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WHAT: Free public briefings (approximately 3 hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: February 20, 2001, from 9:00 a.m. to Noon (E.S.T.)

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Rules and Regulations

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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–184–AD; Amendment 39–12093; AD 2001–02–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that currently requires inspections to detect cracking on the free edge of the tang, if necessary, and of the fastener holes in the lower spar chord; and various follow-on actions. That AD also provides for an optional terminating action for the repetitive inspections. This amendment adds inspections to detect additional cracking of the fastener holes in the lower spar chord. This amendment also adds an optional terminating modification. This amendment is prompted by the issuance of new service information. The actions specified by this AD are intended to detect and correct fatigue cracking in the lower spar chord, which could result in reduced structural integrity of the engine strut.

DATES: Effective March 5, 2001.

The incorporation by reference of Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999, as listed in the regulations, is approved by the Director of the Federal Register as of March 5, 2001.

The incorporation by reference of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 28, 1997 (62 FR 11760, March 13, 1997).

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

FOR FURTHER INFORMATION CONTACT: Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2776; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–06–04, amendment 39–9961 (62 FR 11760, March 13, 1997), which is applicable to certain Boeing Model 757–200 series airplanes, was published in the **Federal Register** on October 10, 2000 (65 FR 60129). The action proposed to continue to require inspections to detect cracking on the free edge of the tang, if necessary, and of the fastener holes in the lower spar chord; and various follow-on actions. The action also proposed to continue to provide for an optional terminating action for the repetitive inspections. The action also proposed to require additional inspections to detect additional cracking of the fastener holes in the lower spar chord; and to add an optional terminating modification.

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 418 Model 757–200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 151 airplanes of U.S. registry will be affected by this AD.

The inspections that are currently required by AD 97–06–04 take approximately 52 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $471,120, or $3,120 per airplane.

The new inspections that are required in this AD action will take approximately 4 work hours per inspection, per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $36,240, or $240 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 removing amendment 39–9961 (62 FR 11760, March 13, 1997), and by adding a new airworthiness directive (AD), amendment 39–12093, to read as follows:

2001–02–09 Boeing: Amendment 39–12093. Docket 2000–NM–184–AD. Supersedes AD 97–06–04, Amendment 39–9961.

Applicability: Model 757–200 series airplanes having line numbers 1 through 736 inclusive, powered by Rolls Royce engines, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the lower spar chord, which could result in reduced structural integrity of the engine strut, accomplish the following:

Restatement of Requirements of AD 97–06–04

Repetitive Inspections

(a) Prior to the accumulation of 15,000 total flight cycles, or within 60 days after March 28, 1997 (the effective date of AD 97–06–04, amendment 39–9961), whichever occurs later: Perform an eddy current inspection to detect cracking on the free edge of the tang, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999. Repeat this inspection thereafter at intervals not to exceed 3,000 flight cycles until the inspection required by paragraph (d) of this AD is accomplished.

Note 2: The inspection required by paragraph (a) of this AD need not be performed on airplanes on which the inspection required by paragraph (d) of this AD is performed prior to the compliance time specified in paragraph (a) of this AD.

Follow-On Actions

(b) If any cracking is found during the inspection required by paragraph (a) of this AD, and the cracking is within the limits specified in Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999: Prior to further flight, remove the midchord channels, stop-drill the cracking, and install a repair in accordance with the service bulletin. No further action is required by paragraph (a) of this AD.

(c) If any cracking is found, and the cracking is outside the limits specified in Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999: Prior to further flight, replace the lower spar chord with a new or serviceable chord in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA.

Bolt Hole Inspection

(d) Perform an eddy current inspection (bolt hole inspection) to detect cracking of the two fastener holes in the lower spar chord, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999, at the time specified in paragraph (d)(1) or (d)(2) of this AD, as applicable. Accomplishment of this inspection terminates the inspections required by paragraph (a) of this AD.

(1) For airplanes on which the stiffening straps have been removed from the midchord in accordance with Boeing Service Bulletin 757–54–0028 prior to the effective date of this AD: Accomplish the inspection at the time specified in Paragraph 1.D. (''Description'') of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999.

(2) For airplanes other than those identified in paragraph (d)(1) of this AD: Accomplish the inspection prior to the accumulation of 18,000 total flight cycles, or within 60 days after March 28, 1997, whichever occurs later.

(e) Accomplish either paragraph (e)(1) or (e)(2) of this AD, as applicable, in accordance with Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999.

(1) If any fastener installed as a result of an inspection required by paragraph (d) of this AD has a diameter of ⅝-inch or greater: Install the repair prior to the accumulation of the number of flight cycles specified in the ''Subsequent Inspection Interval'' column of the Threshold Table included in Paragraph 1.E. (''Compliance'') of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999.

(2) If any fastener installed as a result of an inspection required by paragraph (d) of this AD has a diameter of less than ⅝-inch: Repeat the bolt hole inspection required by paragraph (d) of this AD prior to the accumulation of the number of flight cycles specified in the ''Subsequent Inspection Interval'' column of the Threshold Table included in Paragraph 1.E. (''Compliance'') of the service bulletin until the repair specified in paragraph (h) of this AD is installed.

Optional Terminating Action

(f) Installation of the repair in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999, constitutes terminating action for the requirements in paragraphs (a) and (d) of this AD.

New Requirements of This AD

Revised Service Information

(g) Except as provided by paragraphs (c) and (l)(3) of this AD: As of the effective date of this new AD, Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999, must be used for accomplishment of the actions required by this AD.

Second Bolt Hole Inspection

(h) Within 6,000 flight cycles after accomplishment of paragraph (d) of this AD, or within 60 days after the effective date of this AD, whichever occurs later: Perform a second eddy current inspection (bolt hole inspection) to detect cracking of the two fastener holes in the lower spar chord, in accordance with Part IV of the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999. If no cracking is found during the inspection required by this paragraph, no further action is required by this paragraph.

Third Bolt Hole Inspection

(i) After accomplishment of the inspection required by paragraph (h) of this AD, when the airplane has reached the flight cycle threshold as defined by the flight cycle threshold formula on page 9, Paragraph 1.E. (''Compliance'') of Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999: Perform a third eddy current inspection (bolt hole inspection) to detect cracking of the two fastener holes in the lower spar chord, in accordance with Part II of the Accomplishment Instructions of the service bulletin.

Fourth Bolt Hole Inspection

(j) If, after accomplishment of the inspection required by paragraph (i) of this AD, paragraph (m) of this AD has not yet been accomplished: When the airplane has reached the flight cycle threshold as defined by the flight cycle threshold formula on page 9, Paragraph 1.E. (''Compliance'') of Boeing Service Bulletin 757–54–0031, Revision 4,

dated November 11, 1999; perform a fourth eddy current inspection (bolt hole inspection) to detect cracking of the two fastener holes in the lower spar chord, in accordance with Part II of the Accomplishment Instructions of the service bulletin.

Follow-On Actions

(k) If no cracking is found during any inspection required by paragraph (d), (i), or (j) of this AD, prior to further flight, increase the diameter of the holes by the dimensions specified in the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999, and install new fasteners in accordance with the service bulletin.

(l) If any cracking is found during any inspection required by paragraph (d), (h), (i), or (j) of this AD, prior to further flight, accomplish paragraph (l)(1), (l)(2), or (l)(3) of this AD, as applicable, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, or Revision 4, dated November 11, 1999.

(1) If the cracking can be removed by increasing the diameter of the hole in accordance with the service bulletin: Increase the diameter of the hole by the dimensions specified in the Accomplishment Instructions of the service bulletin, and install new fasteners in accordance with the service bulletin.

(2) If the cracking cannot be removed by increasing the diameter of the hole in accordance with the Accomplishment Instructions of the service bulletin, but the cracking is within the limits specified in the service bulletin: Install the repair in accordance with the service bulletin. No further action is required by paragraph (d) of this AD.

(3) If the cracking is outside the limits specified in the service bulletin: Replace the lower spar chord with a new or serviceable chord in accordance with a method approved by the Manager, Seattle ACO.

Optional Terminating Modification

(m) Accomplishment of the modification of the nacelle strut and wing structure as required by AD 99–24–07, amendment 39–11431, constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(o) 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

(p) Except as provided by paragraphs (c) and (l)(3) of this AD, the required actions shall be done in accordance with Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996; or Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999; as applicable.

(1) The incorporation by reference of Boeing Service Bulletin 757–54–0031, Revision 4, dated November 11, 1999, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Service Bulletin 757–54–0031, Revision 2, dated December 19, 1996, was approved previously by the Director of the Federal Register as of March 28, 1997 (62 FR 11760, March 13, 1997).

(3) 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

(q) This amendment becomes effective on March 5, 2001.

Issued in Renton, Washington, on January 18, 2001.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–2111 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–77–AD; Amendment 39–12088; AD 2001–02–04]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft LTD Model PC–6 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Pilatus Aircraft LTD (Pilatus) Model PC–6 airplanes that are equipped with a certain stabilizer trim actuator. This AD requires you to inspect the lower lug of the actuator for cracks, damage, or distortion; verify that the staked bearing is correctly installed in the bore of the lug; and repair any cracked, damaged, or distorted parts and reassemble any incorrectly installed staked bearing, as necessary. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to detect and correct damage, distortion, or cracks in the lower lug assembly, which could result in failure of the lower lug. Such failure could lead to loss of the stabilizer trim actuator with consequent loss of control of the airplane.

DATES: This AD becomes effective on March 13, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 13, 2001.

ADDRESSES: You may get the service information referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–77–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on all Pilatus Model PC–6 airplanes that are equipped with a stabilizer trim actuator, part number (P/N) 978.73.18.101, 978.73.18.102, or 978.73.18.103 (Electomech P/N EM 483–1, 483–2, or 483–3). The FOCA reports an incident of a cracked, damaged, and distorted lower lug of the horizontal stabilizer trim actuator. Analysis of this incident reveals that the staked bearing was loose, which caused excessive wear and failure of the actuator lower lug.

What are the consequences if the condition is not corrected? Damage, distortion, or cracks in the lower lug assembly, if not detected and corrected, could result in failure of this part. Such failure could lead to loss of the

stabilizer trim actuator with consequent loss of control of the airplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Pilatus Model PC–6 airplanes that are equipped with a certain stabilizer trim actuator. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 2, 2000 (65 FR 65789). The NPRM proposed to require you to inspect the lower lug of the actuator for cracks, damage, or distortion; verify that the staked bearing is correctly installed in the bore of the lug; and repair any cracked, damaged, or distorted parts and reassemble any incorrectly installed staked bearing, as necessary.

Was the public invited to comment? Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

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

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 7 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the inspection :

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour × $60 per hour = $60	Not applicable	$60 per airplane	$60 × 7=$420.

If any distortion, damage, or cracks are found during the inspection, you will have to repair the actuator assembly in accordance with an FAA-approved repair scheme developed by the manufacturer. The FAA has no way of determining how much incorporating each repair scheme will cost since the damage to each airplane will be unique.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–02–04 Pilatus Aircraft Ltd.: Amendment 39–12088; Docket No. 99–CE–77–AD.

(a) *What airplanes are affected by this AD?* This AD affects Model PC–6 airplanes, all serial numbers, that are:

(1) Certificated in any category; and

(2) Equipped with a stabilizer trim actuator, part number (P/N) 978.73.18.101, 978.73.18.102, or 978.73.18.103 (Electomech P/N EM 483–1, 483–2, or 483–3), or FAA-approved equivalent part number.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct damage, distortion, or cracks in the lower lug assembly, which could result in failure of the lower lug. Such failure could lead to loss of the stabilizer trim actuator with consequent loss of control of the airplane.

