR limit was calculated such that it has a high probability of covering all future cycle designs. Thus, this change involves moving the existing increased inlet flow uncertainty penalty from a thermal margin penalty contained within COLSS and CPCs to an increase in the DNBR Safety Limit and Low DNBR RPS trip setpoint limit. The DNBR Safety Limit and Low DNBR RPS trip setpoint increases from ''≥ 1.30'' to ''≥ 1.34'' due to this change. The COLSS and CPCs would respond similarly with the increased inlet flow uncertainty penalty located in either the COLSS or CPCs or in the DNBR Safety Limit. The proposed amendment changes only the location of the increased inlet flow uncertainty penalty and does not impact the operation of the plant. The core power distribution during all phases of normal and anticipated operational occurrences will remain bounded by the initial conditions assumed in Chapter 15 of the Palo Verde Nuclear Generating Station (PVNGS) UFSAR [Updated Final Safety Analysis Report]. Thus, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

Standard 2—Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This change does not alter the physical design of any System, Structure, or Component (SSC) of the plant.

The change involves increasing the DNBR Safety Limit and the Low DNBR RPS trip setpoint from ''≥ 1.30'' to ''≥ 1.34'' and decreasing the corresponding DNBR thermal margin penalty factors in COLSS and CPC in a compensating manner. Changing these limits and penalty factors will not alter the physical or functional characteristics of any component in the plant. These changes will not affect any safety-related equipment used in the mitigation of anticipated operational occurrences or design basis accidents. Thus, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change does not involve a significant reduction in a margin of safety.

The DNBR Safety Limit specified in Section 2.1.1.1 and the Low DNBR RPS trip setpoint specified in Table 3.3.1–1 of LCO 3.3.1 of [the] PVNGS Technical Specifications ensure that operation of the reactor does not result in a departure from nucleate boiling during normal operation and design basis anticipated operational occurrences. Therefore, operating consistent with the increased DNBR Safety Limit and Low DNBR RPS trip setpoint will ensure that no anticipated operational occurrences will result in core conditions below the specified DNBR Safety Limit and no postulated accident exceeds the site boundary dose limits. The UFSAR Chapter 15 analysis remains bounding and the margins of safety will be maintained because the COLSS and the CPC overall uncertainty factors will be calculated and implemented consistent with the increased DNBR Safety Limit of ''≥ 1.34''. Therefore, this change to TS Section 2.1.1.1 and Table 3.3.1–1 of LCO 3.3.1 does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: December 5, 2000.

Description of amendments request: The proposed amendments would revise the action statement for Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' of the Technical Specifications (TSs). The amendments would incorporate NRC-approved TS Task Force (TSTF) Traveler Number TSTF–340, Revision 3, to allow a 7-day Completion Time for the turbine-driven AFW pump if inoperability occurs in reactor Mode 3 following a refueling outage, and if Mode 2 had not been entered.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or

consequences of an accident previously evaluated?

No. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment to Technical Specification 3.7.5 would allow a 7 day Completion Time for Condition A for the turbine-driven Auxiliary Feedwater (AFW) pump if the inoperability occurs in MODE 3 following a refueling outage, if MODE 2 had not been entered. Extending the Completion Time does not involve a significant increase in the probability or consequences of an accident previously evaluated because: (1) The proposed amendment does not represent a change to the system design, (2) the proposed amendment does not prevent the safety function of the AFW system from being performed since the other fully redundant esstential train and the non-essential train are required to be operable, (3) the proposed amendment does not alter, degrade, or prevent action described or assumed in any accident described in the PVNGS [Palo Verde Nuclear Generating Station] UFSAR [Updated Final Safety Analysis Report] from being performed since the other trains of AFW are required to be operable, (4) the proposed amendment does not alter any assumptions previously made in evaluating radiological consequences, and (5) the proposed amendment does not affect the integrity of any fission product barrier. No other safety related equipment is affected by the proposed change. Therefore, this proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment to Technical Specification 3.7.5 would allow a 7 day Completion Time for Condition A for the turbine-driven Auxiliary Feedwater (AFW) pump if the inoperability occurs in MODE 3 following a refueling outage, if MODE 2 had not been entered. Extending the Completion Time does not create the possibility of a new or different kind of accident from any accident previously evaluated because: (1) The proposed amendment does not represent a change to the system design, (2) the proposed amendment does not alter how equipment is operated or the ability of the system to deliver the required AFW flow, and (3) the proposed amendment does not affect any other safety related equipment. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed amendment does not involve a significant reduction in a margin of safety.

The PVNGS safety analysis credits essential Auxiliary Feedwater (AFW) pump delivery of 650 gpm at a steam generator pressure of 1270 psia or equivalent at the steam generator entrance for design basis accidents. The AFW System Design Basis Manual (AF), Revision 11, states that these pumps are designed to supply 750 gpm. The proposed [***] amendment to Technical Specification 3.7.5 would allow a 7 day Completion Time for Condition A for the turbine-driven AFW pump if the inoperability occurs in MODE 3 following a refueling outage, if MODE 2 had not been entered. Extending the Completion Time does not involve a significant reduction in a margin of safety because: (1) During a return to power operations following a refueling outage, decay heat [in the core] is at its lowest levels, (2) the other essential and non-essential AFW trains are required to be OPERABLE when MODE 3 is entered, (3) the essential motor-driven AFW train can provide sufficient flow to remove decay heat and cool the unit to Shutdown Cooling system entry conditions from power operations, and 4) the non-essential motor-driven AFW train is designed to supply sufficient water to remove decay heat with steam generator pressure at no load conditions to cool the unit to Shutdown Cooling entry conditions.

Based on the responses to these three criteria, APS [Arizona Public Service Company] has concluded that the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: December 13, 2000

Description of amendment request: The proposed amendment would revise Harris Nuclear Plant (HNP) Technical Specification (TS) 3/4.9.2 ''Refueling Operations—Instrumentation'' and the associated Bases to permit using alternate installed detectors or temporary source range detectors instead of the two Source Range Nuclear Flux Monitors specified in the current HNP TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change only involves reactor core monitoring requirements during Mode 6. These monitoring requirements are not credited for accident mitigation. Alternate monitors will be provided with the accuracy and sensitivity required to adequately monitor changes in the core reactivity levels during refueling activities. Neutron Flux monitors are for indication only and do not interface with other structures, systems, or components that might initiate an accident.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Neutron Flux monitors are for indication only and do not interface with other structures, systems, or components that might initiate an accident. The proposed change will not modify plant systems or operate plant components such that a new or different accident scenario is created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

Similar changes, to the proposed change, have been approved at the Beaver Valley Power Station and the Diablo Canyon Power Plant. The proposed change will maintain adequate monitoring of core reactivity in Mode 6. The proposed change maintains requirements for two operable neutron flux monitors. Neutron flux monitors are not credited in the HNP accident analyses for accident mitigation in Mode 6.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: December 14, 2000.

Description of amendment request: The proposed amendment would revise Harris Nuclear Plant (HNP) Technical Specification (TS) 3/4.8.1 related to emergency diesel generators (EDGs). Specifically, the licensee proposes revising TS Surveillance Requirement 4.8.1.1.2.f.7, the 24-hour EDG endurance run test, by removing the restriction to perform the test during shutdown conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The EDGs and their associated emergency buses are not accident initiating equipment; therefore, there will be no impact on accident probabilities due to this proposed amendment. The EDGs mitigate the consequences of previously evaluated accidents involving a loss of offsite power. The proposed amendment continues to assure the EDGs perform their function when called upon. The design of the equipment is not being modified. The proposed amendment does not impact the operational characteristics of the EDGs, the interfaces between the EDGs and other plant systems, or the function or reliability of the EDGs. The EDGs remain capable of performing their accident mitigation function. The HNP Probabilistic Safety Analysis (PSA) model results are not affected by the proposed change.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not alter the design, configuration, or method of operation of the plant. No physical changes are being proposed, nor any changes to the method of operation of the EDGs or supporting systems. The proposed amendment, in effect, allows a small increase in the duration that the EDGs are operated parallel to the grid for test purposes. No new system interactions are created, and the proposed change does not introduce a new failure mode.

Therefore the proposed change does not create the possibility of a new or different kind of accident.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed change does not affect the Limiting Conditions for Operation or their Bases that are used to establish any margin of safety. The ability of the EDGs to separate from the offsite power source has been designed and tested per Technical Specification requirements. The proposed change does not involve a change to the plant design or operation and does not affect the availability of any of the required power sources, nor the capability of the EDGs to perform their intended safety function.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The foregoing analysis demonstrates that the proposed amendment to HNP TS does not involve a significant increase in the probability or consequences of a previously evaluated accident, does not create the possibility of a new or different kind of accident, and does not involve a significant reduction in a margin of safety.

Based upon the preceding analysis, [Carolina Power & Light Company] CP&L concludes that the proposed amendment does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: December 11, 2000.

Description of amendment request: The proposed amendment would revise Technical Specifications (TSs) 3.1.F.2.a, ''Primary to Secondary Leakage,'' and 4.13.A.3.f, ''Steam Generator Tube Inservice Surveillance,'' based on the prior replacement of the steam generators (SGs). Specifically, the proposed changes would (1) revise the primary to secondary leakage limits and (2) delete requirements associated with tube sleeve repair, steam generator tube denting, F* repair classification and criteria, and (3) modify the associated TS Bases. In addition, the proposed amendment includes several related administrative changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Changes to SG Primary to Secondary Leakage Limits

1. Does the change involve a significant increase in the probability [* * *] or consequences of an accident previously evaluated?

The proposed reduction in primary to secondary leakage limit and the elimination of the limit for SGs containing sleeved tubes does not affect accident initiators or precursors. The proposed change establishes a primary to secondary leakage limit that is equivalent to the lesser of the primary to secondary leakage limits currently established for SG with and without SG tube sleeves. Reducing the primary to secondary leakage limit does not increase the probability of an accident. The proposed change does not increase primary to secondary leakage limits. Therefore, the consequences of an accident are not increased. Therefore, the probability of occurrence or the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not modify any plant equipment. Therefore, the proposed changes do not degrade the reliability of systems, structures, or components or create a new accident initiator or precursor. No new failure modes are created. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change establishes one limit for primary to secondary limit that is the same as the most restrictive of the two primary to secondary leakage limits that currently exists. The proposed change does not increase the allowable primary to secondary leakage limit.

Since the primary to secondary leakage limit is not increased, the margin of safety will not be reduced. The proposed change still requires verification that primary to secondary leakage is within the limit at the existing frequency. Since the primary to secondary leakage limit is not increased, dose rates at the site boundary will not be increased. Therefore, the proposed activity does not involve a significant reduction in a margin of safety.

Deletion of Provisions Associated With SG Tube Sleeving Repair Method

1. Does the change involve a significant increase in the probability [* * *] or consequences of an accident previously evaluated?

The proposed deletion of the SG tube sleeving provisions does not affect accident initiators or precursors. The proposed change deletes the TS provisions that are not approved for the replacement SGs. Deletion of an unapproved repair method from the TS does not increase the probability of an accident and the proposed change does not increase primary to secondary leakage limits. Consequently, the consequences of an accident are not significantly increased. Therefore, the probability of occurrence or

the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not impact or interface with plant safety related equipment. Therefore, the proposed changes do not degrade the reliability of systems, structures, or components or create a new accident initiator or precursor. No new failure modes are created. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change deletes the TS provisions that are not approved for the replacement SGs. The proposed change does not increase the allowable primary to secondary leakage limit. Since the primary to secondary leakage limit is not increased, the margin of safety will not be reduced. Therefore, the proposed activity does not involve a significant reduction in a margin of safety.

Deletion of Provisions Associated with Steam Generator F Tube Classification*

1. Does the change involve a significant increase in the probability [* * *] or consequences of an accident previously evaluated?

The proposed deletion of the F* criteria and associated provisions does not affect accident initiators or precursors. The proposed change deletes the TS provisions that are not approved for the replacement SGs. Deletion of an unapproved repair method from the TS does not increase the probability of an accident. The proposed change does not increase primary to secondary leakage limits. Therefore, the probability of occurrence or the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not impact or interface with plant safety related equipment. Therefore, the proposed changes do not degrade the reliability of systems, structures, or components or create a new accident initiator or precursor. No new failure modes are created. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change deletes the TS provisions that are not approved for the replacement SGs. The proposed change does not increase the allowable primary to secondary leakage limit. Since the primary to secondary leakage limit is not increased, the margin of safety will not be reduced. Therefore, the proposed activity does not involve a significant reduction in a margin of safety.

Deletion of Provisions Associated With SG Tube Denting Phenomenon

1. Does the change involve a significant increase in the probability [* * *] or consequences of an accident previously evaluated?

The proposed deletion of the requirements and associated provisions regarding SG tube denting does not significantly affect accident initiators or precursors. The proposed change deletes from the TS provisions that are not necessary for the replacement SGs. Deletion of the SG tube denting examination requirements from the TS does not increase the probability of an accident. The proposed change does not increase primary to secondary limits. Therefore, the consequences of an accident are not increased. Therefore, the probability of occurrence or the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not impact or interface with plant safety related equipment. Therefore, the proposed changes do not degrade the reliability of systems, structures, or components or create a new accident initiator or precursor. No new failure modes are created. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change deletes the TS provisions that are not applicable for the replacement SGs. The proposed change does not increase the allowable primary to secondary leakage limit. Since the primary to secondary leakage limit is not increased, the margin of safety will not be reduced. Therefore, the proposed activity does not involve a significant reduction in a margin of safety.

Related Administrative Changes

1. Does the change involve a significant increase in the probability [* * *] or consequences of an accident previously evaluated?