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

Action	Compliance time	Procedures
(1) Inspect the lower lug of the actuator for cracks, damage, or distortion, and assure that the staked bearing is correctly installed in the bore of the lug.	Upon accumulating 500 hours time-in-service (TIS) on the airplane or within the next 100 hours TIS after March 13, 2001 (the effective date of this AD), whichever occurs later, unless already accomplished.	Accomplish the inspection in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 178, dated September 29, 1999.
(2) Repair any cracked, damaged, or distorted parts, as necessary, and reassemble any incorrectly installed staked bearing.	Prior to further flight after the inspection required by paragraph (d)(1) of this AD.	Accomplish any repairs in accordance with an FAA-approved repair scheme obtained from the manufacturer. Accomplish the reassembly in accordance with the instructions in the maintenance manual.

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

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

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already approved alternative methods of compliance?* Contact Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; facsimile: (816) 329–4090.

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

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Pilatus Service Bulletin No. 178, dated September 29, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on March 13, 2001.

Note 2: The subject of this AD is addressed in Swiss AD HB 99–507, dated October 1, 1999.

Issued in Kansas City, Missouri, on January 12, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–2002 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–80–AD; Amendment 39–12089; AD 2001–02–05]

RIN 2120–AA64

Airworthiness Directives; CL–604 Variant of Bombardier Model Canadair CL–600–2B16 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Model CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes modified in accordance with certain Supplemental Type Certificates, that currently requires that the fuel service panel maintenance light on the fuel service panel be disconnected. This amendment requires modification of the wiring of the fuel port flood light (which is the name given to the fuel service panel maintenance light in the service bulletin that describes the wiring modification). This amendment is prompted by a report indicating that an electrical spark was noted when the fuel cap chain contacted the fuel port flood light housing of the fuel service panel. The actions specified by this AD are intended to prevent electrical sparks from a grounded object from coming into contact with the fuel port flood light housing of the fuel service panel, which could result in a fuel fire due to the proximity of the fuel service panel to the fuel port.

DATES: Effective March 5, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 5, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. 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 FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Abby Malmir, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5351; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 2000–01–51, amendment 39–11519 (65 FR 3379, January 21, 2000), which is applicable to Model CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes modified in accordance with certain Supplemental Type Certificates, was published in the **Federal Register** on October 5, 2000 (65 FR 59383). The action proposed to require modification of the wiring of the fuel port flood light (which is the name given to the fuel service panel maintenance light in the service bulletin that describes the wiring modification).

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 22 airplanes of U.S. registry that will be affected by this AD.

The modification required by this AD action will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of the parts required for each airplane is minimal. Based on these figures, the cost impact of the requirements of this AD on U.S. operators is estimated to be $2,640, or $120 per airplane.

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

incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11519 (65 FR 3379, January 21, 2000), and by adding a new airworthiness directive (AD), amendment 39–12089, to read as follows:

2001–02–05 Bombardier, Inc. (Formerly Canadair): Amendment 39–12089. Docket 2000–NM–80–AD. Supersedes AD 2000–01–51, Amendment 39–11519.

Applicability: CL–604 Variant of Bombardier Model Canadair CL–600–2B16 series airplanes, modified in accordance with Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical sparks from a grounded object from coming into contact with the fuel port flood light housing of the fuel service panel, which could result in a fuel fire due to the close proximity of the fuel service panel to the fuel port, accomplish the following:

Modification

(a) Within 90 days after the effective date of this AD, modify the wiring of the fuel port flood light in accordance with the Accomplishment Instructions of Bombardier Service Bulletin TUC–33–30–01–1, dated February 1, 2000, or Revision A, dated March 10, 2000.

Alternative Methods of Compliance

(b)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 2000–01–51, amendment 39–11519, are approved as alternative methods of compliance with this AD.

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

Special Flight Permits

(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 modification shall be done in accordance with Bombardier Service Bulletin TUC–33–30–01–1, dated February 1, 2000; or Bombardier Service Bulletin TUC–33–30–01–1, Revision A, dated March 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on March 5, 2001.

Issued in Renton, Washington, on January 17, 2001.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–2008 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–125–AD; Amendment 39–12090; AD 2001–02–06]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all EMBRAER Model EMB–120 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to include requirements for activation of the ice protection systems and to add information regarding operation in icing conditions; installing an ice detector system; and revising the AFM to include procedures for testing system integrity. This amendment requires installing the ice detector system in accordance with revised procedures. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to ensure that the flightcrew is able to recognize the formation of significant ice accretion and take appropriate action; such formation of ice could result in reduced controllability of the airplane in normal icing conditions.

DATES: Effective March 5, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 5, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. 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 FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–26–06, amendment 39–10249 (62 FR 66512, December 19, 1997), which is applicable to all EMBRAER Model EMB–120 series airplanes, was published in the **Federal Register** on September 20, 2000 (65 FR 56811). The action proposed to continue to require revising the Airplane Flight Manual (AFM) to include requirements for activation of the ice protection systems and to add information regarding operation in icing conditions; installing an ice detector system; and revising the AFM to include procedures for testing system integrity. The action also proposed to require installing the ice detector system in accordance with revised procedures.

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 250 airplanes of U.S. registry that will be affected by this AD.

The AFM revisions currently required by AD 97–26–06 and retained in this AD take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revision on U.S. operators is estimated to be $60 per airplane.

The complete installation currently required by AD 97–26–06 and retained in this AD takes approximately 53 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $13,054 per airplane. Based on these figures, the cost impact of the installation on U.S. operators is estimated to be $16,234 per airplane.

The additional installations described in Parts III and IV of EMBRAER Service Bulletin 120–30–0027 (Change 02, 03, or 04) will each take approximately 5 work hours per airplane. The additional tests described in Part VI will take approximately 2 work hours per airplane to accomplish. The average labor rate is $60 per work hour. Information regarding the cost of parts required to accomplish the modifications described in Parts III and IV is unavailable at this time; there will be no cost for parts required to complete Part VI. Based on these figures, the cost impact of the additional modifications and tests required by this AD on U.S. operators required for those airplanes that have previously complied with the original issue or Change 01 of the service bulletin is estimated to be as high as $420 per airplane (excluding parts).

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 removing amendment 39–10249 (62 FR 66512, December 19, 1997), and by adding a new airworthiness directive (AD), amendment 39–12090, to read as follows:

2001–02–06 Empresa Brasileira de Aeronautica, S.A. (Embraer): Amendment 39–12090. Docket 2000–NM–125–AD. Supersedes AD 97–26–06, Amendment 39–10249.

Applicability: All Model EMB–120 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 (c)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flightcrew is able to recognize the formation of significant ice accretion, which could result in reduced controllability of the airplane in normal icing conditions, accomplish the following:

Restatement of Certain Requirements of AD 97–26–06

(a) Within 30 days after January 23, 1998 (the effective date of AD 97–26–06, amendment 39–10249), accomplish paragraphs (a)(1) and (a)(2) of this AD.

AFM Revisions—Limitations Section

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''TURN ON ICE PROTECTION SYSTEM and IGNITION SWITCHES AS FOLLOWS:

- AOA, TAT, SLIP, ENGINE AIR INLET, and IGNITION SWITCHES:
  - —When atmospheric or ground icing conditions exist.
- PROPELLER:
  - —When atmospheric or ground icing conditions exist, OR
  - —At the first sign of ice formation anywhere on the aircraft.
- WING and TAIL LEADING EDGES, and WINDSHIELD:
  - —At the first sign of ice formation anywhere on the aircraft.

NOTE: On takeoff, delay activation of the wing and tail leading edge de-ice systems until reaching the final segment speed.

NOTE: Atmospheric icing conditions exist when:

—Indicated Outside Air Temperature (OAT) during ground operations or Total Air Temperature (TAT) in flight is 10 degrees C or below; and

—Visible moisture in any form is present (such as clouds, fog with visibility of one mile or less, rain, snow, sleet, or ice crystals).

NOTE: Ground icing conditions exist when:

—Indicated OAT during ground operations is 10 degrees C or below; and

—Surface snow, standing water, or slush is present on the ramps, taxiways, or runways.

NOTE: For Operation in Atmospheric Icing Conditions:

—Follow the procedures in the Normal Procedures Section under Operation in Icing Conditions.''

AFM Revisions—Normal Procedures Section

(2) Revise the Normal Procedures Section of the FAA-approved AFM to include the following additional and revised information regarding operation in icing conditions. This may be accomplished by inserting a copy of this AD in the AFM.

''Under DAILY CHECKS of the Ice Protection System, add the following:

The following tests must be performed prior to the first flight of the day for which known or forecast icing conditions are anticipated.

Ice Detector System TEST Button (if installed) ..... PRESS
Check normal test sequence.

Under APPROACH Checklist, add the following:

Minimum Airspeed ..... APPROPRIATE TO FLAP POSITION (See Table Below)

Gear/Flap	Minimum recommended airspeed
UP/0°	150 KIAS
UP/15°	130 KIAS

Under OPERATION IN ICING CONDITIONS for FLYING INTO ICING CONDITION, *replace* the current AFM section information for normal icing conditions with the following:

—During flight, monitoring for icing conditions should start whenever the indicated outside air temperature is near or below freezing or when operating into icing conditions, as specified in the Limitations Section of this manual.

—When operating in icing conditions, the front windshield corners (unheated areas), propeller spinners, and wing leading edges will provide good visual cues of ice accretion.

—For airplanes equipped with an ice detection system, icing conditions will also be indicated by the illumination of the ICE CONDITION light on the multiple alarm panel.

—When atmospheric or ground icing conditions exist, proceed as follows:

AOA, TAT, SLIP, and ENGINE AIR INLET ..... ON
IGNITION Switches ..... ON
AIRSPEED (Flaps and Gear UP) ..... 60 KIAS MINIMUM

—When atmospheric or ground icing conditions exist, OR

—At the first sign of ice formation anywhere on the aircraft, proceed as follows:

PROPELLER Deicing Switch ..... ON
Select NORM mode if indicated OAT is above −10°C (14°F) or COLD mode if indicated OAT is below −10°C (14°F).

—At the first sign of ice formation anywhere on the aircraft, proceed as follows:

WINDSHIELD ..... ON
WING and TAIL LEADING EDGE ..... ON

Visually evaluate the severity of the ice encounter and the rate of accretion and select light or heavy mode (1-minute or 3-minute cycle) based on this evaluation.

NOTE: On takeoff, delay activation of the wing and tail leading edge de-ice systems until reaching the final segment speed.

NOTE: The minimum NH required for proper operation of the pneumatic deicing system is 80%. At lower NH values, the pneumatic deicing system may not totally inflate, and the associated failure lights on the overhead panel may illuminate. If this occurs, increase NH.

Holding configuration:
Landing Gear Lever ..... UP
Flap Selector Lever ..... UP
N_P ..... 85% MINIMUM
Increase N_P as required to eliminate propeller vibrations.

Approach and Landing procedure:
Increase approach and landing speeds, according to the following flap settings, until landing is assured. Reduce airspeed to cross runway threshold (50 ft) at V_{REF}.

Flaps 15—Increase Speed by 10 KIAS (130+10)
Flaps 25—Increase Speed by 10 KIAS (V_{REF25}+10)
Flaps 45—Increase Speed by 5 KIAS (V_{REF45}+5)

Go-Around procedure:
Reduce values from Maximum Landing Weight Approach Climb Limited charts by:

1500 lbs. for PW 118 Engines
1544 lbs. for PW 118A and 118B Engines

Flaps 15—
Increase approach climb speed by 10 KIAS (V_2+10);
Decrease approach climb gradient by:
3.0% for PW 118 Engines
2.9% for PW 118A and 118B Engines

Flaps 25—Increase landing climb speed by 10 KIAS (V_{REF25}+10)

Flaps 45—Increase landing climb speed by 5 KIAS (V_{REF} +5)

CAUTION: The ice protection systems must be turned on immediately (except leading edge de-icers during takeoff) when the ICE CONDITION light illuminates on the multiple alarm panel or when any ice accretion is detected by visual observation or other cues.

CAUTION: Do not interrupt the automatic sequence of operation of the leading edge de-ice boots once it is turned ON. The system should be turned OFF only after leaving the icing conditions and after the protected surfaces of the wing are free of ice.''

New Requirements of this AD

Ice Detector Installation

(b) For airplanes identified in any of Parts I, II, III, IV, V, and VI of EMBRAER Service Bulletin 120–30–0027, Change 02, dated December 3, 1997; Change 03, dated June 26, 1998; or Change 04, dated July 13, 1999: Within 30 days after the effective date of this AD, install an ice detector system in accordance with the service bulletin.

Alternative Methods of Compliance

(c)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 97–26–06, amendment 39–10249, are approved as alternative methods of compliance with this AD.

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

Special Flight Permits

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

Incorporation by Reference

(e) The ice detector system installation shall be done in accordance with EMBRAER Service Bulletin 120–30–0027, Change 02, dated December 3, 1997; EMBRAER Service Bulletin 120–30–0027, Change 03, dated June 26, 1998; or EMBRAER Service Bulletin 120–30–0027, Change 04, dated July 13, 1999. EMBRAER Service Bulletin 120–30–0027, Change 04, dated July 13, 1999, contains the following list of effective pages:

Page No.	Change level shown on page	Date shown on page
1–4, 27–40, 43, 44, 67, 68, 93, 94	04	July 13, 1999.
5–26, 41, 42, 45–66, 69–92, 95–108	03	June 26, 1998.

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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 97–06–03R1, dated December 15, 1997.

Effective Date

(f) This amendment becomes effective on March 5, 2001.

Issued in Renton, Washington, on January 17, 2001.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–2009 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–365–AD; Amendment 39–12091; AD 2001–02–07]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Pratt & Whitney Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes powered by Pratt & Whitney engines, that requires modification of the nacelle strut and wing structure. The actions specified by this AD are intended to prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut.

DATES: Effective March 5, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 5, 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: James Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2783; 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 767 series airplanes powered by Pratt & Whitney engines was published in the **Federal Register** on July 10, 2000 (65 FR 42306). That action proposed to require modification of the nacelle strut and wing structure.

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.

Change the Word ''Damage'' Used in Paragraph (c)

One commenter requests that the word ''damage'' specified in paragraph (c) of the proposed rule be changed to ''cracking or corrosion,'' to avoid unnecessary work and delays. The commenter states that, during accomplishment of the repair specified in paragraph (c) of the proposal, it encountered several conditions when approval was required for using oversized fasteners, tooling damage, tolerance changes, and minor trimming of parts.

The FAA concurs with the commenter's request. The definition of ''damage,'' as described in this AD, is cracking or corrosion. But, with respect to the deviations specified, only the deviations that exceed currently published limits (Structural Repair Manual, process specifications defined in the service bulletin) would need an alternative method of compliance (AMOC). Paragraph (c) of this AD has been revised to add the words ''cracking or corrosion'' in parenthesis after the word ''damage''.

Approval of Repairs by Designated Engineering Representative (DER)

One commenter requests that the proposal include a provision for approval of AMOC's by a Boeing DER, instead of by the Manager of the Seattle Aircraft Certification Office (ACO). The commenter states that this provision will result in a more efficient and timely repair approval process. The FAA partially concurs with the commenter's request. Accomplishment of the repair in accordance with a method approved by the Manager is still acceptable, but paragraph (c) of this AD has been revised to add the DER approval as an option for accomplishment of the repair.

Clarify Certain Wording in Paragraph (a)

One commenter notes that certain wording in paragraph (a) of the proposal which states, in part, ''* * * the conditions described in paragraphs 1 and 2 (interim inspection requirements) of page 67 have been met.'' The commenter recommends that the additional interim inspection requirements referred to in this paragraph be more apparent in the proposed AD. The FAA infers that the commenter is questioning what is meant by the term ''conditions'' as specified in paragraph (a) of the final rule. For that reason, paragraph (a) of this AD has been revised to define the word ''conditions'' as, ''* * * the corrosion prevention and control program inspections as described in paragraphs 1 and 2 of Figure 1 have been met.''

Revise Paragraph (a) to Reference Figure 1

One commenter requests paragraph (a) of the proposal be revised to reference Figure 1 of Boeing Service Bulletin 767–54–0080, dated October 7, 1999, instead of page 67. The commenter states that this change would prevent confusion if the service bulletin is revised in the future. The FAA concurs, because Figure 1 is on page 67 and includes the flight cycle threshold formula, paragraph (a) of the final rule has been revised to specify Figure 1.

Revise Service Information References

One commenter indicates the following:

(1) There is a typographical error in one of the service bulletin numbers shown in the cost impact section and in paragraph (b) of the proposal. The proposal refers to Boeing Service Bulletin 767–53–0069; however, the number should be 767–54–0069;

(2) Boeing Service Bulletin 767–54–0069, Revision 2, dated August 31, 2000, is the latest revision of the service bulletin specified in paragraph (b) of the proposal and should be referenced in the final rule;

(3) Information notice (IN) 02, dated November 22, 1999, should be included for Boeing Service Bulletin 767–57–0053, Revision 2, specified in paragraph (b) of the proposal;

(4) Boeing Service Bulletin 767–57A0070, dated March 2, 2000, should be added to the list of prior or concurrent service bulletins referenced in paragraph (b) of the proposal. The commenter notes that this service bulletin corrects a potential fatigue problem on certain early-production airplanes by removing and replacing the wing front spar outboard pitch load fitting with an improved design.

The FAA partially concurs with the commenter as follows:

(1) The FAA has verified that there is a typographical error in the service bulletin number referenced in the proposal, as noted by the commenter, and the number has been corrected in the final rule.

(2) Boeing Service Bulletin 767–54–0069, Revision 2, dated August 31, 2000, has been added to the final rule as an additional source of service information for accomplishment of the applicable actions as specified in the final rule. The actions described in Revision 2 are essentially the same as those in Revision 1, which was referenced in the proposal as the appropriate source of service information for accomplishment of certain prior or concurrent actions.

(3) The FAA does not have a copy of IN 02, dated November 22, 1999, to Boeing Service Bulletin 767–57–0053, Revision 2. The commenter can provide this notice to the FAA with a request for an approval of an alternative method of compliance per paragraph (d) of this final rule.

(4) The FAA has reviewed Boeing Alert Service Bulletin 767–57A0070, dated March 2, 2000, and has determined that, although that service bulletin specifies replacing the outboard pitch load fitting of the wing front spar with an improved design, it is not directly related to this final rule and will be addressed at a later time by a separate rulemaking action.

Request To Extend Compliance Time

One commenter requests that the compliance time required by paragraph (a) of the proposed AD be revised to allow for compliance at the later of the times specified. The commenter states that there is a concern with the threshold based on 20 years since the date of manufacture or ''as defined by the flight cycle threshold formula'' in paragraph (a) of the proposal, because the compliance time is ''whichever occurs first.'' The commenter adds that it has met the requirements originally agreed upon and has planned accomplishment of the Strut Improvement Program (SIP) based on the optional flight cycle formula at the next (20C) maintenance check.

The FAA does not concur. In developing an appropriate compliance time for the modification specified in paragraph (a) of this AD, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but accomplishment of the required modification within an interval of time (the earlier of the times specified) that parallels normal scheduled maintenance for the majority of affected operators. However, under the provisions of paragraph (d) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. No change to the final rule is necessary in this regard.

Recommendation To Add a Note

One commenter requests that the initial time of accomplishment for the additional interim inspection service bulletins referred to in paragraph (b) of the proposed rule be clarified. The commenter states that, at the all-

operators' SIP meeting, held in November 1999, the manufacturer stated that the interim inspection service bulletins were only required prior to 20 years of age in-service, or within the individual service bulletin limits, whichever occurs later, if the flight cycle formula was used to exceed the 20-year calendar limit. The commenter further states that this is acceptable since these inspections would not be required on airplanes being modified at 20 years of age, and accomplishment of these inspections after 20 years of age would ensure continued safety. The commenter recommends a note be added after paragraph (a) of the proposed rule, as follows: ''Note: If the flight cycle formula is used to defer modification accomplishment of service bulletin 767–54–0080 beyond 20 years of age, initial accomplishment of the inspections per the service bulletins listed in paragraph 2 of service bulletin 767–54–0080, Figure 1, must begin prior to 20 years of age, or within the individual service bulletin limits, whichever occurs later.''

The FAA does not concur with the commenter's recommendation. Operators that want to use the flight cycle threshold formula must accomplish the referenced service bulletins prior to reaching 20 years since date of manufacture of the airplane. This means that by 20 years, the operator must have done either the terminating action in the service bulletin, or it must have performed at least the first recommended service bulletin inspection and the follow-on actions described in the service bulletin. No change to the final rule is necessary in this regard.

Request To Revise Cost Impact Information

Two commenters request the cost impact information in the proposal be revised. One commenter states that the prior and concurrent service bulletin requirements referenced in the proposal do not match the hours specified in the cost impact section. The commenter adds that the cost impact is significantly more than the cost estimate in the proposal or the work hours in the service bulletins, which will be allocated for warranty reimbursement given by the manufacturer. The commenter gave cost estimate comparisons of the additional work hours for access and close-up as specified in the service bulletins, and the costs it incurred accomplishing the actions.

A second commenter states that the actual labor for accomplishment of the actions specified in the proposal is significantly higher than the estimate in the service bulletins. The commenter notes that it will require a minimum of 2,978 work hours for its accomplishment of the actions, and the estimate does not include non-routine labor.

The FAA does not concur with the commenters' request. The economic analysis of the AD is limited only to the cost of actions actually required by the rule. It does not consider the costs of ''on condition'' actions, such as repairing damage to the airplane structure detected during a required inspection (''repair, if necessary''). Such ''on-condition'' repair actions would be required to be accomplished—regardless of AD direction—in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations. In addition, the FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. No change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 233 airplanes of the affected design in the worldwide fleet. The FAA estimates that 76 airplanes of U.S. registry will be affected by this AD. It will take approximately 708 work hours per airplane to accomplish the modification of the nacelle strut and wing structure described in Boeing Service Bulletin 767–54–0080, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $3,228,480, or $42,480 per airplane.

It will take approximately 106 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–54–0069, Revision 1 or Revision 2, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $483,360, or $6,360 per airplane.

It will take approximately 1 work hour per airplane to accomplish the actions described in Boeing Service Bulletin 767–54–0083, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $4,560, or $60 per airplane.

It will take approximately 2 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–54–0088, Revision 1, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $9,120, or $120 per airplane.

It will take approximately 20 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–54A0094, Revision 1, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $91,200, or $1,200 per airplane.

It will take approximately 5 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–57–0053, Revision 2, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $22,800, or $300 per airplane.