The proposed administrative changes do not affect accident initiators or precursors. The proposed changes correct the presentation of several TS Basis pages and delete an obsolete scheduler extension footnote. Correcting the page presentation and deleting an obsolete footnote do not increase the probability of an accident. The proposed change does not increase primary to secondary leakage limits. Consequently, the consequences of an accident are not significantly increased.

Therefore, the probability of occurrence or the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not impact or interface with plant safety related equipment. Therefore, the proposed changes do not degrade the reliability of systems, structures, or components or create a new accident initiator or precursor. No new failure modes are created. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed administrative changes do not affect accident initiators or precursors. The proposed change corrects the presentation of several TS Basis pages and deletes an obsolete scheduler extension footnote. The proposed changes do not increase the allowable primary to secondary leakage limit. Since the primary to secondary leakage limit is not increased, the margin of safety will not be reduced. Therefore, the proposed activity does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Section Chief: Marsha Gamberoni.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000.

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) regarding the Limiting Conditions for Operation (LCO) for the auxiliary feedwater system (LCO 3.7.5) to be similar to changes to the ''Standard Technical Specifications, Combustion Engineering Plants,'' NUREG 1432, Revision 1 (STS), made by the Nuclear Energy Institute Technical Specifications Task Force (TSTF) change number 325, ''Changes To Structure Of [Emergency Core Cooling System] ECCS—Operating LCO.''

Palisades LCO 3.7.5, ''Auxiliary Feedwater System,'' would be changed as follows: (1) An editorial change would be made to Note 2 to put the word ''operable'' in uppercase letters; (2) the second and third parts of the Condition A description, ''AND—At least 100% of the required AFW flow available to each steam generator—AND—At least two AFW pumps OPERABLE,'' would be deleted; (3) the second part of the Condition B description, ''One or more AFT trains inoperable for reasons other than Condition A with at least 100% of the required AFW flow available in MODE 1, 2, or 3,'' would be replaced with two new parts (''Less than 100% of the required AFW flow available to either steam generator—OR—Fewer than two AFW pumps OPERABLE in mode 1, 2, OR 3''); and (4) the wording of

Condition C would be revised to address the condition where insufficient AFW flow is available to achieve a plant shutdown while in any mode within the applicable conditions of LCO 3.7.5. The licensee also forwarded related changes to the TS Bases.

Additional changes requested in the licensee's application dated December 7, 2000, are based upon other TSTFs and are addressed by separate **Federal Register** notices.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. [The proposed changes would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

Changes are proposed to LCO 3.7.5, Auxiliary Feedwater, which emulate changes made to Standard Technical Specifications, Combustion Engineering Plants, NUREG 1432, Rev.1 (STS) by TSTF 325. The structure of LCO 3.7.5 has been rearranged to maintain Condition A (and, in certain circumstances, Condition B) in effect if failures should occur which reduce available flow to less than 100% of the required flow (that flow assumed in the accident analyses). The resulting requirements are those intended when the LCO was initially constructed and represent the way the LCO Conditions are being applied. Therefore there is no change in intent or application of the LCO. In the case where inoperable AFW train components reduce available flow below that required, and a subsequent partial restoration is made to provide 100% of the required flow, the proposed change makes the literal requirements more conservative because (with the proposed arrangement) the Completion Time for Condition A (and possibly Condition B) would start when the initial inoperability occurred rather than (with literal interpretation of the existing arrangement) when Condition A (or B) was entered after the partial restoration. . . .

As described above, the proposed change corrects the structure of the LCO to assure its correct application. There is no change in intent or in the way the LCO is actually applied. The literal (and unintended) interpretation of the existing LCO structure could, under some circumstances, provide longer than intended Completion Times for restoration of operability. The proposed change only clarifies the requirements of the LCO Required Actions. Since the proposed change affects neither the LCO intent nor its application, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. [The proposed changes would not] create the possibility of a new or different kind of accident from any previously evaluated.

As described above, the proposed change corrects the structure of the LCO to assure its correct application. There is no change in intent or in the way the LCO is actually applied. The proposed changes would not result in any physical alterations to the plant configuration, no new equipment is added, no equipment interfaces are modified, no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

C. [The proposed changes would not] involve a significant reduction in a margin of safety.

As described above, the proposed change corrects the structure of the LCO to assure its correct application. The proposed changes are consistent with the intent of the changes made to the STS by TSTF 325. There is no change in intent or in the way the LCO is actually applied. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000.

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) in accordance with changes to the ''Standard Technical Specifications, Combustion Engineering Plants,'' NUREG 1432, Revision 1 (STS), made by the Nuclear Energy Institute Technical Specifications Task Force (TSTF) change number 325, ''Changes To Structure Of [Emergency Core Cooling System] ECCS—Operating [Limiting Condition for Operation] LCO.'' Specifically, Palisades LCO 3.5.2, ''ECCS—Operating,'' would be changed as follows: (1) the second part of the Condition B description, ''At least 100% of the required ECCS flow available,'' would be deleted; (2) the wording of Condition C would be revised to limit its application to Conditions A or B; and (3) the wording that would be removed from Condition B would be made into a new condition, Condition D, which would read: ''Less than 100% of the required ECCS flow available.'' Required Action D.1, ''Enter LCO 3.0.3,'' and its completion time, ''Immediately,'' would also be added. The licensee also forwarded related changes to the TS Bases.

Additional changes requested in the licensee's application dated December 7, 2000, are based upon other TSTFs and are addressed by separate **Federal Register** notices.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A change is proposed which emulates changes made to Standard Technical Specifications, Combustion Engineering Plants, NUREG 1432, Rev. 1 (STS) by TSTF 325. The structure of LCO 3.5.2, ECCS—Operating, has been rearranged to maintain Condition B in effect if failures should occur which reduce available flow to less than 100% of the required flow (that flow assumed in the accident analyses). The resulting requirements are those intended when the LCO was initially constructed and represent the way the LCO Conditions are being applied. Therefore there is no change in intent or application of the LCO. In the case where inoperable ECCS train components reduce available flow below that required, and a subsequent partial restoration is made to provide 100% of the required flow, the proposed change makes the literal requirements more conservative because (with the proposed arrangement) the Completion Time for Condition B would start when the initial inoperability occurred rather than (with literal interpretation of the existing arrangement) when Condition B was entered after the partial restoration. * * *

A. [The proposed changes would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

As described above, the proposed change corrects the structure of the LCO to assure its correct application. There is no change in intent or in the way the LCO is actually applied. The literal (and unintended) interpretation of the existing LCO structure could, under some circumstances, provide longer than intended Completion Times for restoration of operability. The proposed change only clarifies the requirements of the LCO Required Actions. Since the proposed change affects neither the LCO intent nor its application, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. [The proposed changes would not] create the possibility of a new or different kind of accident from any previously evaluated.

As described above, the proposed change corrects the structure of the LCO to assure its correct application. There is no change in intent or in the way the LCO is actually applied. The proposed changes would not

result in any physical alterations to the plant configuration, no new equipment is added, no equipment interfaces are modified, and no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

C. [The proposed changes would not] involve a significant reduction in a margin of safety.

As described above, the proposed change corrects the structure of the LCO to assure its correct application. The proposed change is consistent with the requirements of the STS. There is no change in intent or in the way the LCO is actually applied. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000 (this application supercedes an amendment request dated July 28, 2000).

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to allow Type B and C containment leak rate testing to be performed in accordance with 10 CFR part 50, appendix J, option B. Conversion to Option B affects TS 5.5.14 and Surveillance Requirements (SRs) SR 3.6.1.1, SR 3.6.1.3, and SR 3.6.2.1. The proposed amendment also revises the SR 3.6.2.2 frequency for containment air lock door interlock testing from 18 months to 24 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

* * * Four groups of changes have been proposed:

First, changes are proposed to allow Type B and C containment leak rate testing to be performed in accordance with 10 CFR 50, appendix J, Option B.

Second, exceptions are proposed to the Option B testing methodology for containment air lock door seals.

Third, an exception is proposed to the Option B testing frequency for small diameter containment purge valves.

Fourth, the frequency for the containment air lock door interlock testing has been extended from 18 months to 24 months.

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

All four groups of proposed changes deal exclusively with testing of features related to containment isolation. The changes only affect testing frequency and methodology. The proposed testing methodologies are acceptable under the existing Technical Specifications. None of the devices involved are assumed as an initiator of any accident previously evaluated. Therefore, operation of the facility in accordance with the proposed changes would not involve a significant increase in the probability of an accident.

1. The first group of proposed changes is based on the model Technical Specifications approved by the NRC staff in TSTF [Technical Specification Task Force] 52, Rev. 3. Test intervals will be established based on performance history of the components tested. The frequency of testing the containment penetrations and containment isolation valves will be extended in accordance with program requirements and 10 CFR 50, appendix J, Option B, with reference to Regulatory Guide 1.163, and NEI [Nuclear Energy Institute] 94–01, Rev 0. The change in risk resulting from the proposed changes was evaluated by the NRC in the rule making process for implementing the Option B requirements and are characterized in NUREG–1493. For Type B and C tests the NRC concluded that the extension of test intervals as allowed by Option B would lead to only minor increases in potential offsite dose consequences. These increases are offset by the expected decrease in worker dose received during Type A, B, and C testing, and were found to be acceptable. Therefore, operation of the facility in accordance with the first group [of] proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The second group of proposed changes would allow air lock door seal leak rate testing to be performed by a seal contact check (for the Emergency Escape Air Lock) or by pressurizing between the door seals at a pressure [greater than or equal to] 10 psig (for the Personnel Air Lock) following door seal contact adjustments. Both proposed alternative testing methods are allowed by existing Technical Specifications (while testing under Option A) and both will result in a continuation of the currently successful testing practice which has provided a high degree of confidence in door seal performance. Plant operating history has shown that air lock door seals which have been successfully tested in accordance with the proposed methodology have passed subsequent full pressure air lock leakage tests in virtually every case.

Since the proposed methodology has been demonstrated to successfully detect leaking door seals, the continued use of that methodology for testing under the requirements of Option B will not cause an increase in the probability of a leaking air lock door seal going undetected. Also, since there will be no increase in the rate of occurance [sic] of undetected leakage due to the continued utilization of current practices under Option B, operation of the facility in accordance with the second group of proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

3. The third proposed change allows the testing frequency for the Containment 4-inch purge exhaust, 8-inch purge exhaust and 12-inch air room supply valves to be consistent with other 10 CFR 50, appendix J, Option B, Type C test intervals and is supported by Palisades design, historical test results and other required testing. This would allow the test interval to be extended to a maximum of 60 months from the 30 month interval allowed without this exception.

The change in risk resulting from the third proposed change is essentially the same as that evaluated by the NRC in the rule making process for implementing the Option B Type C testing requirements, which are characterized in NUREG–1493. As discussed under change 1, above, the NRC concluded that the extension of test intervals as allowed by Option B for Type C testing would lead to only minor increases in potential offsite dose consequences. These increases were found to be acceptable. The third proposed change applies this longer interval to moderate diameter valves in the containment purge system. That longer interval would apply to these valves, without the proposed exception, if they were installed as containment isolation valves in a different system. Furthermore, the 8-inch and 12-inch valves are effectively leak rate tested on a 184 day frequency as part of their required closure verification. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

4. The fourth proposed change only extends the frequency for containment air lock door interlock testing. The proposed change will not affect any parameters or conditions that contribute to the mitigation of previously evaluated accidents. Therefore, operation of the facility in accordance with the fourth proposed change would not involve a significant increase in the consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously evaluated.

All four groups of proposed changes deal exclusively with testing of features related to containment isolation. The changes only affect testing frequency and methodology. The proposed testing methodologies are acceptable under the existing Technical Specifications. The proposed changes would not result in any physical alterations to the

plant configuration, no new equipment is added, no equipment interfaces are modified, no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, they would not cause the containment leak rate testing to become an accident initiator. No new or different kinds of accident modes are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

c. Involve a significant reduction in the margin of safety.

All four groups of proposed changes deal exclusively with testing of features related to containment isolation. The changes only affect testing frequency and methodology. The proposed testing methodologies are acceptable under the existing Technical Specifications. None of the devices involved are assumed as an initiator of any accident previously evaluated. The proposed changes only affect the methodology and frequency of Type B and C testing. The methods for performing the tests are not changed from those specified in existing Technical Specifications. The proposed performance based approach, provided by using Option B to 10 CFR 50, Appendix J, would continue to ensure that the containment leakage rates would not exceed the maximum allowable leakage rates defined in the Technical Specifications and assumed in the accident analysis. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000.

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) regarding the Limiting Conditions for Operation (LCO) for the containment cooling systems (LCO 3.6.6), the component cooling water system (LCO 3.7.7), and the service water system (LCO 3.7.8) to be similar to changes to the ''Standard Technical Specifications, Combustion Engineering Plants,'' NUREG 1432, Revision 1 (STS), made by the Nuclear Energy Institute Technical Specifications Task Force (TSTF) change number 325, ''Changes To Structure Of [Emergency Core Cooling System] ECCS—Operating LCO.''

Palisades LCO 3.6.6, ''Containment Cooling Systems,'' would be changed as follows: (1) The second part of the Condition A description, ''AND—At least 100% of the required post accident containment cooling capability available,'' would be deleted; (2) the wording of Condition B would be revised to limit its application to Condition A; and (3) the wording removed from Condition A would be made into a new condition, Condition C, which would read: ''Less than 100% of the required post-accident containment cooling capability available.'' Required Action C.1, ''Enter LCO 3.0.3,'' and its completion time, ''Immediately,'' would also be added. The licensee also forwarded related changes to the TS Bases.