It will take approximately 16 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–29–0057, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these required actions on U.S. operators is estimated to be $72,960, 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:

2001–02–07 Boeing: Amendment 39–12091. Docket 99–NM–365–AD.

Applicability: Model 767 series airplanes powered by Pratt & Whitney engines, line numbers 1 through 663 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in primary strut structure and consequent reduced structural integrity of the strut, accomplish the following:

Modifications

(a) When the airplane has reached the flight cycle threshold as defined by the flight cycle threshold formula described in Figure 1 of Boeing Service Bulletin 767–54–0080, dated October 7, 1999, or within 20 years since the date of manufacture, whichever occurs first: Modify the nacelle strut and wing structure on both the left and right sides of the airplane, in accordance with the service bulletin. Use of the flight cycle threshold formula described in Figure 1 of the service bulletin is an acceptable alternative to the 20-year threshold, provided the corrosion prevention and control program inspections, as described in paragraphs 1 and 2 of Figure 1, have been met.

(b) Prior to or concurrently with the accomplishment of the modification of the nacelle strut and wing structure required by paragraph (a) of this AD; as specified in paragraph 1.D., Table 2, on page 8 of Boeing Service Bulletin 767–54–0080, dated October 7, 1999; accomplish the actions specified in Boeing Service Bulletins 767–54–0069, Revision 1, dated January 29, 1998, or Revision 2, dated August 31, 2000; 767–54–0083, dated September 17, 1998; 767–54–0088, Revision 1, dated July 29, 1999; 767–54A0094, Revision 1, dated September 16, 1999; 767–57–0053, Revision 2, dated September 23, 1999; and 767–29–0057, dated December 16, 1993, including Notice of Status Change NSC 1, dated November 23, 1994; as applicable; in accordance with those service bulletins. Accomplishment of this paragraph constitutes terminating action for the repetitive inspections required by AD 94–11–02, amendment 39–8918, and AD 99–07–06, amendment 39–11091.

Note 2: Paragraph (b) of this AD specifies prior or concurrent accomplishment of Boeing Service Bulletin 767–57–0053, Revision 2, dated September 23, 1999; however, Table 2, on page 8 of Boeing Service Bulletin 767–54–0080, dated October 7, 1999, specifies prior or concurrent accomplishment of the original issue of the service bulletin. Therefore, accomplishment of the applicable actions specified in Boeing Service Bulletin 767–57–0053, dated June 27, 1996, or Revision 1, dated October 31, 1996, prior to the effective date of this AD, is considered acceptable for compliance with the actions required by paragraph (b) of this AD.

Repair

(c) If any damage (corrosion or cracking) to airplane structure is found during the accomplishment of the modification required by paragraph (a) of this AD; and the service bulletin specifies to contact Boeing for appropriate action: Prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with the following Boeing service bulletins, as applicable:

Service bulletin No.	Revision level	Date
767–54–0080	Original	October 7, 1999.
767–54–0069	1	January 29, 1998.

Service bulletin No.	Revision level	Date
767–54–0069	2	August 31, 2000.
767–54–0083	Original	September 17, 1998.
767–54–0088	1	July 29, 1999.
767–54A0094	1	September 16, 1999.
767–57–0053	2	September 23, 1999.
767–29–0057	Original	December 16, 1993.
767–29–0057 NSC 1	Original	November 23, 1994.

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 March 5, 2001.

Issued in Renton, Washington, on January 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1947 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 777

[FHWA Docket No. FHWA–97–2514; 96–8]

RIN 2125–AD78

Mitigation of Impacts to Wetlands and Natural Habitat

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: The Federal Highway Administration (FHWA) is delaying the effective date of the final rule it published on December 29, 2000 (65 FR 82913), concerning the mitigation of impacts to wetlands and natural habitat. The original effective date of this final rule was January 29, 2001. The new effective date of this rule is March 30, 2001. The delayed effective date will provide the Administration an opportunity to review this final rule.

DATES: The effective date of the rule amending 23 CFR part 777 published at 65 FR 82913, December 29, 2001, is delayed from January 29, 2001 until March 30, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Garrett, Office of Natural Environment, (303) 969–5772, ext. 332, email address: *paul.garrett@fhwa.dot.gov;* FHWA 555 Zang Street; Lakewood, CO 80228 office hours are from 8 a.m. to 5 p.m., m.t., Monday through Friday, except Federal holidays; or Mr. Robert Black, Office of the Chief Counsel, HCC–30, (202) 366–1359, email address: *robert.black@fhwa.dot.gov,* 400 Seventh Street, SW., Washington, DC 20590–0001, Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The FHWA believes good cause exists to publish this rule delaying the effective date of the FHWA's December 29 final rule on Mitigation of Impacts to Wetlands and Natural Habitat, and making such delay effective upon publication of this rule. Because the December 29 published final rule would have gone into effect on January 29, 2001, it would be impracticable to provide prior notice and opportunity for public comment. In addition it would be contrary to the public interest to permit the rule to go into effect as previously scheduled without giving the Administration an opportunity to review the rule in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001.

Issued on: January 25, 2001.

Anthony R. Kane,

Executive Director.

[FR Doc. 01–2534 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–22–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–6940–4]

RIN 2060–AI60

Petition by American Samoa for Exemption From Anti-Dumping Requirements for Conventional Gasoline: Delay of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled Petition by American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline, published in the **Federal Register** on November 29, 2000, 65 FR 71067. That rule grants a petition by the Territory of American Samoa for exemption from the Clean Air Act's anti-dumping requirements for gasoline sold in the United States after January 1, 1995. To the extent that 5 U.S.C. 553 or 42 U.S.C. 7607(d) applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on

this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

DATES: The effective date of the rule titled Petition by American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline, published in the **Federal Register** on November 29, 2000, at 65 FR 71067, is delayed for 60 days, from January 29, 2001 to a new effective date of March 30, 2001.

FOR FURTHER INFORMATION CONTACT: Marilyn Winstead McCall at (202) 564–9029, facsimile: (202) 565–2085, e-mail address: McCall.mwinstead@epamail.epa.gov.

Dated: January 25, 2001.

W. Michael McCabe,

Acting Administrator.

[FR Doc. 01–2559 Filed 1–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6940–3]

Georgia: Final Authorization of State Hazardous Waste Management Program Revision: Delay of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled Georgia: Final Authorization of State Hazardous Waste Management Program Revision, published in the **Federal Register** on November 28, 2000, 65 FR 70804. Georgia has applied to the Environmental Protection Agency (EPA or the Agency) for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and that rule authorizes the State's changes. To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

DATES: The effective date of the rule titled Georgia: Final Authorization of State Hazardous Waste Management Program Revision, published in the **Federal Register** on November 28, 2000, at 65 FR 70804, is delayed for 60 days, from January 29, 2001 to a new effective date of March 30, 2001.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960; (404) 562–8440.

Dated: January 25, 2001.

W. Michael McCabe,

Acting Administrator.

[FR Doc. 01–2560 Filed 1–26–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 00–450]

Formalized Structure and Responsibilities of the Local and State Government Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document formalizes the structure and responsibilities of the Local and State Government Advisory Committee (LSGAC). The LSGAC currently is comprised of 15 elected and appointed officers of municipal, county, state, and tribal governments.

DATES: Effective January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Emily Hoffnar, FCC Liaison to the LSGAC, Common Carrier Bureau, (202) 418–1500.

SUPPLEMENTARY INFORMATION: This is a summary of a Commission's Order released on January 8, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554.

1. In this Order, we formalize the structure and responsibilities of the Local and State Government Advisory Committee (LSGAC) by adopting a new Subpart G, § 0.701 of the Commission's rules. The LSGAC currently is comprised of 15 elected and appointed officers of municipal, county, state, and tribal governments. Since its inception in 1997, the LSGAC has provided advice and information to the Commission on key issues relevant to the LSGAC, including public rights-of-way, facilities siting, universal service, removal of barriers to competitive entry, public safety communications, and various issues regarding implementation of the Telecommunications Act of 1996. Meetings held between the LSGAC and the Commission concern the management or implementation of Commission programs that explicitly or inherently share intergovernmental responsibilities or administration with local, county, state, or tribal governments.

2. We expect the LSGAC will continue to facilitate intergovernmental communication between local and state governments and the Commission. We therefore believe it is appropriate to recognize in our rules the important role that the LSGAC plays and to formalize its structure and duties. The new rules therefore specify the number of LSGAC members, as well as membership categories, to ensure that the LSGAC continues to reflect a diverse representation of municipal, county, state and tribal governments. Consistent with its current structure, the new rules states that there shall be 15 members of the LSGAC, comprised as follows: six elected municipal officials (city mayors and city council members); three elected county officials (county commissioners or council members); one elected or appointed local government attorney; one elected state executive (governor or lieutenant governor); two elected state legislators; one elected or appointed public utilities or public service commissioner, and one elected or appointed Native American tribal representative. The LSGAC members shall select two members, a Chair and

Vice Chair, to serve as leaders of the Committee. In the event of vacancies, the Chairman of the Commission shall seek nominations through issuance of a Public Notice and shall appoint new members to the LSGAC. At his discretion, the Chairman may replace LSGAC members using this same appointment process.

3. To ensure the continued effectiveness of the LSGAC, members of the LSGAC are required to attend a minimum of fifty percent of the meetings held yearly. Failure to meet this attendance requirement will result in loss of membership in the LSGAC, subject to the discretion of the LSGAC chair. Vacancies resulting from failure to meet the attendance requirement will be filled through the nomination process described.

4. Members of the LSGAC are responsible for travel and other incidental expenses incurred while on LSGAC business and shall not be reimbursed for such expenses by the Commission.

5. The rule adopted herein is a rule of agency organization, procedure and practice, and the notice and comment and effective date provisions of the Administrative Procedure Act are therefore inapplicable. *See* 5 U.S.C. 553(b)(3)(A), (d). Pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), Subpart G, § 0.701 of the Rules and Regulations of the Federal Communications Commission, 47 CFR 0.701, is adopted as set forth, to be effective January 29, 2001.

List of Subjects in 47 CFR Part 0

Freedom of information, Government publications, Organization and functions, Sunshine Act.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Change

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. In part 0, add a new subpart G, section 0.701 to read as follows:

Subpart G—Intergovernmental Communication

§ 0.701 Local and State Government Advisory Committee.

The Local and State Government Advisory Committee (LSGAC) will facilitate intergovernmental communication between local municipal, county, state and tribal governments and the Federal Communications Commission. The LSGAC shall be comprised of 15 members (or their designated employees) as follows: six elected municipal officials (city mayors and city council members); three elected county officials (county commissioners or council members); one elected or appointed local government attorney; one elected state executive (governor or lieutenant governor); two elected state legislators; one elected or appointed public utilities or public service commissioner, and one elected or appointed Native American tribal representative. The LSGAC members shall select two members, a Chair and Vice Chair, to serve as leaders of the Committee. Vacancies to on the LSGAC shall be filled through a nomination process initiated by Public Notice and appointments shall be made by the Chairman of the Federal Communications Commission. At his discretion, the Chairman may replace LSGAC members using this same appointment process. Members of the LSGAC are required to attend a minimum of fifty percent of the yearly meetings. Failure to meet this attendance requirement will result in loss of membership in the LSGAC, subject to the discretion of the LSGAC chair. Members of the LSGAC are responsible for travel and other incidental expenses incurred while on LSGAC business and shall not be reimbursed for such expenses by the Commission. Pursuant to section 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1534(b), the LSGAC is not subject to, and is not required to follow, the procedures set forth in the Federal Advisory Committee Act. 5 U.S.C., App. 2 (1988).

[FR Doc. 01–2439 Filed 1–26–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000727220-0220-01; I.D. 072400A]

RIN 0648-AO32

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Emergency for the Summer Flounder Fishery; Extension of an Expiration Date

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

ACTION: Emergency interim rule; extension of an expiration date.

SUMMARY: NMFS issues an extension of 180 days to an emergency interim rule that amended the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and its implementing regulations. The emergency interim rule revised the objective to be achieved by the annual specifications for the 2001 summer flounder fishery from obtaining a fishing mortality rate (F) target to obtaining a biomass (B) target and to require that, if a 2000 state summer flounder commercial quota allocation is not fully harvested, the underage be added to that state's 2001 allocation. The intent of this action is to comply with a decision issued on April 25, 2000, by the United States Court of Appeals for the District of Columbia Circuit (Court) and to protect the summer flounder stock from overfishing.

DATES: This emergency interim rule is extended without change for an additional 180 days, from January 30, 2001, through July 28, 2001.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, Fishery Policy Analyst, phone (978)281-9221; fax (978)281-9135; email: regina.l.spallone@noaa.gov.

SUPPLEMENTARY INFORMATION: On April 25, 2000, the Court issued an opinion on a challenge to the 1999 summer flounder specification brought by a number of environmental groups. The Court remanded the 1999 summer flounder total quota (as specified by commercial and recreational harvest limits) to NMFS ''for further proceedings consistent with [the] opinion.'' On August 2, 2000, NMFS published an emergency interim rule, with the effective dates of August 2,

2000, through January 29, 2001, to implement measures to establish a clearer standard to be met in setting the 2001 summer flounder specifications (65 FR 47648). Specifically, NMFS established a requirement that the 2001 total quota be set at a level that will achieve, with at least a 50-percent probability, the B level that would have been achieved at the end of 2001 if the F target had been met in 1999 and 2000, provided that the resultant F does not exceed the F that results in the maximum yield per recruit. A full discussion of the need for the emergency action is found in the preamble to the emergency interim rule and is not repeated here.

On November 28, 2000, NMFS published a proposed rule to implement specifications for the 2001 summer flounder fishery consistent with the emergency interim rule (65 FR 71042). That rule specified a comment period through December 19, 2000. It may not be possible to publish the final rule to implement the final specifications prior to the end of the effective period of the emergency interim rule, leaving a gap between the end date of the emergency interim rule and the final rule implementing the 2001 specifications for summer flounder. Therefore, an extension to the emergency interim rule is required to maintain the revised plan target in effect. The extension would be in effect for an additional 180 days from January 30, through July 28, 2001.

Comments and Responses

The emergency interim rule requested public comments through September 1, 2000. One comment in favor of the emergency interim rule was received during the comment period.

Comment: Several environmental groups submitted a joint comment supporting the action, with caveats. The commenters felt that the rule should be revised to clarify that management measures for the recreational fishery must assure that, with at least 50-percent probability of success, the B target in 2001 is achieved.

Response: The regulations at § 648.100(f), (g), and (h) identify the steps to be taken consistent with the order. Specifically outlined are the requirements to: (1) Determine the allowable levels of fishing consistent with the emergency interim rule, and (2) present ''measures to assure that the B2001 is achieved with at least a 50-percent probability of success.'' Those measures include recreational management measures. The regulations also state that NMFS will ''publish a proposed rule in the Federal Register by February 15 to implement additional management measures for the recreational fishery...with at least a 50-percent probability of success, that the B2001 will be achieved.'' NMFS feels that there is no need to revise the codified language.

Classification

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

Extension of the emergency interim rule is intended to allow implementation of specifications for the 2001 summer flounder fishery to prevent overfishing and rebuild the resource. Providing prior notice and opportunity for comment would be contrary to the public interest because it would delay implementation of the specifications. Therefore, the Assistant Administrator for Fisheries, NOAA (AA), finds good cause under 5 U.S.C. 553(b)(B) to waive the waive the requirement for prior notice and opportunity for comment on the extension of the emergency interim rule. Also, providing a 30-day delay in the effective date of this emergency interim rule is unnecessary, because this rule merely continues the framework established in the initial emergency interim rule designed to guide the Committee and Council in the specification process for the 2001 fishery and does not impose requirements on members of the public with which they have to comply. Therefore, the AA finds good cause under 5 U.S.C. 553(d)(3) not to delay for 30 days the effective date of this emergency interim rule.

This emergency interim rule is exempt from the analytical requirements of the Regulatory Flexibility Act because prior notice and comment is not required by 5 U.S.C. 553 or any other law.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 24, 2001.

Clarence G. Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–2638 Filed 1–26–01; 11:54 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 19
Monday, January 29, 2001

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

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket Nos. 00–257 and 94–129; FCC 00–451]

2000 Biennial Regulatory Review—Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule.

SUMMARY: In this document, the Commission proposes modifications to its carrier change authorization and verification rules in situations when a telecommunications carrier sells or transfers its subscriber base to another carrier. The Commission proposes and seeks comment on expedited procedures for handling the sale or transfer of subscribers that will adequately protect consumers as a part of its biennial regulatory review.

DATES: Comments are due on or before February 20, 2001 and reply comments are due on or before March 1, 2001. Written comments by the public on the proposed and/or modified information collections discussed in this *Third Further Notice of Proposed Rulemaking* (FNPRM) are due on or before February 20, 2001. Written comments by the Office of Management and Budget (OMB) on the proposed and/or modified information collections are due on or before March 30, 2001.

ADDRESSES: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Edward C. Springer, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet to vhuth@omb.eop.gov. Parties should also send three paper copies of their filings to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5–B540, Washington, DC 20554. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5–B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: William Cox, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Further Notice of Proposed Rulemaking* in CC Docket Nos. 00–257 and 94–129 released on January 18, 2001. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

This *FNPRM* contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act

The *FNPRM* contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection(s) contained in this *FNPRM*, as required by the PRA, Public Law 104–13. Public and agency comments on the proposed and/or modified information collections discussed in this *FNPRM* are due on or before February 20, 2001. Written comments by the Office of Management and Budget (OMB) on the proposed and/or modified information collections are due on or before March 30, 2001.

Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: None.

Title: Proposed Rules Governing the Sale or Transfer of Subscriber Base to Another Carrier.

Form No.: N/A

Type of Review: Proposed new collections.

Respondents: Business or other for-profit.

Title	Number of respondents	Est. time per response	Total annual burden
1. Proposed Pre-Transfer Subscriber Notification	75	6	450
2. Proposed Post-Transfer Subscriber Notification	75	3	225
3. Proposed Pre-Transfer Notification and Certification To Commission	75	1	75

Total Annual Burden: 750.

Cost to Respondents: $0.

Needs and Uses: The Commission proposes modifications to its carrier change authorization and verification rules in situations when a telecommunications carrier sells or transfers its subscriber base to another carrier. The Commission proposes and seeks comment on expedited procedures for handling the sale or transfer of subscribers that will adequately protect consumers as a part of its biennial regulatory review. The information will be used to implement Section 258 of the Act. This information will expedite procedures for handling the sale or transfer of subscribers, while adequately protecting consumers.

Synopsis of FNPRM

I. Introduction

1. In this *Third Further Notice of Proposed Rulemaking,* we propose modifications to our carrier change authorization and verification rules in situations when a telecommunications carrier sells or transfers its subscriber base to another carrier. We propose and seek comment on expedited procedures for handling the sale or transfer of subscribers that will adequately protect consumers as a part of our biennial regulatory review.

II. Discussion

2. Our carrier change authorization and verification requirements were adopted to protect consumers from fraudulent activities. We believe that the process of seeking a waiver of the authorization and verification requirements potentially is burdensome to carriers seeking to sell or acquire customer accounts. Given the dynamic marketplace, and the likelihood that carriers will continue to buy, sell, and transfer customer lines in the future, we think it is time to reexamine our rules in this limited situation to ensure that we do not inadvertently inhibit routine business transactions. In conjunction with our biennial regulatory review effort, we propose to modify the authorization and verification requirements of the Commission's carrier change rules to reduce regulatory burdens in situations involving the purchase or transfer of customer lines, while adequately protecting consumers. We invite comment on whether the Commission's carrier change authorization and verification rules should be amended to provide a streamlined procedure for carriers desiring to transfer the presubscribed customers of another carrier to their own customer bases.

3. We tentatively conclude that the following principles should underlie any expedited procedures for handling the sale or transfer of a subscriber base. First, the affected subscribers should receive reasonable advance notice of the carrier change associated with the sale or transfer. Second, we believe that subscribers should be told that they have the right to make another preferred carrier selection, if alternative carriers are available, and of the charges, rates, terms, and conditions they may expect when they are moved from one carrier to another as a result of the sale or transfer of a subscriber base. Finally, we believe that it is in the public interest for the Commission to receive notice prior to the sale or transfer of a subscriber base. The Commission will be better able to ensure that consumer interests will be protected if it has advance knowledge of such transactions. We seek comment on these tentative conclusions.

4. We propose the following expedited process for the sale or transfer of subscriber bases. We seek comment on whether to amend § 64.1120 of our rules to eliminate the need for authorization and verification of a carrier change to effect any sale or transfer of a subscriber base, provided that, not later than 30 days before the closing of the transaction, the acquiring carrier gives each affected subscriber written notice of the following information: (1) The acquiring carrier will be the new provider of telecommunications service for the subscriber; (2) the rates, terms, and conditions of the services offered by the purchasing carrier; (3) no carrier change charges will be imposed as a result of the transaction; and (4) the subscriber has the right to select a different preferred carrier. We also seek comment on whether to require the acquiring carrier to provide each subscriber with another written notice reiterating this information after the transfer has occurred. Insofar as these notices directly affect the provision of a subscriber's telephone service, we seek comment on the need for acquiring carriers to provide these notices in accessible formats to people who are blind or visually impaired. In addition, we seek comment on whether to require the acquiring carrier to notify the Commission of a sale or transfer not later than 30 days before the closing of the transaction and to certify its compliance with the Commission's rules and any outstanding Commission order, including the provision of reasonable notice to the affected customers regarding the transaction and the customers' subsequent rights. We seek comment on whether 30 days is the appropriate length of time for notifying subscribers and/or certifying compliance with Commission requirements. We also invite comment on whether such certification should include copies of sample notification letters. We seek comment on these proposals and any other alternative proposals that would minimize regulatory burdens, while adequately protecting consumers.

5. We ask commenters to address whether this proposed expedited process properly balances our obligation under section 258 to protect subscribers from the unauthorized change of their preferred carrier with the goal of ensuring that our rules do not unnecessarily impede marketplace transactions involving the sale or transfer of customer lines or accounts from one carrier to another. We also invite parties to comment on whether notice requirements should differ depending upon the type of telecommunications service being provided, such as local, intraLATA toll, or interLATA toll service, or upon the size of the carriers involved. We also seek comment on whether any additional obligations should be imposed on the carriers. For example, should the acquiring carrier be required to provide a toll-free customer service number to the affected subscriber in order to address any questions or problems that the subscriber may have concerning the change in service providers? Should the acquiring carrier be required to continue to charge affected subscribers the same rates as those charged by the original carrier for a specified period after the transfer? Should the carriers commit to handling customer complaints regarding the service of the original carrier to ensure that transferred subscribers are not deprived of recourse after the transfer? We also seek comment on whether we should adopt specific measures to protect consumers from unscrupulous carriers that may attempt to sell their customer bases to evade the repercussions of Commission enforcement actions.