Palisades LCO 3.7.7, ''Component Cooling Water [CCW] System,'' would be changed as follows: (1) The second part of the Condition A description, ''AND—At least 100% of the required CCW post accident capability available,'' would be deleted; (2) the wording of Condition B would be revised to limit its application to Condition A; and (3) the wording removed from Condition A would be made into a new condition, Condition C, which would read: ''Less than 100% of the required post-accident CCW capability available.'' Required Action C.1, ''Enter LCO 3.0.3,'' and its completion time, ''Immediately,'' would also be added. The licensee also forwarded related changes to the TS Bases.

Palisades LCO 3.7.8, ''Service Water System [SWS],'' would be changed as follows: (1) The second part of the Condition A description, ''AND—At least 100% of the required post accident SWS capability available,'' would be deleted; (2) the wording of Condition B would be revised to limit its application to Condition A; and (3) the wording removed from Condition A would be made into a new condition, Condition C, which would read: ''Less than 100% of the required post-accident SWS capability available.'' Required Action C.1, ''Enter LCO 3.0.3,'' and its completion time, ''Immediately,'' would also be added. The licensee also forwarded related changes to the TS Bases.

Additional changes requested in the licensee's application dated December 7, 2000, are based upon other TSTFs and are addressed by separate **Federal Register** notices.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Changes are proposed for three Palisades LCOs structured like LCO 3.5.2 which emulate changes made to Standard Technical Specifications, Combustion Engineering Plants, NUREG 1432, Rev.1 (STS) by TSTF 325. The structure of LCOs 3.6.6, 3.7.7, and 3.7.8 has been rearranged to maintain Condition A in effect if failures should occur which reduce available flow to less than 100% of the required cooling capability (that assumed in the accident analyses). The resulting requirements are those intended when the LCOs were initially constructed and represent the way the LCO Conditions are being applied. Therefore there is no change in intent or application of the LCOs. In the case where inoperable required components reduce available cooling below that required, and a subsequent partial restoration is made to provide 100% of the required cooling, the proposed change makes the literal requirements more conservative because (with the proposed arrangement) the Completion Time for Condition A would start when the initial inoperability occurred rather than (with literal interpretation of the existing arrangement) when Condition A was entered after the partial restoration. * * *

A. [The proposed changes would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

As described above, the proposed changes correct the structure of the subject LCOs to assure their correct application. There is no change in intent or in the way the LCOs are actually applied. The literal (and unintended) interpretation of the existing LCO structure could, under some circumstances, provide longer than intended Completion Times for restoration of operability. The proposed changes only clarify the requirements of the LCO Required Actions. Since the proposed changes affect neither the LCO intent nor their application, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. [The proposed changes would not] create the possibility of a new or different kind of accident from any previously evaluated.

As described above, the proposed changes correct the structure of LCOs 3.6.6, 3.7.7, and 3.7.8 to assure their correct application. There is no change in intent or in the way the LCOs are actually applied. The proposed changes would not result in any physical alterations to the plant configuration, no new equipment is added, no equipment interfaces are modified, and no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created. Therefore, the proposed

changes do not create the possibility of a new or different kind of accident from any previously evaluated.

C. [The proposed changes would not] involve a significant reduction in a margin of safety

As described above, the proposed changes correct the structure of the subject LCOs to assure their correct application. The proposed changes are consistent with the changes made to the STS by TSTF 325. There is no change in intent or in the way the LCOs are actually applied. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000.

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) in accordance with changes to the ''Standard Technical Specifications, Combustion Engineering Plants,'' NUREG 1432, Revision 1, made by the Nuclear Energy Institute Technical Specifications Task Force (TSTF) change number 258, Revision 4. TSTF 258 addresses changes to various Administrative Controls TSs. The licensee proposes the following four changes to the Palisades TSs:

(1) In section 5.2, ''Organization,'' Palisades TS Section 5.5.2e would be revised by deleting the specific detail of working hour limitations (i.e., administrative procedures are used to control working hours).

(2) Also in Section 5.2, TS Section 5.5.2g would be revised by deleting the title for the ''Shift Technical Advisor'' position and by clarifying the requirements for that position.

(3) In TS Section 5.5.4, ''Radioactive Effluent Controls Program,'' sections 5.5.4b, 5.5.4e, and 5.5.4h would be revised to be consistent with 10 CFR part 20.

(4) TS Section 5.7, ''High Radiation Area,'' would be revised to be consistent with 10 CFR Part 20.1601(c) (i.e., the existing TS would be completely replaced by Insert F from TSTF 258).

Additional changes requested in the licensee's application dated December 7, 2000, are based upon other TSTFs and are addressed by separate **Federal Register** notices.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. [The proposed changes would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

All four proposed changes deal exclusively with Administrative Controls. The changes only affect the details of controls placed on the plant staff and their working conditions. The proposed controls are consistent with the requirements approved for STS. None of the controls involved are assumed to be associated with any initiator of, or any mitigating equipment or mitigation actions for any accident previously evaluated. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. [The proposed changes would not] create the possibility of a new or different kind of accident from any previously evaluated.

All four proposed changes deal exclusively with Administrative Controls. The changes only affect the details of controls placed on the plant staff and their working conditions. The proposed controls are consistent with the requirements approved for STS. The proposed changes would not result in any physical alterations to the plant configuration, no new equipment is added, no equipment interfaces are modified, no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

C. [The proposed changes would not] involve a significant reduction in a margin of safety.

All four proposed changes deal exclusively with Administrative Controls. The changes only affect the details of controls placed on the plant staff and their working conditions. The proposed controls are consistent with the requirements approved for STS. None of the controls involved are assumed to be associated with any initiator of, or any mitigating equipment or mitigation actions for any accident previously evaluated. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 7, 2000.

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) in accordance with changes to the ''Standard Technical Specifications, Combustion Engineering Plants,'' NUREG 1432, Revision 1 (STS), made by the Nuclear Energy Institute Technical Specifications Task Force (TSTF) change number 287, ''Allowances For Breach Of The Control Room Envelope,'' Revision 5. Specifically, a note would be added modifying TS section 3.7.10, ''Control Room Ventilation (CRV) Filtration,'' to allow the control room boundary to be opened intermittently under administrative control, and a new condition (Condition B) would be added to the Action table for TS section 3.7.10 to allow 24 hours to restore an inoperable control room boundary. A required Action (B.1) would also be added requiring certain preplanned actions to be initiated immediately upon discovery that the containment envelope is inoperable. The subsequent conditions and required actions would be renumbered accordingly and supporting editorial changes would be made to the descriptions for Conditions B and E (to be renumbered as Conditions C and F). The licensee also forwarded related changes to the Bases for TS section 3.7.10.

Additionally, a correction would be made to the Action table for TS Section 3.7.10 by restoring Required Action D.2 (to be renumbered to E.2), which was inadvertently omitted during the prior issuance of the Palisades Improved TSs by Amendment No. 189.

Additional changes requested in the licensee's application dated December 7, 2000, are based upon other TSTFs and are addressed by separate **Federal Register** notices.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. [The proposed changes would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes deal exclusively with allowances to temporarily deviate from the [Limiting Condition for Operation] LCO 3.7.10 requirement (established by [Surveillance Requirement] SR 3.7.10.4) for the control room boundary to be sufficiently air tight to maintain 0.125 inches of water differential when the ventilation system is in the emergency mode of operation. The proposed controls are consistent with the requirements approved for STS. None of the controls involved are assumed to be associated with any assumed initiator of any accident previously evaluated.

The proposed changes do allow temporary (up to 24 hours) relaxation of controls put in place to protect the operators from accidental releases of particulate radioactive materials. The utilization of this temporary allowance is expected to be infrequent, and the controls required when this allowance is utilized maintain the intended radiological protection for the operators in the control room areas. Since the protection of the operators in the control room areas will be provided by alternate means during the exercising of these allowances, there will be no effect on their perceived abilities to mitigate the consequences of an accident.

Therefore, operation of the facility in accordance with the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. [The proposed changes would not] create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes deal exclusively with an allowance to temporarily provide radiological protection within the control room boundary by alternative means. The proposed controls are consistent with the requirements approved for STS. The proposed changes would not result in any physical alterations to the operating plant systems, no new equipment is added, no equipment interfaces are modified, no changes to any equipment's function or the method of operating the power generation or accident mitigating equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

C. [The proposed changes would not] involve a significant reduction in a margin of safety.

The proposed changes deal exclusively with an allowance to temporarily provide radiological protection within the control room boundary by alternative means. The proposed controls are consistent with the requirements approved for STS. None of the controls involved are assumed to be associated with any initiator of, or any mitigating equipment or mitigation actions for any accident previously evaluated. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: December 8, 2000.

Description of amendment request: The proposed amendment would delete requirements from the Technical Specifications (TSs) (and, as applicable, other elements of the licensing bases) to maintain a post accident sampling system (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the TSs for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271), on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated December 8, 2000.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase

in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: October 24, 2000.

Description of amendment request: Entergy Operations, Inc. is proposing that the Grand Gulf Nuclear Station (GGNS) Operating License be amended to revise the GGNS Technical Specifications (TSs), which govern the lube oil inventories for the Division I, II, and III Emergency Diesel Generators (EDGs). The change would increase the lube oil inventories specified in TS 3.8.3 to ensure continued operation of the EDGs under post-accident conditions, and provide additional margin in lube oil consumption calculations. The TS change would account for potential increases in EDG lube oil consumption rates which exceed the nominal consumption rates originally used to determine EDG lube oil requirements to support seven days of EDG operation at rated load conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The purpose of the emergency diesel generators is to mitigate the consequences of analyzed accidents. Emergency Diesel Engine inoperability or loss of capability has no effect on the probability of any analyzed accident. The reason for this change is to provide added assurance that the engines perform per the design requirements and therefore the consequences of an accident previously evaluated are not increased.

The purpose of the requested change is to regain margin in the lube oil consumption calculations, such that, if increases in consumption should occur in the future, Technical Specifications requirements will still ensure operability of the Diesel Generators. Design Engineering has basically taken the vendor's specified consumption rate and doubled that value to ensure that the newly calculated inventory limit will bound any potential consumption rate increases.

Current calculations using as found consumption rates have shown that the limiting sump volume is on Division III engines and that there is minimal margin left between the actual volume and the calculated volume needed. Therefore, there is a need for an external dedicated storage skid, which is the only physical change to the plant necessary to support this change request. The current licensing basis recognizes that make-up oil may be required at some point during a design basis event. The current Bases for Technical Specification 3.8.3 LCO provides this recognition.

Given the stated purpose and no need for changes to installed plant structures, (other than addition of a new Div[ision] III lube oil storage skid) systems, or components there will be no significant changes to the operation of the facility. Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The purpose of the emergency diesel generators is to mitigate the consequences of analyzed accidents; the engines are not accident initiating. Emergency Diesel Engine inoperability or loss of capability cannot create the possibility of a new or different kind of accident from any accident previously evaluated. The reason for this change is to provide added assurance that the engines perform per the design requirements.

The Diesel Engine Lubricating System (DELS) design and operation is unaffected by his change. Recognizing the need for having a make-up inventory and staging a volume readily accessible to the operator will enhance the operator's ability to maintain DG [Diesel Generator] operable. Design Engineering has performed appropriate fire hazards reviews and seismic II/l reviews to assure compliance with current design requirements.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The current licensing basis requires that the DELS provide seven days of Diesel Generator operation under specified load conditions. This basis was substantiated via calculation using vendor supplied consumption rates of 1.21 (Div[ision] I and II) and 0.6 (Div[ision] Ill) gallons per hour. The current basis recognizes that make-up oil may be required at some point during a design basis event. To ensure this basis is valid for future operations, Design Engineering has recalculated the required inventories based on a more conservative consumption rate. This change will ensure that sufficient lube oil is readily available to support the extended run times under post accident conditions. Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., 12th Floor, Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: December 21, 2000.

Description of amendment request: The amendment request proposes to delete the Steam/Feedwater Flow Mismatch coincident with Low Steam

Generator (SG) Water Level reactor trip from the technical specifications. The Steam/Feedwater Flow Mismatch coincident with Low SG Water Level reactor trip was included in the Unit 1 design in order to meet regulatory requirements regarding potentially adverse control and protection system interactions. The amendment request proposes to take credit for the SG Level Median Selector Switch (MSS) installed in 1997 to meet these requirements. The MSS eliminates the potential for an adverse control and protection system interaction and, therefore, eliminates the design requirement for the Steam/Feedwater Flow Mismatch and Low SG Level reactor trip. Appropriate changes to the Bases are also included in the amendment request.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The initiating conditions and assumptions for accidents described in the Updated Final Safety Analys[i]s Report remain as previously analyzed. The proposed change does not introduce a new accident initiator nor does it introduce changes to any existing accident initiators or scenarios described in the Updated Final Safety Analys[i]s Report. The Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level reactor trip is not credited for accident mitigation in any accident analyses described in the Updated Final Safety Analys[i]s Report. The Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level trip was designed to meet the control and protection systems interaction criteria of the Institute of Electric and Electronic Engineers Standard 279. The Median Selector Switch prevents adverse control and protection system interaction such that it replaces the need for the Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level reactor trip and satisfies the Institute of Electric and Electronic Engineers Standard 279 requirements. As such, the affected control and protection systems will continue to perform their required functions without adverse interaction and the capability to shut down the reactor when required on Low-Low Steam Generator water level to mitigate an accident previously evaluated is unaffected.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The substitution of the Median Selector Switch for the Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level trip will not introduce any new failure modes to the required protection functions. The Median Selector Switch only interacts with the feedwater control system and the Steam Generator Water Level Low-Low protection function is not affected by this change. Isolation devices in the Median Selector Switch circuitry ensure that the Steam Generator Water Level Low-Low protection function is not affected. The Median Selector Switch is designed to reduce the frequency of system failures through utilization of highly reliable components in a design that relies on a minimum of additional equipment. Components utilized in the Median Selector Switch are of a quality consistent with low failure rates and minimum maintenance requirements, and conform to protection system requirements. Furthermore, the design provides the capability for complete unit testing that provides unambiguous determination of credible system failures. It is through these features that the overall design of the Median Selector Switch minimizes the occurrence of undetected failures that may exist between test intervals. Additionally, the reliability of the Median Selector Switch has been shown by Unit 2 operating experience to be acceptable.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements and safety analysis assumptions.