III. Procedural Matters

A. Initial Regulatory Flexibility Analysis

6. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared the present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant impact on small entities by the policies and rules proposed in this *FNPRM.* Written public comments are requested on this IRFA.

Comments must be identified as responses to the IRFA and must be filed by the deadline for comments on the *FNPRM* provided in the Comment Filing Procedures section. The Commission will send a copy of the *FNPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

1. Need for and Objectives of This Order and the Rules Proposed Herein

7. The goal of section 258 of the Act is to eliminate the illegal practice of slamming—the unauthorized change of a subscriber's preferred carrier. The Commission, in its efforts to protect consumers from the unauthorized selection of preferred carriers, is issuing this *FNPRM*. The Commission seeks comment on the proposed amendments to the authorization and verification of subscriber preferred carrier changes associated with the sale or transfer of a subscriber base from one carrier to another.

8. Under the Act and the proposed rules, a small entity that violates the Commission's preferred carrier change authorization and verification rules may be liable for damages. Small entities may be affected by the proposals for modifying the Commission's rules with regard to the sale or transfer of customer base from one carrier to another.

2. Legal Basis

9. This *FNPRM* is adopted pursuant to sections 1, 4(i), 4(j), 201–205, 258, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 258, 303(r).

3. Description and Estimates of the Number of Small Entities to Which Rules Will Apply

10. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' ''small governmental jurisdiction,'' and ''small business concern'' under Section 3 of 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.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. ''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 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96 percent) are small entities. According to SBA reporting data, there were 4.44 million small business firms nationwide in 1992. We further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

11. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service* report. In a recent news release, the Commission indicated that there are 4,144 interstate carriers. These carriers include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

12. The SBA has defined establishments engaged in providing ''Radiotelephone Communications'' and ''Telephone Communications, Except Radiotelephone'' to be small businesses when they have no more than 1,500 employees. We discuss the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and we then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

13. We have included small incumbent LECs in this present RFA analysis. As noted, a ''small business'' under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

14. *Total number of telephone companies affected.* The U.S. Bureau of the Census (''Census Bureau'') reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities because they are not ''independently owned and operated.'' For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that 3,497 or fewer telephone service firms are small entity telephone service firms that may be affected by the new rules.

15. *Wireline carriers and service providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities. We do not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that 2,295 or fewer small telephone communications

companies other than radiotelephone companies are small entities that may be affected by the new rules.

16. *Local exchange carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services (LECs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Telecommunications Industry Revenue* data, 1,348 incumbent carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that 1,348 or fewer providers of local exchange service are small entities that may be affected by the new rules.

17. *Interexchange carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 171 carriers reported that they were engaged in the provision of interexchange services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 171 or fewer small entity IXCs that may be affected by the new rules.

18. *Competitive access providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service data,* 212 CAP/CLECs carriers and 10 other LECs reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 212 or fewer small entity CAPs and 10 other LECs that may be affected by the new rules.

19. *Operator service providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 24 carriers reported that they were engaged in the provision of operator services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 24 or fewer small entity operator service providers that may be affected by the new rules.

20. *Pay telephone operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 615 carriers reported that they were engaged in the provision of pay telephone services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 615 or fewer small entity pay telephone operators that may be affected by the new rules.

21. *Resellers (including debit card providers).* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies. According to the most recent *Trends in Telephone Service* data, 388 toll and 54 local entities reported that they were engaged in the resale of telephone service. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 388 or fewer small toll entity resellers and 54 small local entity resellers that may be affected by the new rules.

22. *Toll-free 800 and 800-like service subscribers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to 800 and 800-like service (''toll-free'') subscribers. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, and 877 numbers in use. According to our most recent data, at the end of January 1999, the number of 800 numbers assigned was 7,692,955; the number of 888 numbers that had been assigned was 7,706,393; and the number of 877 numbers assigned was 1,946,538. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 7,692,955 or fewer small entity 800 subscribers, 7,706,393 or fewer small entity 888 subscribers, and 1,946,538 or fewer small entity 877 subscribers that may be affected by the new rules.

23. *Cellular licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Census Bureau, only twelve radiotelephone firms from a total of 1,178 such firms, which operated during 1992, had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses;

however, a cellular licensee may own several licenses. In addition, according to the most recent *Telecommunications Industry Revenue* data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are 808 or fewer small cellular service carriers that may be affected by the new rules.

4. Summary of Projected Reporting, Recordkeeping, and Other Compliance Requirements

24. There are no certain projected reporting, recordkeeping, or other compliance requirements at this time. In the event the Commission amends its rules to address situations involving the transfer of a customer base from one carrier to another, acquiring carriers may be required to provide written notice to the affected subscribers of the transaction both before and after its completion and provide some form of certification to the Commission regarding the transaction.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

25. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

26. If this *FNPRM* results in the promulgation of new rules to address the sale or transfer of subscriber bases, the Commission will actively consider the economic impact on small entities and significant alternatives that would be less burdensome for small entities. The intent of this *FNPRM* is to propose rule changes that would reduce regulatory burdens associated with the sale or transfer of subscriber bases for all telecommunications carriers, including small entities. Specifically, the Commission is considering amending § 64.1120 of our rules to eliminate the requirement that carriers obtain each affected subscriber's authorization and verification of a carrier change in order to effect the sale or transfer of a subscriber base, provided that, within a specified time period, the purchasing carrier gives each affected subscriber written notice of certain information. This proposed amendment would also eliminate the need to obtain a waiver of our carrier change authorization and verification rules, which can be particularly burdensome for some carriers. In addition, in examining the proposals and comments received, the Commission will consider other measures that might give small carriers more relief from regulatory requirements. For example, in determining whether to require carriers to certify to the Commission that they have provided certain notifications to customers, the Commission may consider whether the certification requirement should only apply to the sale or transfer of subscriber bases of a minimum threshold size. As another example, in considering whether to require a purchasing carrier to continue to charge affected subscribers the same rates as those charged by the selling carrier for a specified period after the transfer, the Commission may consider whether small carriers should be exempt from such a requirement when acquiring customers through a sale or transfer. A third example is that the Commission may consider whether small carriers should be permitted to provide notification to the affected subscribers and/or the Commission in less than the proposed time period of 30 days.

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

27. None.

B. Ex Parte Presentations

28. This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.

C. Comment Dates and Filing Procedures

29. We invite comment on the issues and questions set forth. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: Comments are due February 20, 2001 and reply comments are due March 1, 2001. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121, May 1, 1998.

30. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply.

31. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5–B540, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using Microsoft Word 97 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read-only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 00–257), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase (''Disk Copy Not an Original.'') Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the

Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037.

IV. Ordering Clauses

32. Pursuant to the authority contained in sections 1, 4, 201–205, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–205, and 258, that this *Third Further Notice of Proposed Rulemaking* is adopted, that comments are requested as described, and that notice is hereby given of proposed amendments to part 64 of the Commission's rules, 47 CFR part 64, as described.

33. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this *Third Further Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subject in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–2378 Filed 1–26–01; 8:45 am]

BILLING CODE 6712–01–U

Notices

Federal Register
Vol. 66, No. 19
Monday, January 29, 2001

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

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Advisory Committee (PAC); Action of Meeting

AGENCY: Forest Service, USDA.

SUMMARY: The Willamette Province Advisory Committee (PAC) will meet on Thursday, February 15, 2001. The meeting is scheduled to begin at 9:00 a.m., and will conclude at approximately 2:00 p.m. The meeting will be held at the Red Lion, 3301 Market Street SE, Salem, Oregon; (503) 370–7888. The tentative agenda includes: (1) Introduction of PAC members and review of PAC procedures, (2) Northwest Forest Plan overview, (3) Northwest Forest Plan monitoring presentation, (4) Review PAC agenda for 2001, (5) Information sharing.

The Public Forum is tentatively scheduled to begin at 10:30 a.m. Time allotted for individual presentations will be limited to 3–4 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits for the Public Forum. Written comments may be submitted prior to the February 15 meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Neal Forrester, Willamette National Forest; 211 East Seventh Avenue, Eugene, Oregon 97401; (541) 465–6924.

Dated: January 22, 2001.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 01–2452 Filed 1–26–01; 8:45 am]

BILLING CODE 3410–11–M

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before February 28, 2001.

FOR FURTHER INFORMATION OR A COPY CONTACT: Judi Payne, Division of Economic Analysis, U.S. Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581 and refer to OMB Control No. 3038–0016.

SUPPLEMENTARY INFORMATION:

Title: Compliance with Requirements for Designation as a Contract Market (OMB Control No. 3038–0016). This is a request for extension of a currently approved information collection.

Abstract: Under Commission Rule 1.50, upon request by the Commission, contract markets must demonstrate that they continue to meet the designation requirements contained in the Commodity Exchange Act. This rule is promulgated pursuant to the Commission's rulemaking authority contained in Sections 5 and 5a of the Commodity Exchange Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 15, 2000 (65 FR 78474).

Burden statement: The respondent burden for this collection is estimated to average 250 hours per response. These estimates include the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 11

Estimated number of responses: 2

Estimated total annual burden on respondents: 500 hours

Frequency of collection: On occasion

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0049 in any correspondence.

Judi Payne, Division of Economic Analysis, U.S. Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington DC 20503.

Dated: January 23, 2001.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–2475 Filed 1–26–01; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 2, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–2589 Filed 1–25–01; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 9, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–2590 Filed 1–25–01; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 16, 2001.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–2591 Filed 1–25–01; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 23, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–2592 Filed 1–25–01; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

All-Terrain Vehicles; Commission Resolution

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (''Commission'') hereby announces its issuance of a Resolution commending Cannondale Corporation (''Cannondale'') for the company's action plan regarding all-terrain vehicle (''ATV'') safety.

Historical information regarding ATV safety-related actions by the Commission and the major manufacturers of ATVs is included in the Commission's **Federal Register** notice of September 9, 1998 (63 FR 48199). That notice also requested public comment on whether the Commission should issue a Resolution commending certain members of the industry for their ATV action plans. After consideration of public comments, the Commission issued its Resolution commending those industry members (63 FR 67861). The Commission subsequently announced issuance of a Resolution commending another member of the ATV industry for its action plan regarding ATV safety (64 FR 15350). Cannondale has agreed, in its action plan, to take safety-related actions that are comparable to those taken by members of the ATV industry that the Commission commended in its previous Resolutions.

FOR FURTHER INFORMATION CONTACT: For further information about the Resolution, call or write Leonard H. Goldstein, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, (301) 504–0980, Ext. 2202.