The proposed amendment does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed amendment does not alter the functional capabilities assumed in a safety analysis for any system, structure, or component important to the mitigation and control of design bases accident conditions within the facility. Nor does this amendment revise any parameters or operating restrictions that are assumptions of a design basis accident. In addition, the proposed amendment does not affect the ability of safety systems to ensure that the facility can be placed and maintained in a shutdown condition for extended periods of time.

The ability of the Steam Generator Water Level Low-Low reactor trip function credited in the safety analysis to protect against a sudden loss of heat sink event is not affected by the proposed change. Since the Steam Generator Low-Low Level trip provides complete protection for all accident transients that result in low steam generator level, eliminating the Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level trip will not change any safety analysis conclusion for any analyzed accident described in the Updated Final Safety Analys[i]s Report.

The Median Selector Switch prevents adverse control and protection system interaction such that it replaces the need for the Steam/Feedwater Flow Mismatch and low Steam Generator Water Level reactor trip and satisfies the Institute of Electric and Electronic Engineers Standard 279 requirements. The proposed change will enhance safe operation since the Steam/Feedwater Flow Mismatch and Low Steam Generator Water Level trip function removal decreases the challenges to the plant safety systems, decreases the plant surveillance/maintenance activity, and reduces the plant complexity; all resulting in a reduction in the potential for unnecessary plant transients.

The technical specifications continue to assure the applicable operating parameters and systems are maintained within the design requirements and safety analysis assumptions. Therefore, the elimination of this trip function will not result in a significant reduction in the margin of safety as defined in the Updated Final Safety Analys[i]s Report or technical specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: Mary O'Reilly, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Marsha Gamberoni.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit 1, Berrien County, Michigan

Date of amendment request: January 2, 2001.

Description of amendment requests: The proposed amendment would revise Technical Specifications (TS) 3/4.6.2.2.a for the Unit 1 spray additive tank to require a contained volume between 4000 and 4600 gallons of between 30 and 34 percent by weight sodium hydroxide (NaOH) solution. In addition, the proposed amendment would make four types of format changes to the revised Unit 1 page:

1. Reformat the header to include numbered first and second tier TS section titles and a full-width single line to separate the header section titles from the page text.

2. Reformat the footer to include ''COOK NUCLEAR PLANT—UNIT1'' on the left side of the page, ''Page (page number)'' center page, ''AMENDMENT (past amendment numbers, with strikethrough, and ending with the current amendment number)'' on the right side, and a full-width single line to separate the footer from the page text.

3. Delete the double lines under ''LIMITING CONDITION FOR OPERATION'' and ''SURVEILLANCE REQUIREMENTS.''

4. Fully justify the text and change the font.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Adding a maximum limit for the allowed contained volume and [sodium hydroxide] NaOH concentration for the spray additive tank does not increase the probability of occurrence of any accident. The spray additive system cannot initiate any previously analyzed accident. The proposed changes ensure that the spray additive system and the associated containment spray system can perform the accident mitigation functions required during a [loss-of-coolant accident] LOCA or [main steam line break] MSLB event. This action does not affect the initiating frequency of a LOCA or MSLB event. Therefore, the proposed changes do not increase the probability of an accident previously evaluated.

The accidents previously evaluated in Chapter 14 of the Updated Final Safety Analysis Report that are possibly affected by operation of the spray additive system are a loss-of-coolant accident (LOCA) and a main steam line break (MSLB). These postulated accidents are expected to result in a containment spray signal, which then results in the automatic starting of the containment spray pumps and the opening of the valves associated with the spray additive system. The spray additive system adds NaOH to the containment spray water being supplied from the refueling water storage tank (RWST) to adjust the pH of the containment spray and containment recirculation sump solutions.

Following a LOCA, the containment spray water becomes mixed in the containment recirculation sump with ice melt from the ice condenser, reactor coolant from the reactor coolant system (RCS), water being injected to the RCS from the safety injection accumulators, and water being injected to the RCS from the RWST by the emergency core cooling system. Following a MSLB, the containment spray water becomes mixed in the containment recirculation sump with ice melt from the ice condenser and the secondary coolant released from the ruptured steam line.

The existing minimum and proposed maximum limits for the contained volume and NaOH concentration for the spray additive tank ensure a pH value of between 7.6 and 9.5 for the solution recirculated within containment after a LOCA. This pH band minimizes the evolution of iodine from the containment recirculation sump, and minimizes the effect of chloride and caustic stress corrosion on mechanical systems and components. An increase in pH value to at least 7.0 in the containment recirculation sump during the recirculation phase following a LOCA is consistent with the iodine retention assumptions of the accident analyses. Therefore, the consequences of a LOCA remain unchanged by the proposed changes. For a MSLB, there is no increase in consequences since the containment spray system and containment recirculation sump are not credited for removal and retention of fission products from the containment atmosphere.

The analyses for determining hydrogen generation following a large break LOCA assume a specific pH time-dependent profile for the containment spray and containment recirculation sump solutions. The existing minimum and proposed maximum limits for the contained volume and NaOH concentration for the spray additive tank do not result in an increase in the previously predicted hydrogen generation rates. Therefore, the current hydrogen generation analyses remain bounding.

For both LOCA and MSLB events, the existing minimum and proposed maximum limits for the contained volume and NaOH concentration for the spray additive tank ensure that the pH of the containment spray solution is within the bounds used in evaluations for environmental qualification of required equipment.

Therefore, the proposed changes cannot increase the probability of occurrence or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Adding a maximum allowed contained volume and NaOH concentration for the spray additive tank does not create the possibility of an accident of a new or different type than any previously evaluated. The proposed changes ensure that the spray additive system, and the associated containment spray system, can perform the required accident mitigation functions during a LOCA or MSLB event. There are no other types of accidents that can be postulated that would require the use of the spray additive system or the associated containment spray system for mitigation. The proposed changes do not introduce any new association between the spray additive system and any radioactive system, including the RCS. Therefore, emergency operation of the spray additive system, or postulated failures of the spray additive system, cannot initiate any type of accident.

Therefore, the proposed changes do not increase the possibility of a new or different kind of accident than previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed limits on maximum allowed contained volume and NaOH concentration for the spray additive tank ensure that the original margin of safety is maintained by ensuring acceptable pH control following a LOCA or MSLB event. Therefore, the proposed changes ensure that the margin of safety is maintained by limiting the maximum pH of the containment spray and containment recirculation sump solutions following a LOCA or MSLB event.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Esq., 500 Circle Drive, Buchanan, MI 49107.

NRC Section Chief: Claudia M. Craig.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment requests: October 24, 2000.

Description of amendment requests: The proposed amendments would approve an unreviewed safety question allowing the use of new methodology to calculate the transient response to steam generator tube ruptures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

The proposed change, to adopt a new analytical method to evaluate the effects of an [Steam Generator Tube Rupture] SGTR, does not affect any accident initiators or precursors. As such, the proposed change does not increase the probability of an accident. The proposed change also does not affect the ability of operators to mitigate the consequences of an accident. The proposed change does not impact the design of the affected plant systems such that previously analyzed systems, structures, and components (SSCs) would now be more likely to fail. The changes will not modify plant systems to reduce their design capability during normal operating and accident conditions. The use of the WCAP–10698–P–A methodology to more accurately calculate the flow from the reactor coolant system (RCS) to the SG secondary side following a postulated SGTR does not affect the probability of any analyzed events. The use of the WCAP–10698–P–A methodology does not affect SGTR initiators or precursors. Therefore, incorporating the new methodology does not affect equipment malfunction probability, nor does it affect or create new accident initiators or precursors. Thus, there will be no reduction in the capability of those SSCs in limiting the consequences of previously evaluated accidents.

Additionally, the present methodology for calculating the radiological consequences of a postulated SGTR is conservative when compared with results from the new methodology. As such, the existing licensing basis radiological consequence calculations will be retained. Thus, no additional radiological source terms are generated, and the consequences of an accident previously

evaluated in the [updated final safety analysis report] UFSAR will not be increased. The use of this WCAP methodology and associated computer code for break flow modeling more accurately calculates the plant response to an SGTR event. The improved accuracy of the new methodology provides valuable information related to the analysis of operator actions and the associated timing. Such accurate transient response information enables enhancements to be made to the emergency operating procedures (EOPs).

Therefore, the proposed changes cannot increase the consequences or probability of occurrence of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not impact the design of affected plant systems, involve a physical alteration to the systems, or change to the way in which systems are currently operated, such that previously unanalyzed SGTRs would now occur. The change to incorporate the WCAP–10698–P–A methodology does not introduce any new malfunctions; it calculates more accurately the flow from the RCS to the SG secondary side following a postulated SGTR to determine the time available for operator actions to prevent overfilling the affected SG.

Thus, use of the WCAP–10698–P–A methodology does not affect or create new accident initiators or precursors or create the possibility of a new or different kind of accident.

Therefore, the proposed changes do not increase the possibility of a new or different kind of accident than previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The approval of the license amendment will not result in any modifications to affected plant systems that would reduce their design capabilities during normal operating and accident conditions. By using the WCAP–10698–P–A methodology, a more accurate SGTR response is calculated. The improved understanding of the transient response enables enhancements to the EOPs, which provide further assurance that SSCs required for accident mitigation are protected.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

In summary, based upon the above evaluation, I&M has concluded that these changes involve no significant hazards.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Esq., 500 Circle Drive, Buchanan, MI 49107.

NRC Section Chief: Claudia M. Craig.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: December 18, 2000.

Description of amendment request: The proposed amendment deletes requirements from the Technical Specifications (and, as applicable, other elements of the licensing bases) to maintain a Post Accident Sampling System (PASS). Licensees were generally required to implement PASS upgrades as described in NUREG–0737, ''Clarification of TMI [Three Mile Island] Action Plan Requirements,'' and Regulatory Guide 1.97, ''Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.'' Implementation of these upgrades was an outcome of the lessons learned from the accident that occurred at TMI, Unit 2. Requirements related to PASS were imposed by Order for many facilities and were added to or included in the technical specifications (TS) for nuclear power reactors currently licensed to operate. Lessons learned and improvements implemented over the last 20 years have shown that the information obtained from PASS can be readily obtained through other means or is of little use in the assessment and mitigation of accident conditions.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 11, 2000 (65 FR 49271) on possible amendments to eliminate PASS, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on October 31, 2000 (65 FR 65018). The licensee affirmed the applicability of the following NSHC determination in its application dated December 18, 2000.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The PASS was originally designed to perform many sampling and analysis functions. These functions were designed and intended to be used in post accident situations and were put into place as a result of the TMI–2 accident. The specific intent of the PASS was to provide a system that has the capability to obtain and analyze samples of plant fluids containing potentially high levels of radioactivity, without exceeding plant personnel radiation exposure limits. Analytical results of these samples would be used largely for verification purposes in aiding the plant staff in assessing the extent of core damage and subsequent offsite radiological dose projections. The system was not intended to and does not serve a function for preventing accidents and its elimination would not affect the probability of accidents previously evaluated.

In the 20 years since the TMI–2 accident and the consequential promulgation of post accident sampling requirements, operating experience has demonstrated that a PASS provides little actual benefit to post accident mitigation. Past experience has indicated that there exists in-plant instrumentation and methodologies available in lieu of a PASS for collecting and assimilating information needed to assess core damage following an accident. Furthermore, the implementation of Severe Accident Management Guidance (SAMG) emphasizes accident management strategies based on in-plant instruments. These strategies provide guidance to the plant staff for mitigation and recovery from a severe accident. Based on current severe accident management strategies and guidelines, it is determined that the PASS provides little benefit to the plant staff in coping with an accident.

The regulatory requirements for the PASS can be eliminated without degrading the plant emergency response. The emergency response, in this sense, refers to the methodologies used in ascertaining the condition of the reactor core, mitigating the consequences of an accident, assessing and projecting offsite releases of radioactivity, and establishing protective action recommendations to be communicated to offsite authorities. The elimination of the PASS will not prevent an accident management strategy that meets the initial intent of the post-TMI–2 accident guidance through the use of the SAMGs, the emergency plan (EP), the emergency operating procedures (EOP), and site survey monitoring that support modification of emergency plan protective action recommendations (PARs).

Therefore, the elimination of PASS requirements from Technical

Specifications (TS) (and other elements of the licensing bases) does not involve a significant increase in the consequences of any accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The elimination of PASS related requirements will not result in any failure mode not previously analyzed. The PASS was intended to allow for verification of the extent of reactor core damage and also to provide an input to offsite dose projection calculations. The PASS is not considered an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The elimination of the PASS, in light of existing plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, results in a neutral impact to the margin of safety. Methodologies that are not reliant on PASS are designed to provide rapid assessment of current reactor core conditions and the direction of degradation while effectively responding to the event in order to mitigate the consequences of the accident. The use of a PASS is redundant and does not provide quick recognition of core events or rapid response to events in progress. The intent of the requirements established as a result of the TMI–2 accident can be adequately met without reliance on a PASS.

Therefore, this change does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270.

NRC Section Chief: James W. Clifford

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: July 31, 2000.

Description of amendment request: The proposed license amendment will change the method used to determine the Fuel Centerline Melt Linear Heat Rate Limit (FCMLHRL). The proposed change represents a departure from the use of the fixed value of 21 kilowatts per foot for the FCMLHRL, which is being used in the current operating cycle, to a value that will be calculated on a cycle-by-cycle basis using the Siemens Power Corporation (SPC) U.S. Nuclear Regulatory Commission (NRC) approved methodology. Northeast Nuclear Energy Company (the licensee) has evaluated this proposed method of calculating FCMLHRL utilizing the criteria of 10 CFR 50.59. The licensee has determined that this change involves an unreviewed safety question (USQ). The licensee is requesting approval of the USQ.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This license amendment request deals with changes in the Millstone Unit No. 2 Final Safety Analysis Report (FSAR) due to changing the method used to determine the FCMLHRL. The proposed change represents a departure from the use of the fixed value of 21 kW/ft for the FCMLHRL, which is being used in the current cycle, to a value that will be calculated on a cycle by cycle basis using the SPC approved methodology. This methodology was reviewed and approved by the Nuclear Regulatory Commission (NRC) and is documented in Siemens Power Corporation (SPC) report XN–NF–82–06(P)(A).[ ] The value of the FCMLHRL is verified for each reload, but does not typically change significantly between cycles. This limit is determined for a standard fuel rod. The current enrichment cutbacks in the gadolinia bearing rods limit their relative power such that the maximum FCMLHRL for a gadolinia bearing fuel rod will be sufficiently below the standard fuel rods to prevent centerline melt. In future applications of this methodology, the peak Linear Heat Rates (LHR) calculated from transient analyses will be compared to the FCMLHRL for the cycle. The Local Power Density (LPD) Limiting Safety System Settings (LSSS) verification analysis for future applications will use the cycle dependent FCMLHRL. Therefore, It can be concluded that these FSAR changes are safe and that the cycle specific calculated FCMLHRL has no impact on plant equipment operation. Further more, the change in the method of determining the FCMLHRL only impacts the analytical determination of failed fuel and has no direct impact on the accident scenario. Accordingly, this change cannot affect the likelihood of these events. Therefore, the proposed changes will not increase the probability of occurrence of accidents previously evaluated.

The change in the method of determining the FCMLHRL will continue to conservatively estimate fuel failures. Since the proposed FSAR changes will have no impact on the analysis of the events, they cannot affect the likelihood or consequences of these events. Therefore, the proposed FSAR changes will not increase the consequences of accidents previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed FSAR changes will not alter the plant configuration (no new or different type of equipment will be installed) or require any new or unusual operator actions. The FSAR changes do not introduce any new failure modes. Therefore, the changes will not increase the probability of a new or different kind of accident from any accidents previously evaluated.

3. Involve a significant reduction in a margin of safety.

The purpose of the proposed changes is to document a change in the method used to determine FCMLHRL in the Millstone Unit No. 2 FSAR. The change in methodology may result in a FCMLHRL that is higher than the previous limit of 21 kW/ft. Therefore, the proposed changes may lead to a reduction of the margin of safety. However, the proposed changes are safe because SPC has justified, using NRC generically approved methodology, that with a higher value of the FCMLHRL the fuel will not experience centerline melt. In other words, a higher FCMLHRL may allow a higher fuel temperature but will continue to protect fuel against centerline melt. Therefore, it can be concluded that the FSAR changes are safe and do not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut.

NRC Section Chief: James W. Clifford.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: December 13, 2000.

Description of amendment request: The proposed amendment would

change License Condition 2.C.4 to conform to NRC Generic Letter (GL) 86–10, ''Implementation of Fire Protection Requirements.'' The proposed amendment would also relocate the Fire Protection Program (FPP) elements from the Technical Specifications (TSs) to the licensee-controlled FPP, in accordance with GL 86–10 and GL 88–12, ''Removal of Fire Protection Requirements from Technical Specifications.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The requested changes are administrative in nature in that they move fire protection requirements from the TS to the FPP and associated implementing procedures following the guidance of NRC Generic Letter (GL) 86–10 and GL 88–12. The requested changes will not revise the requirements for fire protection equipment operability, testing or inspections.

The proposed changes do not involve any change to the configuration or method of operation of any plant equipment that is used to mitigate the consequences of an accident, nor do they affect any assumptions or conditions in any of the accident analyses. Since the accident analyses remain bounding, their radiological consequences are not adversely affected.

Therefore, the probability or consequences of an accident previously evaluated are not affected.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The requested changes are administrative in nature in that they move fire protection requirements from the TS to the FPP and associated implementing procedures following the guidance of GL 86–10 and 88–12. The requested changes will not revise the requirements for fire protection equipment operability, testing or inspections.

The proposed changes do not involve any change to the configuration or method of operation of any plant equipment that is used to mitigate the consequences of an accident, nor do they affect any assumptions or conditions in any of the accident analyses. Accordingly, no new failure modes have been defined for any plant system or component important to safety nor has any new limiting single failure been identified as a result of the proposed changes.

Therefore the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

The requested changes are administrative in nature in that they move fire protection requirements from the TSs to the FPP and associated implementing procedures following the guidance of GL 86–10 and 88–12. The requested changes will not revise the requirements for fire protection equipment operability, testing or inspections. Future changes to the program will be reviewed in accordance with the fire protection license condition to ensure that the ability to achieve and maintain safe shutdown in the event of a fire are [sic] not adversely affected.

Therefore, a significant reduction in the margin of safety is not involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Nuclear Management Company, LLC, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: December 13, 2000.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3.8/4.8 to clarify the air ejector offgas activity sample point and operability requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes clarify and more completely specify actions and requirements with respect to main condenser offgas activity. Compliance with applicable regulatory requirements will continue to be maintained. The proposed changes do not alter the conditions or assumptions in any of the previous accident analyses. Since the previous accident analyses remain bounding, the radiological consequences previously evaluated are not adversely affected by the proposed changes.

Therefore, the probability or consequences of an accident previously evaluated are not affected by any of the proposed amendments.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve any change to the method of operation of any plant equipment. Accordingly, no new failure modes have been defined for any plant system or component important to safety nor has any new limiting single failure been identified as a result of the proposed changes. Also, there will be no change in types or increase in the amounts of any effluents released offsite.

Therefore, the possibility of a new or different kind of accident from any accident previously evaluated would not be created.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed changes do not involve a significant reduction in a margin of safety. The proposed changes clarify and more completely specify actions and requirements with respect to main condenser offgas activity. No changes in radioactivity release limits or dose limits are proposed. The changes in actions to be taken if a limit is not met provide an adequate means of ensuring that the health and safety of the public are protected and that potential dose to the public is below regulatory limits. The proposed changes do not involve any actual change in the methodology used in the control of radioactive effluents. The proposed changes also comply with the guidance contained in the STS [standard technical specifications].

Therefore, a significant reduction in the margin of safety is not involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment requests: December 6, 2000.

Description of amendment requests: The proposed license amendments would revise Section 5.0, ''Administrative Controls,'' of the Diablo Canyon Power Plant, Unit Nos. 1 and 2 Technical Specifications (TS) to change the following management titles.

(1) TS 5.1.1 would be revised to replace the titles ''Vice President, Diablo Canyon Operations and Plant Manager,'' and ''Plant Manager,'' with the generic title ''plant manager.''

(2) TS 5.2.1.a, last sentence, would be revised to state: ''These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the FSAR [Final Safety Analysis Report] Update.''

(3) TS 5.2.1.b, would be revised to replace the title ''Plant Manager,'' with the generic title ''plant manager.''

(4) TS 5.2.1.c. would be revised to replace the title ''Senior Vice President and General Manager—Nuclear Power Generation,'' with the generic title ''specified corporate officer.''

(5) TS 5.2.2.d would be revised to replace the title ''Plant Manager,'' with the generic title ''plant manager.''

(6) TS 5.2.2.e. would be revised to replace the title ''Operations Director'' with the generic title ''operations manager.''

(7) TS 5.3.1 would be revised to replace the titles ''Radiation Protection Director'' and ''Operations Director'' with the generic titles ''radiation protection manager'' and ''operations manager,'' respectively.

(8) TS 5.5.1.b (second paragraph ''b'') would be revised to replace the title ''Plant Manager,'' with the generic title ''plant manager.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This License Amendment Request (LAR) proposes to revise Technical Specification (TS) 5.0, ''Administrative Controls,'' to replace specific management titles with lower case generic titles consistent with Industry/Technical Specification Task force (TSTF) Standard Technical Specification Change Traveler TSTF–65, Revision 1, approved by the NRC on November 10, 1994.

The proposed changes revise TS 5.0 to change management titles from (a) ''Vice President, Diablo Canyon Operations and Plant Manager'' to ''plant manager,'' (b) ''Senior Vice President and General Manager—Nuclear Power Generation'' to ''specified corporate officer,'' (c) ''Radiation Protection Director'' to ''radiation protection manager,'' and (d) ''Operations Director'' to ''operations manager.''

The proposed changes do not eliminate any of the qualifications, responsibilities or requirements for these positions. Each member of the plant staff assigned to these positions shall continue to meet or exceed the minimum qualifications of ANSI/ANS 3.1–1978, Regulatory Guide 1.8, Revision 2, April 1987 (radiation protection manager), or TS 5.2.2.e (operations manager) as required by TS 5.3.1.

The proposed change to replace the title ''Vice President, Diablo Canyon Operations and Plant Manager'' with the generic title ''plant manager'' reflects PG&E's plan to split the responsibilities of the Vice President, Diablo Canyon Operations and Plant Manager, into two positions: (1) Vice President, Diablo Canyon Operations, and (2) Station Director. The Station Director will report to the Vice President, Diablo Canyon Operations. The Station Director will fulfill the responsibilities of the ''Plant Manager'' as described currently in TS and Final Safety Analysis Report (FSAR) Update and will be responsible for overall safe operation of the plant and will have control over those onsite activities necessary for safe operation and maintenance of the plant. This change results in no change to the responsibilities or qualification requirements for this position as specified in the TS.

The remaining changes are administrative changes only that result in no changes in the responsibilities for the positions.

None of the proposed changes have an impact on plant equipment, or on how plant equipment is operated or maintained, and therefore they have no impact on plant accidents.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes revise TS 5.0 to change management titles from (a) ''Vice President, Diablo Canyon Operations and Plant Manager'' to ''plant manager,'' (b) ''Senior Vice President and General Manager—Nuclear Power Generation'' to ''specified corporate officer,'' (c) ''Radiation Protection Director'' to ''radiation protection manager,'' and (d) ''Operations Director'' to ''operations manager.''

The proposed changes do not eliminate any of the qualifications, responsibilities or requirements for these positions.

None of the proposed changes have an impact on plant equipment, or on how plant equipment is operated or maintained, and therefore they have no impact on initiation of new or different plant accidents.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes revise TS 5.0 to change management titles from (a) ''Vice President, Diablo Canyon Operations and Plant Manager'' to ''plant manager,'' (b) ''Senior Vice President and General Manager—Nuclear Power Generation'' to ''specified corporate officer,'' (c) ''Radiation Protection Director'' to ''radiation protection manager,'' and (d) ''Operations Director'' to ''operations manager.''

The proposed changes do not eliminate any of the qualifications, responsibilities or requirements for these positions.

None of the proposed changes have an impact on plant equipment, or on how plant equipment is operated or maintained, and therefore they have no impact on margin of safety.

Therefore, the proposed changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Christopher J. Warner, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Section Chief: Stephen Dembek.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 7, 2000.

Description of amendment request: The licensee proposes to revise Technical Specification 3.5.A.1 by adding a note regarding operability of the Low Pressure Coolant Injection system (LPCI) under certain restrictive conditions. The subject change would provide a clarification of system operability that would result in additional flexibility in operations during hot shutdown conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The LPCI system is not assumed to be the initiator of any previously analyzed event. Its function is in mitigating and thereby limiting consequences of analyzed events. With this proposed change LPCI is still capable of being manually realigned, if needed, to mitigate the consequences of accidents. The allowance provided by this change is only applicable for the reactor in a shutdown condition with reactor pressure less than the RHR [residual heat removal] shutdown cooling permissive setpoint.

Thus, the reactor heat load is much less than assumed for design basis loss of coolant accidents occurring at full power. Furthermore, other emergency core cooling systems are still required to be operable.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve any physical alteration of the plant or introduce new modes of operation. There is no change in plant operation that involves failure modes other than those previously evaluated.

The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change has no impact on any safety analysis assumption. The clarifying Note being added to Technical Specification 3.5.A.1 allows the decay heat removal function to be available without immediate shutdown requirements for inoperable LPCI subsystems being imposed. This is recognition that the amount of time to realign the RHR system from the decay heat removal function has no significant impact on the margin of safety associated with establishing LPCI injection, because the heat loads under these conditions are far less than assumed in the safety analysis.

Placing the reactor in SDC [Shutdown Cooling] during hot shutdown is a normal and preferred method for removing sensible heat from the reactor. In addition, the change does not alter the availability of other safety systems and the ability to meet their safety functions. The additional flexibility, to allow LPCI subsystems to be considered operable during SDC below the RHR shutdown cooling permissive pressure and without entering a shutdown LCO [limiting condition for operation] will not significantly reduce margins of safety since the reactor is in hot shutdown with all control rods inserted, reactor pressure is less than the RHR shutdown cooling permissive pressure, and other ECCS [Emergency Core Cooling Systems] systems should be capable of providing the required cooling, thereby allowing operation of RHR SDC when necessary. Thus, the margins of safety for such situations are maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 19, 2000.