Dated: January 23, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Resolution of the United States Consumer Product Safety Commission Commending Cannondale Corporation

The United States Consumer Product Safety Commission (the ''Commission''), by vote on January 5, 2001, RESOLVES THAT:

Whereas, Cannondale Corporation (''Cannondale'') has announced its intention to sell ATVs in the United States; and

Whereas, Cannondale has agreed to undertake voluntary actions (''Cannondale's Action Plan'') that are comparable to those being undertaken by other manufacturers of ATVs that the Commission has commended (See 63 FR 67861 and 64 FR 15350), including actions to (i) promote training, including through the offer of a cash incentive to first-time purchasers, (ii) participate with other manufacturers of ATVs in an information and education safety campaign emphasizing, among other things, the risks created when children younger than 16 operate or ride on adult-size ATVs, (iii) not market, sell or offer to sell adult-size ATVs to or for use by children younger than 16, (iv) not market or sell three-wheel ATVs, (v) provide safety information on or with ATVs, including giving an ATV Safety Alert to each purchaser, (vi) retain the services of an independent organization to conduct the undercover monitoring of an agreed-upon minimum number of randomly selected dealers to monitor compliance with minimum age requirements, (vii) undertake various other safety measures, and (viii) notify the Commission at least 60 days in advance of any material changes to Cannondale's ATV Action Plan; and

Whereas, a copy of Cannondale's ATV Action Plan is available to the public upon request to the Commission's Office of the Secretary; and

Whereas, notwithstanding implementation of Cannondale's ATV Action Plan, the Commission reserves all its statutory enforcement, regulatory and oversight powers with respect to ATVs.

Now, Therefore:

1. The Commission commends Cannondale for its ATV Action Plan, which the Commission believes will provide safety benefits to consumers.

2. The Commission will actively monitor the voluntary actions of Cannondale and other manufacturers of ATVs by, among other things, conducting undercover inspections of ATV dealerships to ensure compliance with age recommendations and other requirements, and collecting and assessing information regarding the effectiveness of training incentives. The Commission will take appropriate action based on the results of the monitoring activity. The Commission also will continue to track the death and injury rate associated with ATVs and

reserves its authority to take action based on this data.

[FR Doc. 01–2421 Filed 1–26–01; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before March 30, 2001.

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

Dated: January 23, 2001.

John Tressler,

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

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Annual Progress Reporting Form for Special Demonstration Programs.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 73.

Burden Hours: 2,044.

Abstract: This data collection will be conducted annually to obtain program and performance information from Rehabilitation Services Administration (RSA) special demonstration grantees (including special projects and systems change grantees) on their project activities. The information collected will assist federal RSA staff in responding to the Government Performance and Results Act. Data will primarily be collected through an internet form.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address *Sheila_Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–2449 Filed 1–26–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 28, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 23, 2001.

John Tressler,

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

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: State Plan for Independent Living and Center for Independent Living Programs.

Frequency: Every three years.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions; Individuals or household Businesses or other for-profit; Farms; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 55.

Burden Hours: 3,300.

Abstract: Chapter 1 authorizes financial assistance to States for providing, expanding and improving the provision of independent living services, to develop and support Statewide networks of Centers for Independent Living (CILs), to improve working relationships among State Independent Living Services (SILS) programs, CILs, Statewide Independent Living Councils, programs funded under other titles of the Act, and other programs that address issues relevant to individuals with disabilities funded by Federal and non-Federal authorities.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address *Sheila_Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–2450 Filed 1–26–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 30, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 23, 2001.

John Tressler,

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

Office of Educational Research and Improvement

Type of Review: Revision.

Title: FRSS 78: Classes that Serve Children Prior to Kindergarten in U.S. Public Schools.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 10,161.

Burden Hours: 7,621.

Abstract: This survey is submitted under the system clearance for Quick Response Information System (QRIS) surveys (that covers the Fast Response Survey System, also known as FRSS). It meets the conditions of that clearance: short, policy-relevant, one-time surveys that go to a small sample. This survey is designed to learn about the extent to which programs exist in public schools to serve primarily 3- and 4-year-old children before they begin kindergarten. It contains questions about whether these programs are full- or part-day; whether the programs are designed to meet the needs of special needs children (those with disabilities or limited English proficiency) or for all students; questions about whether other services are offered, such as meals and transportation; and questions about sources of funding for these programs; and finally questions about teacher characteristics.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her internet address *Kathy_Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–2451 Filed 1–26–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Notice of Schedule Change for Preparing the Environmental Impact Statement for the Proposed Relocation of the Los Alamos National Laboratory Technical Area 18 Missions

AGENCY: Department of Energy, National Nuclear Security Administration.

ACTION: Notice of schedule change.

SUMMARY: On May 2, 2000, the Department of Energy (DOE), National Nuclear Security Administration (NNSA), published a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Proposed Relocation of the Los Alamos National Laboratory (LANL) Technical Area 18 (TA–18) (hereafter that EIS will be referred to as the TA–18 EIS) (65 FR 25472). In that notice, the NNSA indicated that the TA–18 EIS process was scheduled to be completed by January 2001. The purpose of this notification is to inform the public that the schedule for completing the TA–18 EIS has changed. The NNSA now projects that the EIS process will not be completed before September 2001.

ADDRESSES: General questions concerning the TA–18 Project can be asked by calling 1–800–832–0885, ext. 6–5484, or by writing to: Mr. Jay Rose, Document Manager, TA–18 Relocation EIS, U.S. Department of Energy/NNSA, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: For general information on the NNSA National Environmental Policy Act (NEPA) process, please contact: Mr. Henry Garson, NEPA Compliance Officer for Defense Programs, U.S. Department of Energy/NNSA, 1000 Independence Avenue, SW., Washington, DC 20585; or telephone 1–800–832–0885, ext. 30470. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: On April 11, 2000, Secretary of Energy Bill Richardson announced that the NNSA would begin preparation of an EIS on the proposed transfer to another location of TA–18's capabilities and up to approximately 2 tons of special nuclear materials. In the Notice of Intent, published on May 2, 2000, the NNSA solicited comments on the proposed scope of the TA–18 EIS from the public and conducted public scoping meetings as follows: May 18, 2000, in Albuquerque, New Mexico; May 23, 2000, in North Las Vegas, Nevada; May 25, 2000, in Idaho Falls, ID; and May 30, 2000, in Espanola, New Mexico.

Due primarily to budget constraints, funding for the TA–18 EIS was not available during the summer of 2000 and the schedule for completing the TA–18 EIS began to slip. The events associated with the Cerro Grande fire at LANL (see 65 FR 120, June 21, 2000) further disrupted TA–18 planning activities and added to the schedule slip. The revised EIS schedule is as follows:

Issue Draft EIS—May 2001

Draft EIS Public Hearings—June 2001

Issue Final EIS—August 2001

Record of Decision—September 2001

There have been no significant changes to the TA–18 EIS scope or alternatives, as described in the original TA–18 EIS Notice of Intent.

Issued in Washington, DC, this 18th day of January 2001.

T.J. Glauthier,

Deputy Secretary of Energy, Department of Energy.

[FR Doc. 01–2469 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Competitive Financial Assistance Solicitation

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of competitive financial assistance solicitation.

SUMMARY: The U.S. Department of Energy (DOE) Idaho Operations Office (ID) is seeking applications for innovative cost-shared research, development and demonstration of technologies that will enhance economic competitiveness, reduce energy consumption and reduce environmental impacts in the emerging renewable bioproducts industry. The proposed research and development (R&D) applications must address priorities of at least three out of the four key barrier areas; Plant Sciences, Production, Processing, and Utilization, as identified in the *Technology Roadmap for Plant/Crop-Based Renewable Resources 2020.*

DATES: The deadline for receipt of applications is 3:00 p.m. MST March 28, 2001.

ADDRESSES: The formal solicitation document will be disseminated electronically as Solicitation Number DE–PS07–01ID14039, Agriculture Industry of the Future Program, through the Industry Interactive Procurement System (IIPS) located at the following URL: *http://e-center.doe.gov.* IIPS provides the medium for disseminating solicitations, receiving financial assistance applications and evaluating the applications in a paperless environment. Completed applications are required to be submitted via IIPS. Individuals who have the authority to enter their company into a legally binding contract/agreement and intend to submit proposal/applications via the IIPS system must register and receive confirmation that they are registered prior to being able to submit an application on the IIPS system. An IIPs ''User Guide for Contractors'' can be obtained by going to the IIPS Homepage at the following URL: *http://e-center.doe.gov* and then clicking on the ''Help'' button. Questions regarding the operation of IIPS may be e-mailed to the IIPS Help Desk at IIPS Help *Desk@e-center.doe.gov* or call the help desk at (800) 683–0751.

FOR FURTHER INFORMATION CONTACT: Elaine Richardson, Contract Specialist, at richarem@id.doe.gov.

SUPPLEMENTARY INFORMATION: The statutory authority for this program is the Federal Non-Nuclear Energy Research & Development Act of 1974 (P.L. 93–577). The applications must link the R&D in each of the barrier areas selected, in an integrated and crosscutting approach, to achieve overall project objectives. (Two examples of such crosscutting efforts can be found on p. 25 and p. 26 overlaid on Figures 13 and 14 in the *Technology Roadmap for Plant/Crop-Based Renewable Resources 2020.*) This will require a multi-disciplinary collaboration. Multi-partner collaborations between industrial companies, growers, universities, non-profit groups and National Laboratories are encouraged. A minimum of two partners is required, with at least one being an industrial company. DOE anticipates making approximately 3 to 5 awards with total estimated DOE funding of up to $1.5 M per award per year, each with a duration of approximately 3–5 years.

Issued in Idaho Falls on January 16, 2001.

R. Jeffrey Hoyles,

Director, Procurement Services Division.

[FR Doc. 01–2470 Filed 1–26–01; 8:45am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory

Notice of Availability of a Financial Assistance Solicitation

AGENCY: Department of Energy (DOE), National Energy Technology Laboratory (NETL).

ACTION: Notice inviting financial assistance applications.

SUMMARY: The Department of Energy announces that it intends to conduct a competitive Program Solicitation, DE–PS26–01NT41114, and award financial assistance (Cooperative Agreements) for the program entitled ''Supporting Science and Enabling Technologies for Clean Fuels.'' Through this solicitation, the DOE/NETL seeks applications on behalf of the DOE's Office of Fossil Energy.

The DOE/NETL, by way of the Federal Financial Assistance application process, is seeking proposals for cost-shared research and development projects that will lead to advanced clean

fuels that: (1) Are derived from a diverse mix of secure energy resources; (2) enable mobile (ground, air, and marine) and stationary systems (e.g., home heating and industrial boilers) to comply with increasingly stringent Federal, state, and local emissions standards; (3) are compatible with existing liquid, and/or designed in concert with future, fuels infrastructures; (4) satisfy commercial and military requirements; (5) enable the efficiency of the transportation fleet to be more than doubled, and (6) are cost competitive with conventional fuels.

This solicitation seeks to create strategic partnerships targeted at the development and verification of advanced fuel-making processes that utilize stable fossil resources. These processes will enable the production of clean transportation fuels that improve the environment, while also expanding and diversifying the fossil resource base. This solicitation represents a major step toward establishing the scientific and engineering foundation on which the next generation of transportation fuel technologies will rest.

DATES: A draft Program Solicitation will be available on or about January 24, 2001. Comments and/or questions concerning the draft version must be submitted to, and received by the DOE Contract Specialist no later than February 23, 2001. The mailing and E-mail addresses are provided below.

ADDRESSES: The draft Program Solicitation will be available on the DOE/NETL's Internet address at *http://www.netl.doe.gov/business/solicit.* The final version of the solicitation along with all amendments will be posted at this same Internet address; applicants are therefore encouraged to periodically check this NETL address to ascertain the status of these documents. Applications must be prepared and submitted in accordance with the instructions and forms contained in the final version of this Program Solicitation.

FOR FURTHER INFORMATION CONTACT: Larry D. Gillham, MS: 921–118, U.S. Department of Energy, National Energy Technology Laboratory, 626 Cochrans Mill Road, P.O. Box 10940, Pittsburgh, PA 15236–0940, E-mail Address: *gillham@netl.doe.gov*, Telephone Number: (412) 386–5817.