Description of amendment request: The proposed change would revise the reactor vessel pressure/temperature (P/T) limit curves specified in TS 3.6.A.1, ''Reactor Coolant Systems—Pressure and Temperature Limitations,'' as graphically represented in Figure 3.6.1, for reactor heatup, cooldown, and critical operation, as well as for inservice hydrostatic and leak tests.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes to the calculational methodology for the [pressure/temperature] P/T limits based upon [American Society of Mechanical Engineers] ASME [American Society for Mechanical Engineers Boiler and Pressure Vessel Code] Code Cases N–640 and N–588 provide adequate margin in the prevention of a brittle-type fracture of the reactor pressure vessel (RPV). The Code Cases were developed based upon the knowledge gained through years of industry experience. The experience gained in the areas of fracture toughness of materials and pre-existing undetected defects show that some of the existing assumptions used for the calculation of P/T limits are unnecessarily conservative and unrealistic. Therefore, providing the allowances of the subject Code Cases in developing the P/T limit curves will continue to provide adequate protection against nonductile-type fractures of the RPV.

The evaluation for revising the P/T limit curves for 4.46×10^8MWH(t) (32 effective full power years) was performed using the approved methodologies of 10 CFR 50, appendix G. The curves generated from these methods ensure the P/T limits will not be exceeded during any phase of reactor operation. The proposed changes will not affect any other system or equipment designed for the prevention or mitigation of previously analyzed events. Thus, the probability of occurrence and the consequences of any previously analyzed event are not significantly increased as the result of the proposed changes.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to the reactor pressure vessel P/T limits do not affect the assumed performance of any system, structure, or component previously evaluated. The proposed changes do not introduce any new modes of system operation or failure mechanisms. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

Industry experience since the inception of the P/T limits in 1974 confirms that some of the existing methodologies used to develop P/T curves is unnecessarily conservative. Accordingly, ASME Code Cases N–640 and N–588 take advantage of the acquired knowledge by establishing more enhanced methodologies for the development of P/T curves. Therefore, operational flexibility can be gained without a significant reduction in the margin of safety to RPV brittle fracture.

The revised evaluation of the P/T curves to 4.46×10^8MWH(t) was performed per the guidelines of 10 CFR 50, and thus, the margin of safety is not reduced as the result of the proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: December 14, 2000

Description of amendment request: The proposed changes will modify the Technical Specifications Section 3/4.7.7 ''Control Room Emergency Habitability Systems'' Surveillance Requirements 4.7.7.1.d.1 and 4.7.7.2.a, to revise the differential pressure limit across the control room emergency ventilation system filter assembly and increase the minimum number of compressed air bottles in the control room bottled air pressurization system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

[1.] Involve a significant increase in the probability or consequences of an accident previously evaluated.

Increasing the minimum required number of air bottles in the control

room bottled air pressurization system in order to maintain system capacity does not change the operation of the plant. The control room bottled air pressurization system and the emergency ventilation system will not be operated differently. No new accident initiators are established as a result of the proposed changes. Revising the differential pressure acceptance criteria and including [the] demister filter along with the HEPA filter and charcoal adsorber will provide increased assurance of system readiness. These systems will continue to be operable to limit control room dose to within the analysis of record. Therefore, the probabaility of occurrence or the consequences of an accident previously evaluated is not increased.

[2.] Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not affect the operation of the plant. The control room bottled air pressurization system and control room emergency ventilation system will not be operated differently as a result of the proposed changes. No new accident or event initiators are being created by these changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

[3.] Involve a significant reduction in the margin of safety as defined in the bases [of] any Technical Specifications.

The proposed changes reflect conservative changes in the operating requirements for the control room bottled air pressurization and control room emergency ventilation systems. These changes will further ensure the systems will continue to be operable to mitigate the consequence of an accident for the control room operators. Therefore, the proposed changes do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Donald P. Irwin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Section Chief: Richard L. Emch, Jr.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: February 28, 2000, as supplemented by letters dated May 12, May 24, June 1, and June 28, 2000.

Brief description of amendment: The amendment revised certain license conditions to reflect the change in ownership interest from PECO to Exelon Generation Company, LLC.

Date of issuance: January 12, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 228.

Facility Operating License No. DPR–50: Amendment revised the License.

*Date of initial notice in **Federal Register:*** April 10, 2000 (65 FR 19029).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 2000.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: October 12, 2000.

Brief description of amendment: The amendment changes the name of the facility from WNP–2 to Columbia Generating Station in all applicable locations of the Operating License, appendix A Technical Specifications, and appendix B Environmental Protection Plan. In addition, the proposed action would make editorial changes to TS Figure 4.1–1, ''Site Area Boundary'' modifying or deleting text associated with references to WNP–2.

Date of issuance: January 8, 2001.

Effective date: January 8, 2001, and shall be implemented within 30 days from the date of issuance.

Amendment No: 169.

Facility Operating License No. NPF–21: The amendment revised the Operating License, appendix A Technical Specifications, and appendix B Environmental Protection Plan.

*Date of initial notice in **Federal Register:*** November 29, 2000 (65 FR 71134).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 8, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: November 23, 1999, as supplemented by letters dated February 24 and October 19, 2000.

Brief description of amendment: The amendment incorporated the use of American Society for Testing and Materials (ASTM) D3803–1989, ''Standard Test Method for Nuclear-Grade Activated Carbon,'' into the Arkansas Nuclear One, Unit No. 1, Technical Specifications.

Date of issuance: December 28, 2000.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 210.

Facility Operating License No. DPR–51: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** March 8, 2000 (65 FR 12291). The application was renoticed on March 22, 2000 (65 FR 15378).

The October 19, 2000, supplemental letter provided clarifying information and revised Bases pages that was within the scope of the application and did not change the associated no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 2000.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of application for amendment: June 10, 1999, as supplemented by letters dated November 4, 1999, and October 12, 2000.

Brief description of amendment: By letter dated June 10, 1999, FirstEnergy submitted its response for Davis-Besse Nuclear Power Station to the actions requested in Generic Letter (GL) 99–02, ''Laboratory Testing of Nuclear-Grade Activated Charcoal,'' dated June 3, 1999. By letter dated November 4, 1999, FirstEnergy requested changes to the Technical Specifications (TS) sections 3/4.6.4.4, ''Hydrogen Purge System (HPS),'' 3/4.6.5.1, ''Shield Building Emergency Ventilation System (SBEVS),'' 3/4.7.6.1, ''Control Room Emergency Ventilation System (CREVS),'' and 6.0, ''Administrative Controls,'' for Davis-Besse Nuclear Power Station. FirstEnergy proposes adoption of a Ventilation Filter Testing Program (VFTP) in TS section 6.0—Administrative Control and removal of the specific ventilation filter testing requirements from the plant's Surveillance Requirements of TS sections 3/4.6.4.4, 3/4.6.5.1, and 3/4.7.6.1. By letter dated October 12, 2000, FirstEnergy provided additional information regarding relative humidity in the control room. The proposed changes would revise the TS surveillance testing of the safety related ventilation system charcoal to meet the requested actions of GL 99–02.

Date of issuance: January 11, 2001.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 244.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 29, 1999 (64 FR 73091).

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 11, 2001.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: June 28, 2000.

Brief description of amendment: The amendment revises Technical Specification (TS) 3.7.6.1, ''Plant Systems—Control Room Emergency Ventilation System,'' to establish actions to be taken for an inoperable control room ventilation system due to a degraded control room boundary (CRB). This revision approves changes that would allow up to 24 hours to restore the CRB to operable status when two control room ventilation system trains are inoperable due to an inoperable CRB in MODES 1, 2, 3, and 4. In addition, a Limiting Condition for Operation note would be added to allow the CRB to be opened intermittently under administrative controls without affecting control room ventilation system operability. Various other editorial changes have been made to reflect the revised TS. The applicable TS Bases have been revised to document the TS changes and to provide supporting information.

Date of issuance: January 2, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 254.

Facility Operating License No. DPR–65: Amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** July 26, 2000 (65 FR 46010).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 2, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: November 10, 1999, as supplemented October 3, 2000.

Brief description of amendment: The amendment revises Technical Specification (TS) 5.5.7.c, to commit to the American Society for Testing and Materials D3803–1989 test protocol for the ventilation filter testing program. The changes are consistent with Nuclear Regulatory Commission (NRC) Generic Letter 99–02.

Date of issuance: December 27, 2000.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 235.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** January 12, 2000 (65 FR 1924).

The supplemental information in the October 3, 2000, letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 27, 2000.

No significant hazards consideration comments received: No.

PECO Energy Company, PSEG Nuclear LLC, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: October 10, 2000.

Brief description of amendments: The amendments revised the licenses for Peach Bottom Units 2 and 3 to remove Delmarva Power and Light Company as a licensee, in conjunction with the transfer of the minority ownership interests of Delmarva Power and Light Company to the majority owners, PECO Energy Company and PSEG Nuclear LLC.

Date of issuance: December 29, 2000.

Effective date: As of date of issuance, to be implemented within 30 days.

Amendments Nos.: 238 & 241.

Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the License.

*Date of initial notice in **Federal Register:*** November 27, 2000 (65 FR 70740).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 27, 2000.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: December 20, 1999, as supplemented

February 11, February 25, and October 10, 2000.

Brief description of amendments: The amendments revised Facility Operating Licenses DPR–70 and DPR–75 to reflect changes related to the transfer of the license for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, to the extent held by Delmarva Power and Light Company, to PSEG Nuclear Limited Liability Company.

Date of issuance: December 29, 2000.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment Nos.: 240 and 221.

Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the License.

*Date of initial notice in **Federal Register:*** February 18, 2000 (65 FR 8452). The February 11, February 25, and October 10, 2000, supplements did not expand the scope of the original application with respect to both the proposed transfer action and the proposed amendment action as initially noticed in the **Federal Register**. No hearing requests or comments were received. In addition, the submittal did not affect the applicability of the Commission's generic no significant hazards consideration determination set forth in 10 CFR 2.1315.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 21, 2000.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: October 13, 1999, as supplemented by letter dated June 1, 2000.

Brief description of amendments: The amendments revised the Technical Specifications to permit relaxation of allowed bypass test times for Limiting Conditions for Operations (LCO) 3.3.1, ''Reactor Trip System Instrumentation'', and LCO 3.3.2, ''Engineered Safety Feature Actuation System Instrumentations''. These changes specifically revise the completion times from 6 hours to 72 hours for inoperable analog instruments, increase bypass times from 6 hours to 12 hours for surveillance testing of analog channels, and increase completion times from 6 hours to 24 hours for an inoperable logic cabinet or master and slave relays.

Date of issuance: December 22, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 116 and 94.

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** July 26, 2000 (65 FR 46016).

The supplemental letter dated June 1, 2000, provided clarifying information that did not change the scope of the October 13, 1999, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 22, 2000.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 17th day of January 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–1987 Filed 1–23–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request; Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Filing and Information Services, Washington, DC 20549

Extension: Rule 17Ad–2(c), (d), and (h), SEC File No. 270–149, OMB Control No. 3235–0130

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

• Rule 17Ad–2(c), (d), and (h) Transfer Agent Turnaround, Processing and Forwarding Requirements.

Rule 17Ad–2(c), (d), and (h), 17 CFR 240.17Ad–2(c), (d), and (h), under the Securities Exchange Act of 1934, enumerate the requirements with which transfer agents must comply to inform the Commission or the appropriate regulator of a transfer agent's failure to meet the minimum performance standards set by the Commission rule by filing a notice.

While it is estimated there are 900 transfer agents, approximately ten notices pursuant to 17Ad–2(c), (d), and (h) are filed annually. The estimated annual cost to respondents is minimal. In view of: (a) the readily available nature of most of the information required to be included in the notice (since that information must be compiled and retained pursuant to other Commission rules); (b) the summary fashion that such information must be presented in the notice (most notices are one page or less in length); and (c) the experience of the staff regarding the notices, the Commission staff estimates that, on average, most notices require approximately one-half hour to prepare. The Commission staff estimates a cost of approximately $30.00 for each half hour spent preparing the notices per year, transfer agents spend an average of five hours per year complying with the rule at a cost of $300.

The retention period for the recordkeeping requirement under Rule 17Ad–2(c), (d), and (h) is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring transfer agents who fail to meet the minimum performance standards set by the Commission rule. This rule does not involve the collection of confidential information. Please note that a transfer agent is not required to file under the rule unless it does not meet the minimum performance standards for turnaround, processing or forwarding items received for transfer during a month. Persons should note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: January 12, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–2124 Filed 1–23–01; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the SSA Reports Clearance Officer and to the OMB Desk Officer at the following addresses:

(OMB), Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503

(SSA), Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–4145, or by writing to him at the address listed above.

1. Notice Regarding Substitution of Party Upon Death of Claimant—0960–0288. When a claimant for Social Security or Supplemental Security Income benefits dies while a request for a hearing is pending, the hearing will be dismissed unless an eligible individual makes a written request to SSA showing that he or she would be adversely affected by the dismissal of the deceased's claim. An individual may satisfy this requirement by completing an HA–539. SSA uses the information collected to document the individual's request to be made a substitute party for a deceased claimant, and to make a decision on whom, if anyone, should become a substitute party for the deceased. The respondents are individuals requesting hearings on behalf of deceased claimants for Social Security benefits.

Number of Respondents: 10,548.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 879 hours.

2. Report by Former Representative Payee—0960–0112. When a State mental institution or agency terminates its representative payee services, SSA requires a closeout report on funds held on behalf of Social Security beneficiaries. SSA uses the information, which is collected on form SSA–625, to determine the proper disposition of any conserved funds held by the representative payee. The respondents are State mental institutions or agencies that served as representative payees for Social Security beneficiaries.

Number of Respondents: 8,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 2,000.

3. State Agency Report of Obligations for SSA Disability Programs and Addendum, SSA–4513; Time Report of Personnel Services for Disability Determination Services, SSA–4514; and State Agency Schedule of Equipment Purchased for SSA Disability Programs, SSA–871—0960–0421.

SSA uses the information collected on forms SSA–4513 and 4514 to conduct a detailed analysis and evaluation of the costs incurred by the State Disability Determination Services (DDSs) in making the disability determination for SSA. The data is also used to determine funding levels for each DDS. SSA uses the information collected on form SSA–871 to budget and account for expenditures of funds for equipment purchases by the State DDSs that administer the disability determination program. The respondents are DDSs that have the responsibility for making disability determinations for SSA.

	Respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
SSA–4513	54	4	90	324
SSA–4514	54	4	90	324
SSA–871	54	4	30	108
Total burden				756

4. Request for Social Security Statement—0960–0466. Form SSA–7004 is used by members of the public to request information about their Social Security earning records and to get an estimate of their potential benefits. SSA provides information, in response to the request, from the individual's personal Social Security record. The respondents are Social Security numberholders who have covered earnings on record.

Number of Respondents: 3,000,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 250,000 hours.

5. Certificate of Support—0960–0001. The information collected by form SSA–760–F4 is used to determine whether the deceased worker provided one-half support required for entitlement to parent's or spouse's benefits. The information will also be used to determine whether the Government pension offset would apply to the applicant's benefit payments. The respondents are parents of deceased workers or spouses who may be subject to Government pension offset.

Number of Respondents: 18,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 4,500 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Internet Request for Replacement SSA–1099/SSA–1042S, Social Security Benefits Statement—0960–0583. The information requested by the Social Security Administration (SSA) via the

Internet will be used to verify identity and to provide replacement copies of Forms SSA–1099/SSA–1042, which are needed to prepare Federal tax returns. This Internet option to request a replacement SSA–1099/SSA–1042S will eliminate the need for a phone call to a teleservice center or a visit to a field office. The respondents are beneficiaries who request a replacement SSA–1099/1042S via the Internet.

SSA is publishing this notice because the previous notices (Vol. 65, No. 197, page 60492, October 11, 2000; Vol. 65, No. 237, page 77061, December 8, 2000) contained incorrect information on the public reporting burden. Following is the corrected public reporting burden:

Number of Respondents: 21,000.

Frequency of Response: 1.

Average Burden Per Response: 1.5 minutes.

Estimated Average Burden: 525 hours.

2. Blood Donor Locator Service—0960–0501. Regulation 20 CFR 401.200 requires that participating State agencies provide the Social Security Administration (SSA) Blood Donor Locator Service (BDLS) specific information on blood donors who have tested positive for Human Immunodeficiency Virus (HIV). SSA uses the information to identify the donor, and locate the donor's address in SSA records for the purpose of notifying the states and to assure that states meet regulatory requirements to qualify for using the BDLS. SSA will retain no record of the request or the information after processing has been completed. The respondents are participating State agencies acting on behalf of authorized blood donor facilities.

Number of Respondents: 10.

Frequency of Response: 5.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 12.5 hours.

Dated: January 18, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 01–2150 Filed 1–23–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice # 3526]

U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy, reauthorized pursuant to P.L. 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000), will meet on Tuesday, February 6, 2001, in Room 600, 301 4th St., SW, Washington, D.C. from 3:30 p.m. to 5:00 p.m.

The Commission will discuss the Smith-Mundt Act, and Public Diplomacy in the new State Department.

Members of the general public may attend the meeting, though attendance of public members will be limited to the seating available. Access to the building is controlled, and individual building passes are required for all attendees. Persons who plan to attend should contact David J. Kramer, Executive Director, at (202) 619–4463.

Dated: January 17, 2001.

David J. Kramer,

Executive Director, U.S. Advisory Commission on Public Diplomacy, U.S. Department of State.

[FR Doc. 01–2036 Filed 1–23–01; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Rock Island County, IL, and Scott County, IA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway improvement in Rock Island County, Illinois, and Scott County, Iowa.

FOR FURTHER INFORMATION CONTACT: Manu M. Chacko, Transportation Engineer, FHWA, 105 6th Street, Ames, IA 50010–6337, (515) 233–7307. James P. Rost, Director, Office of Environmental Services, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, (515) 239–1798.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA, in cooperation with the Iowa and Illinois Departments of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve capacity and safety in the I–74 corridor between 23rd Avenue in Moline, Illinois, and 53rd Street in Bettendorf, Iowa. This corridor, which includes a crossing of the Mississippi River, is approximately 9.7 km (6 miles) long. Within the project limits, the I–74 corridor includes three interchanges in Illinois and five interchanges in Iowa.

Corridor improvements are considered necessary to improve safety and to accommodate future traffic demand. The proposed improvements are expected to include mainline capacity enhancements, interchange modifications, and the realignment of I–74 across the Mississippi River. Alternatives under consideration include: (1) Taking no action; (2) employing low-cost measures (such as traffic management, incident management, additional transit service, and van and carpool efforts); and (3) realigning and widening I–74 across the Mississippi River, which may include providing auxiliary lanes between interchanges or an additional through lane in each direction, and reconfiguring existing service interchanges. Changes in grade, alignment, river crossing location, and ramp terminal locations will be evaluated.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed interest in or are known to be interested in this proposal. A series of public meetings will be held in Moline, Illinois, and Bettendorf, Iowa, during 2001 and 2002. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. A scoping meeting will be held for identifying significant issues to be addressed in the environmental impact statement.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the Iowa Department of Transportation or FHWA at the address provided in the caption **FOR FURTHER INFORMATION CONTACT**.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of

Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Dated: January 12, 2001.

Bobby W. Blackmon,

Division Administrator.

[FR Doc. 01–2156 Filed 1–23–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a Meeting of the Advisory Committee on the Readjustment of Veterans will be held February 15 and 16, 2001. This will be a regularly scheduled meeting for the purpose of reviewing VA services for veterans, and to formulate Committee recommendations and objectives. The meeting on both days will be held at The American Legion, Washington, Office, 1608 K Street, NW, Washington, DC. The agenda on both days will commence at 8:30 a.m., and adjourn at 4:30 p.m.

The agenda for Thursday, February 15, will include a review of areas of potential partnership between the Departments of Defense and Veterans Affairs for effectively coordinating the treatment of traumatic stress disorders in veterans exposed to war-zone stressors while on active duty in the military.

On Friday, February 16, the Committee will review Veterans Health Administration (VHA) special emphasis programs for post-traumatic stress disorder and readjustment counseling as provided in VA Vet Centers. The agenda for both days will also include strategic planning sessions to formulate goals and objectives for a Committee field visit to VA facilities to be conducted later in the year.

The meeting will be open to the public. Those who plan to attend or who have questions concerning the meeting may contact Alfonso R. Batres, Ph.D., M.S.S.W., Chief Readjustment Counseling Officer, Department of Veterans Affairs Headquarters Office at (202) 273–8967.

Dated: January 16, 2001.

By Direction of the Acting Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 01–2115 Filed 1–23–01; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Wednesday,
January 24, 2001

Part II

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Higher Education Challenge Grants Program for Fiscal Year 2001; Request for Proposals and Request for Stakeholder Input; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Higher Education Challenge Grants Program for Fiscal Year 2001; Request for Proposals and Request for Stakeholder Input

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of request for Proposals (RFP) and Request for Stakeholder Input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is announcing the Higher Education Challenge Grants Program for Fiscal Year (FY) 2001. Proposals are hereby requested from eligible institutions as identified herein for competitive consideration of Higher Education Challenge Grant awards.

By this notice, CSREES also requests stakeholder input from any interested party. These comments will be considered in the development of the next RFP for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998.

DATES: Proposals must be received on or before March 5, 2001. Proposals received after the closing date will not be considered for funding.

User comments are requested within six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Proposals submitted through the U.S. mail should be sent to the following address: Higher Education Challenge Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250–2245.

Hand-delivered proposals (brought in person by the applicant or through a courier service) must be delivered to the following address: Higher Education Challenge Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, SW., Washington, DC 20024. The telephone number is (202) 401–5048. Proposals transmitted via a facsimile (fax) machine will not be accepted.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW., Washington, DC 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder comments regarding this RFP, and not for requesting information or forms.)

FOR FURTHER INFORMATION CONTACT: P. Gregory Smith, Higher Education Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2251; 1400 Independence Avenue, SW.; Washington, DC 20250–2251; telephone: (202) 720–2211; e-mail: gsmith@reeusda.gov.

Stakeholder Input

CSREES is requesting comments regarding this solicitation of applications from any interested party. In your comments, please include the name of the program and the fiscal year to which you are responding. These comments will be considered in the development of the next RFP for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c). Comments should be submitted as provided in the ''Addresses'' and ''Dates'' portions of this Notice.

SUPPLEMENTARY INFORMATION:

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A. Administrative Provisions

This Program is subject to the provisions found at 7 CFR Part 3405. These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects.

B. Legislative Authority

The authority for this program is contained in section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (NARETPA) (7 U.S.C. 3152(b)(1)). In accordance with the statutory authority, subject to the availability of funds, the Secretary of Agriculture, who has delegated the authority to the Administrator of CSREES, may make competitive grants, for a period not to exceed 5 years, to land-grant colleges and universities, to colleges and universities having significant minority enrollments and a demonstrable capacity to carry out the teaching of food and agricultural sciences, and to other colleges and universities having a demonstrable capacity to carry out the teaching of food and agricultural sciences, to administer and conduct programs to respond to identified State, regional, national or international educational needs in the food and agricultural sciences. For this program, the term ''food and agricultural sciences'' means basic, applied, and developmental teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, and including related disciplines as defined in section 1404(8) of NARETPA, 7 U.S.C. 3103(8).

C. Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.217, Higher Education Challenge Grants Program.

D. Purpose of the Program

Grants will be made to U.S. colleges and universities to strengthen their teaching programs in the food and agricultural sciences in the targeted need areas as described herein. The Higher Education Challenge Grants Program is designed to stimulate and enable colleges and universities to provide the quality of education necessary to produce baccalaureate or higher degree level graduates capable of strengthening the Nation's food and agricultural scientific and professional work force. It is intended that projects supported by the program will: (1) Address a State, regional, national, or international educational need; (2) involve a creative or nontraditional approach toward addressing that need

which can serve as a model to others; (3) encourage and facilitate better working relationships in the university science and education community, as well as between universities and the private sector, to enhance program quality and supplement available resources; and (4) result in benefits which will likely transcend the project duration and USDA support.

E. Eligibility

Proposals may be submitted by land-grant and other U.S. colleges and universities offering a baccalaureate degree or any other higher degree and having a demonstrable capacity for, and a significant ongoing commitment to, the teaching of food and agricultural sciences generally and to the specific need and/or subject area(s) for which a grant is requested. In addition, a grantee institution must meet the definition of a college or university as defined in 7 CFR 3405.2(f). An institution eligible to receive an award under this program includes a research foundation maintained by an eligible college or university. For the purposes of this program, the individual branches of a State university system or public system of higher education, that are separately accredited at the college level as degree granting institutions, are treated as separate institutions.

F. Available Funds

CSREES anticipates that the amount available for project grants under this program in FY 2001 will be approximately $4,070,000. Awards will be based on merit evaluation of proposals by peer review panels and internal staff review.

G. Targeted Need Areas Supported

For FY 2001, proposals must address one or more of the following targeted need areas: (1) Curricula Design and Materials Development; (2) Faculty Preparation and Enhancement for Teaching; (3) Instruction Delivery Systems; and (4) Student Experiential Learning. A description of these targeted need areas can be found in the Scope of Program section at 7 CFR 3405.6. A proposal may address a single targeted need area or multiple targeted need areas, and may be focused on a single subject matter area or multiple subject matter areas, in any combination (*e.g.*, curriculum development in horticulture; curriculum development, faculty enhancement, and student experiential learning in animal science; faculty enhancement in food science and agribusiness management; or instruction delivery systems and student experiential learning in plant science, horticulture, and entomology).

H. Degree Levels Supported

For FY 2001, proposals must be directed to undergraduate studies leading to a baccalaureate degree. For purposes of this program, proposals directed to the first professional degree in veterinary medicine also are allowable. Projects directed to the graduate level of study will not be supported.

I. Proposal Submission Limitations

There is no limit on the number of proposals any one institution may submit. In addition, there is no limit on the number of proposals which may be submitted on behalf of the same school, college, or equivalent administrative unit within an institution.

J. Project Duration

A regular, complementary, or joint project proposal may request funding for a project period of 18–36 months duration.

K. Matching Requirement

Each grant recipient under the Higher Education Challenge Grants Program is required to match the grant funds awarded on a dollar-for-dollar basis from a non-Federal source(s). The cash contributions towards matching from the institution should be identified in the column ''Applicant Contributions to Matching Funds'' of the Higher Education Budget, Form CSREES–713. The cash contributions of the institution and third parties as well as non-cash contributions should be identified on Line N., as appropriate, of Form CSREES–713 and described in the budget justification. Any cost-sharing commitments specified in the proposal will be referenced and included as a condition of an award resulting from this announcement.

L. Maximum Grant Amount

For a regular or complementary project proposal, the maximum funds that may be requested from CSREES under this program to cover allowable costs during the project period are $100,000. (The total Federal contribution to the budget for a regular or complementary project proposal may not exceed $100,000.) For a joint project proposal, the maximum funds that may be requested from CSREES under this program to cover allowable costs during the project period are $250,000. (The total Federal contribution to the budget for a joint project proposal may not exceed $250,000.) Please refer to the Administrative Provisions for this program at 7 CFR 3405.2 for the definitions of regular, complementary, and joint project proposals. **Note:** These maximums are for the total duration of the project, not per year.

M. Limitation on Indirect Costs

Pursuant to section 1462 of NARETPA, 7 U.S.C. 3310, indirect costs charged against a grant may not exceed 19 percent of the total Federal funds provided under the grant award. An alternative method of calculation of this limitation is to multiply total direct costs by 23.456 percent. Note that the indirect cost limit of 19 percent also applies to matching funds.

N. Funding Limitations Per Institution

In FY 2001, there are no limits on the total funds that may be awarded to any one institution.

O. Maximum Number of Grants Per Institution

For FY 2001, a maximum of two grants may be awarded to any one institution under the Higher Education Challenge Grants Program. This ceiling excludes any subcontracts awarded to an institution pursuant to other grants issued under this program.

P. Other Limitations

For FY 2001, the applicant institution submitting a joint Challenge Grant proposal must transfer at least one-half of the awarded funds to the two or more other colleges, universities, community colleges, or other institutions assuming a major role in the conduct of the project. For FY 2001, the applicant institution submitting a joint Challenge Grant proposal must retain at least 30 percent of awarded funds to demonstrate a substantial involvement with the project.

Q. Evaluation Criteria

NARETPA requires that certain priorities be given in awarding grants for teaching enhancement projects under section 1417(b). This program is authorized under section 1417(b). CSREES considers all applications received in response to this solicitation as teaching enhancement project applications. To implement the NARETPA priorities for proposals submitted for the FY 2001 competition, the evaluation criteria used to evaluate proposals, as provided in the Administrative Provisions for this program (7 CFR 3405.15), have been modified to include new criteria or extra points for proposals demonstrating enhanced coordination among eligible institutions and for proposals focusing on innovative, multidisciplinary

education programs, material, or curricula.

Evaluation Criterion Weight

(a) Potential for Addressing a State, Regional, National or International Need: 65 Points

This criterion assesses the potential of the project to add value by advancing the quality of food and agricultural sciences higher education and producing graduates capable of strengthening the Nation's food and agricultural scientific and professional work force. This criterion includes the following elements: impact, innovation, multidisciplinary, expected products and results, and continuation plans.

(1) *Impact*—Does the project address a significant and clearly documented State, regional, multistate, national, or international need? Will the benefits to be derived from the project transcend the applicant institution and/or the grant period?

(2) *Innovative and Multidisciplinary Focus*—Does the project focus on innovative, multidisciplinary education programs, material, or curricula? Is the project based on a non-traditional approach toward solving a higher education problem? Is the project relevant to multiple fields in the food and agricultural sciences? Will the project expand partnership ventures among disciplines at a university?

(3) *Products and results*—Are the expected products and/or results of the project clearly explained? Will the project contribute to an improvement in the quality or diversity of the Nation's food and agricultural scientific and professional expertise base?

(4) *Continuation plans*—Are there plans for continuation or expansion of the project beyond USDA support? Are there indications of external, non-Federal support? Are there realistic plans for making the project self-supporting?

(b) Potential of Submitting Institution(s) To Successfully Complete Project Objectives: 70 Points

This criterion assesses the soundness of the proposed approach, the adequacy of human and physical resources available to carry out the project, the institution's commitment to the project, partnerships and collaborative efforts involving all types of institutions, its cost-effectiveness, and the extent to which the total budget adequately supports the project.

(1) *Proposed approach*—Are the objectives achievable, logical, and based on review of literature? Is the plan of operation managerially, educationally, and/or scientifically sound? Is the overall plan integrated with or does it expand upon other major efforts to improve the quality of food and agricultural sciences higher education? Is the timetable realistic?

(2) *Resources*—Are there adequate institutional resources to carry out the project? Do the project personnel possess requisite expertise to complete successfully the project? Have personnel committed adequate effort to achieve stated objectives and anticipated outcomes? Will the project have adequate administrative support to carry out the proposed activities? Will the project have access to needed resources such as instrumentation, facilities, computer services, library, and other instruction support resources?

(3) *Institutional commitment*—Is there evidence to substantiate that the institution has a long term commitment to support the result(s) and/or product(s) produced by this project, that it will help satisfy the institution's high-priority objectives, or that the project is supported by the strategic plans?

(4) *Coordination and partnership efforts*—Will the project demonstrate enhanced coordination between the applicant institution(s) and other colleges and universities with food and agricultural science programs eligible for grants under this program? Will the project expand partnership ventures among eligible colleges and universities, or with the private sector, that are likely to enhance program quality or supplement resources available to food and agricultural sciences higher education? Will the arrangements for partner(s) and/or collaborator(s) enhance dissemination of the result(s) and/or product(s)?

(5) *Budget and cost-effectiveness*—Is the budget request justifiable? Are costs reasonable and necessary? Will the total budget be adequate to carry out project activities? Are the source(s) and amount(s) of non-Federal matching support clearly identified and appropriately documented? For a joint project proposal, is the shared budget for three or more institutions explained clearly and in sufficient detail? Is the proposed project cost-effective? Does it demonstrate a creative use of limited resources, maximize educational value per dollar of USDA support, achieve economies of scale, leverage additional funds or have the potential to do so, focus expertise and activity on a targeted need area, or promote coalition building for current or future ventures?

(c) Effectiveness of Evaluation Plan and Potential for Dissemination of the Result(s) and/or Products to Other Institutions and for Utilization by Other Institutions: 65 Points

This criterion assesses the adequacy of the evaluation strategy, the quality of outcome measures, the expertise and availability of human resources to conduct the evaluation, the record of the key personnel is disseminating advancements in education, e.g., publishing educational articles in peer reviewed journals, the adequacy of the plan for dissemination, and the potential for utilization by other institutions.

(1) *Evaluation*—Does the proposal contain a well-designed plan to evaluate results of the project? Will this plan provide conclusions suitable for convincing a peer review audience of the accomplishment? Does it allow for continuous and/or frequent feedback during the life of the project? Does the evaluation plan contain outcome measures? Are the outcome measures capable of assessing the quality and usefulness of project results and products? Are the individuals involved in project evaluation skilled in evaluation strategies and procedures? Can the outcome measures provide an objective evaluation? Is the outcome assessment designed in such a way that it can assist faculty at other institutions in deciding whether to use project results or products?

(2) *Dissemination*—Is there a commitment to submit the results of the project evaluation to peer review by the academic community in the food and agricultural sciences? Does the proposed project include clearly outlined and realistic mechanisms that will lead to widespread dissemination of project results, including national electronic communication systems, publications, presentations at professional conferences, and/or use by faculty development or research/teaching skills workshops?

(3) *Utilization*—Is it probable that other institutions will adapt the result(s) and/or product(s) of this project for their own use? Can the project serve as a model for others? If successful, is the project likely to lead to education reform? Is the product(s) and/or result(s) likely to provide a significant contribution to the advancement of higher education in the food and agricultural sciences? Are partner(s) and/or collaborator(s) committed to utilize the product(s) and/or result(s)?

R. How To Obtain Application Materials

An Application Kit containing program application materials will be made available to eligible institutions upon request. These materials include the Administrative Provisions, forms, instructions, and other relevant information needed to prepare and submit grant applications. Copies of the Application Kit may be requested from the Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250–2245. The telephone number is (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting forms for the FY 2001 Challenge Grants Program.

Application materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 2001 Challenge Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible.

S. What To Submit

An original and seven (7) copies of a proposal, and a diskette containing a PC-based (not MAC) electronic file of the proposal Summary and Narrative (in Word or WordPerfect), must be submitted. Proposals should contain all requested information when submitted. Each proposal should be typed on 8½″ x 11″ white paper, double-spaced, and on one side of the page only. Please note that the text of the proposal should be prepared using no type smaller than 12 point font size and one-inch margins. The entire proposal should be paginated. Note that the Narrative section of the proposal is limited to 20 pages. All copies of the proposal must be submitted in one package. Each copy of the proposal must be stapled securely in the upper left-hand corner (DO NOT BIND).

T. Where and When To Submit

Hand-delivered proposals (brought in person by the applicant or through a courier service) must be RECEIVED on or before March 5, 2001, at the following address: Challenge Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Building; 800 9th Street, SW., Washington, DC 20024. Proposals transmitted via a facsimile (fax) machine will not be accepted.

Proposals submitted through the U.S. mail must be RECEIVED on or before March 5, 2001. Proposals submitted through the U.S. mail should be sent to the following address: Challenge Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250–2245. The telephone number is (202) 401–5048.

U. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged by e-mail, therefore applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. The acknowledgment will contain an identifying proposal number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

V. Intent To Submit a Proposal

For the FY 2001 competition, Form CSREES–711, ''Intent to Submit a Proposal,'' is not requested nor required for the Higher Education Challenge Grants Program.

Done at Washington, DC, this 16th day of January 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–1721 Filed 1–23–01; 8:45 am]

BILLING CODE 3410–22–P

Federal Register

Wednesday,
January 24, 2001

Part III

Executive Office of the President

The White House Office

Memorandum for the Heads and Acting Heads of Executive Departments and Agencies

EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office

Memorandum for the Heads and Acting Heads of Executive Departments and Agencies

January 20, 2001

MEMORANDUM FOR THE HEADS AND ACTING HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

Andrew H. Card, Jr.,

Assistant to the President and Chief of Staff.

SUBJECT: Regulatory Review Plan.

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees have the opportunity to review any new or pending regulations, I ask on behalf of the President that you immediately take the following steps:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the ''OMB Director'') allows for emergency or other urgent situations relating to health and safety, send no proposed or final regulation to the Office of the **Federal Register** (the ''OFR'') unless and until a department or agency head appointed by the President after noon on January 20, 2001, reviews and approves the regulatory action. The department or agency head may delegate this power of review and approval to any other person so appointed by the President, consistent with applicable law.

2. With respect to regulations that have been sent to the OFR but not published in the **Federal Register**, withdraw them from OFR for review and approval as described in paragraph 1, subject to exception as described in paragraph 1. This withdrawal must be conducted consistent with the OFR procedures.

3. With respect to regulations that have been published in the OFR but have not taken effect, temporarily postpone the effective date of the regulations for 60 days, subject to exception as described in paragraph 1.

4. Exclude from the requested actions in paragraphs 1-3 any regulations promulgated pursuant to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.

5. Notify the OMB Director promptly of any regulations that, in your view, impact critical health and safety functions of the agency and therefore should be also excluded from the directives in paragraphs 1-3. The Director will review any such notifications and determine whether exception is appropriate under the circumstances.

6. Continue in all instances to comply with Executive Order 12866, pending our review of that order, as well as any other applicable Executive Orders concerning regulatory management.

As used in this memorandum, ''regulation ''has the meaning set out in section 3(e) of Executive Order 12866. That is, this plan covers ''any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.''

This regulatory review will be implemented by the Director or Acting Director of the OMB. Communications regarding exceptions to the review, or questions regarding the review generally, should be addressed to that individual.

Finally, in the interest of sound regulatory practice and the avoidance of costly, burdensome, or unnecessary regulation, independent agencies are encouraged to participate voluntarily in this review.

This memorandum shall be published in the **Federal Register**.

[FR Doc. 01–2368 Filed 1–23–01; 11:43 am]

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Aliens—

Transit Without Visa Program; countries whose citizens or nationals are ineligible to participate; list; published 1-5-01

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HEALTH AND HUMAN SERVICES DEPARTMENT

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Airworthiness directives:

Airbus; comments due by 1-29-01; published 12-28-00

Boeing; comments due by 1-29-01; published 11-28-00

Bombardier; comments due by 1-30-01; published 1-5-01

Cessna Aircraft Co.; comments due by 2-2-01; published 12-29-00

DG Flugzeugbau GmbH; comments due by 2-1-01; published 12-27-00

Dornier; comments due by 2-1-01; published 1-2-01

Eurocopter France; comments due by 1-30-01; published 12-1-00

McDonnell Douglas; comments due by 1-29-01; published 11-28-00

Airworthiness standards:

Special conditions—

Dessault Aviation Mystere-Falcon 50 airplanes; comments due by 2-2-01; published 1-3-01

Restricted areas; comments due by 2-1-01; published 12-18-00

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Importation of vehicles and equipment subject to Federal safety, bumper, and theft prevention standards:

Vehicles originally manufactured for sale in Canada; importation expedited; comments due by 2-1-01; published 1-2-01

Motor vehicle safety standards:

Tire labeling improvement to assist in identifying tires that are being recalled; comments due by 1-30-01; published 12-1-00

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

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Registration fees; temporary reduction; comments due by 2-2-01; published 12-7-00

TREASURY DEPARTMENT

Comptroller of the Currency

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

TREASURY DEPARTMENT

Internal Revenue Service

Procedure and administration:

Subsidiary corporations; entity classification, elective changes (check the box regulations); comments due by 2-2-01; published 1-17-01

TREASURY DEPARTMENT

Financial subsidiaries; comments due by 2-2-01; published 1-3-01

TREASURY DEPARTMENT

Thrift Supervision Office

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the 106th Congress, Second Session has been completed and will resume when bills are enacted into public law during the next session of Congress.

A cumulative List of Public Laws was published in Part II of the **Federal Register** on January 16, 2001.

Public Laws Electronic Notification Service (PENS)

Note: PENS will resume service when bills are enacted into law during the next session of Congress.

This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.