SUPPLEMENTARY INFORMATION: The DOE anticipates award of multiple cost-sharing cooperative agreements; but the DOE reserves the right to award the agreement type and number deemed in its best interest. As required in Section 3002, Title XXX of the Energy Policy Act (EPAct), offerors are advised that *mandatory* 20% cost-share will be required for each project. Not all of the necessary funds are currently available for this solicitation; the Government's obligation under any cooperative agreement awarded is contingent upon the availability of appropriated FY2001 through FY2006 funds.

It is DOE's desire to encourage the widest participation including the involvement of small business concerns, and small disadvantaged business concerns. Multiple pre-solicitation workshops are planned. Information on the dates, times and locations of the pre-solicitation workshops may be found on the NETL website at *http://www.netl.doe.gov/business/solicit/index.html.* In order to gain the necessary expertise to review proposals, non-Federal personnel may be used as evaluators or advisors in the evaluation of proposals.

Issued in Pittsburgh, PA on January 12, 2001.

Dale A. Siciliano,

Deputy Director, Acquisition and Assistance Division.

[FR Doc. 01–2466 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 15, 2001; 5:30 p.m.–9:00 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, KY.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, KY 42001, (270) 441–6804.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration and waste management activities.

Tentative Agenda

5:30 p.m.—Informal Discussion

6:00 p.m.—Call to Order

6:10 p.m.—Approve Minutes

6:20 p.m.—Presentations

Board Response

Public Comments

8:00 p.m.—Subcommittee Reports

Board Response

Public Comments

8:30 p.m.—Administrative Issues

9:00 p.m.—Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments as the first item of the meeting agenda.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on January 23, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–2468 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket Nos. FE C&E 00–43; Certification Notice—195]

Notice of Filing of Coal Capability of Magnolia Energy LP; Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of filing.

SUMMARY: Magnolia Energy LP submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owner/operator of the proposed new baseload powerplant has filed a self-certification in accordance with section 201(d).

Owner: Magnolia Energy LP (C&E 00–43).

Operator: InterGen Operating Company (Magnolia).

Location: Benton, MS.

Plant Configuration: Combined-cycle.

Capacity: 900 MW.

Fuel: Natural gas.

Purchasing Entities: Sold at wholesale to customers within the U.S.

In-Service Date: April 1, 2003.

Issued in Washington, D.C., January 19, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–2465 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Golden Field Office; Hydrogen Program

AGENCY: The Department of Energy (DOE).

ACTION: Supplemental Announcement (03) to the Fiscal Year 2001 Broad Based Solicitation for Submission of Financial Assistance Applications Involving Research, Development, and Demonstration for the Office of Energy Efficiency and Renewable Energy, DE–PS36–01GO90000.

SUMMARY: The Hydrogen Program of the Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) is issuing a Supplemental Announcement to the EERE Fiscal Year 2001 Broad Based Solicitation for Submission of Financial Assistance Applications Involving Research, Development and Demonstration, DE–PS36–01GO90000, dated November 27, 2000. Under this Supplemental Announcement, DOE is seeking applications for the demonstration of a ''power park'' that uses hydrogen as an energy carrier. The envisioned facility will provide electric power and heat to a building complex or industrial facility by means of hydrogen delivered from a centralized reformer. The expected scale for the centralized reformer is 50 kW. The project should include an evaluation of the merits of a centralized fuel cell stack versus smaller fuel cell stacks distributed throughout the park. As an additional option, hydrogen may also be co-produced for manufacturing/processing in industrial applications. DOE is proposing to fund this effort under the provisions of the Hydrogen Future Act of 1996.

DOE anticipates selecting one Application for negotiation of an award under this Supplemental Announcement. The award will be a Cooperative Agreement with a term of up to three years. A minimum cost share of 50% of the total project costs is required for an Application to be considered for award under this Supplemental Announcement. Subject to availability, the total DOE cost share contribution is anticipated to be up to $100,000 in Fiscal Year 2001, $300,000 in 2002, and $300,000 in 2003.

All information regarding the Supplemental Announcement will be posted on the DOE Golden Field Office Home page at the address identified below.

DATES: DOE expects to issue the Supplemental Announcement around mid-January, 2001. The closing date of the Supplemental Announcement is March 21, 2001.

ADDRESSES: The Supplemental Announcement will be posted on the DOE Golden Field Office Home Page at *http://www.golden.doe.gov/businessopportunities.html* under ''Solicitations''.

FOR FURTHER INFORMATION CONTACT: Margo Gorin, Contract Specialist, at Facsimile 303–275–4788 or e-mail Margo__Gorin@nrel.gov.

Issued in Golden, Colorado, on January 12, 2001.

Jerry L. Zimmer,

Procurement Director, Golden Field Office.

[FR Doc. 01–2467 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Golden Field Office; Hydrogen Program

AGENCY: The Department of Energy (DOE).

ACTION: Supplemental Announcement (02) to the Fiscal Year 2001 Broad Based Solicitation for Submission of Financial Assistance Applications Involving Research, Development, and Demonstration for the Office of Energy Efficiency and Renewable Energy, DE–PS36–01GO90000.

SUMMARY: The Hydrogen Program of the Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) is issuing a Supplemental Announcement to the EERE Fiscal Year 2001 Broad Based Solicitation for Submission of Financial Assistance Applications Involving Research, Development and Demonstration, DE–PS36–01GO90000, dated November 27, 2000. Under this Supplemental Announcement 02, titled ''Hydrogen Research and Development,'' DOE is seeking research and development applications for activities that will lead to the implementation of hydrogen technologies related to certain

approaches for production and storage. The goal of the production activity is to produce hydrogen from renewable energy sources using certain biomass or photoelectrochemistry approaches. The goal of the storage activity is to develop an innovative concept or material using approaches with non-transition metal complex hydrides and purified carbon nanotubes. DOE is proposing to fund this effort under the provisions of the Hydrogen Future Act of 1996. DOE anticipates selecting multiple Applications for negotiation of awards, with first-year DOE funding limits per award as described in the Supplemental Announcement. The awards will be Cooperative Agreements with a term of up to three years. A cost share contribution from an Applicant is required for an Application to be considered for award. Subject to availability, the total Fiscal Year 2001 DOE funding will be approximately $550,000, with an additional $1,000,000 anticipated in Fiscal Year 2002 and an additional $2,000,000 anticipated in Fiscal Year 2003. All information regarding the Supplemental Announcement will be posted on the DOE Golden Field Office Home page at the address identified below.

DATES: DOE expects to issue the Supplemental Announcement around mid-January, 2001. The closing date of the Supplemental Announcement is March 7, 2001.

ADDRESSES: The Supplemental Announcement will be posted on the DOE Golden Field Office Home Page at *http://www.golden.doe.gov/businessopportunities.html* under ''Solicitations''.

FOR FURTHER INFORMATION CONTACT: Shirley Johnson, Contract Specialist, at Facsimile 303–275–4788 or e-mail Shirley__Johnson@nrel.gov.

Issued in Golden, Colorado, on January 12, 2001.

Jerry L. Zimmer,

Procurement Director, Golden Field Office.

[FR Doc. 01–2471 Filed 1–26–01; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–512–001, FERC–512]

Information Collection Submitted for Review and Request for Comments

January 23, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to Office of Management and Budget (OMB) for review under provisions of section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of November 20, 2000 (65 FR 69754) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before February 2, 2001.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW., Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Mr. Michael Miller, 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:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–512 ''Application for Preliminary Permit''.

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0073. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. These are mandatory collection requirements. The Commission does not consider this information to be confidential.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Federal Power Act (FPA). The information reported under Commission identifier FERC–512 is filed in accordance with sections 4(f), 5, and 7(FPA). Part I of the FPA gives the Commission Authority to issue licenses for hydropower projects on waters subject to the Congressional authority. Preliminary permits, issued for three years, reserve rights to study the feasibility of hydropower development at a specific site, but do not authorize construction of any hydropower facilities. The purpose of obtaining a preliminary permit is to maintain priority status for an application for a license, while the applicant conducts site examinations and surveys to prepare maps, plans, specifications and estimates. This period of time also provides the applicant with the opportunity to conduct engineering, economic and environmental feasibility studies; plus make financial arrangements for funding and construction of the site. The conditions under which the priority will be maintained are set forth in each permit. The filing requirements for submitting an application for a preliminary permit may be found in 18 CFR 4.31–33 and 4.81–.82.

5. *Respondent Description:* The respondent universe currently comprises on average, 45 respondents filing the recreation report.

6. *Estimated Burden:* 3,285 total burden hours, 45 respondents, 45 responses annually, 73 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 3,285 hours ÷ 2,080 hours per year × $115,357 per year = $182,186. The cost per respondent is $4,048.

Statutory Authority: Sections 4(f), 5, and 7 of the Federal Power Act (FPA), 16 U.S.C. 797–800.

David P. Boergers,

Secretary.

[FR Doc. 01–2433 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–520–001]

Covert Generating Company, LLC; Notice of Filing

January 23, 2001.

Take notice that on January 17, 2001, Covert Generating Company, LLC (Covert), tendered for filing in the above-captioned proceeding, pursuant to section 205 of the Federal Power Act and part 35 of the Commission's

regulations, a revised FERC Electric Tariff No. 1 which incorporates information that Covert included in its petition for authorization to sell capacity, energy, and certain Ancillary Services at market-based rates filed with the Commission on November 28, 2000 in the above-captioned proceeding.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–2483 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–232–001]

Iroquois Gas Transmission System, L.P.; Notice of Technical and Scoping Meetings for the Proposed Eastchester Project, as Amended

January 23, 2001.

On December 15, 2000, Iroquois Gas Transmission System, L.P. (Iroquois), filed an amendment to the application for the Eastchester Project. Iroquois proposes to construct a natural gas pipeline from Long Island to the Bronx, New York. The amendment includes a new preferred route through the Bronx, three additional routing alternatives, as well as alternative interconnection locations with Consolidated Edison Company of New York's facilities. The amendment was noticed on December 28, 2000.

Iroquois's preferred alternative would traverse long Island Sound with landfall at Locust point. Through a combination of underground horizontal drilling and open-trench construction, the pipeline would cross the Throgs Neck Expressway, follow the Throgs Neck Expressway Extension to Lafayette Avenue and follow Lafayette Avenue to an interconnection site located just south of the intersection of Lafayette and Brush avenues on the east bank of Westchester Creek.

In a letter dated January 5, 2001, Congresswoman Nita M. Lowey requested a meeting be held to inform elected officials and the public about the pipeline certification process, Iroquois' amendment, and other viable route options. A technical meeting will be held to discuss these issues and to exchange information among state and federal agencies and U.S., state, and community representatives. The location and time for the technical meeting are listed below:

Date and Time: February 2, 2001, 10 a.m.

Location: Community Board 10, 3165 E. Tremont Avenue, Bronx, NY 10461.

Phone: (718) 892–1161.

While the public is welcome to attend the technical meeting, public comments will be received at the scoping meeting listed below:

Date and Time: February 15, 2001, 7 a.m.

Location: St. Francis de Chantal School, 2962 Harding Avenue, Bronx, NY 10465.

Phone: (718) 792–5500.

Comments received at the scoping meeting will assist Commission staff to determine the issues to be evaluated in the environmental impact statement and will be included in the Commission's record for this proceeding. Additional information may be obtained from John Schnagl, at (202) 219–2661.

David P. Boergers,

Secretary.

[FR Doc. 01–2431 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–56–000]

Merrill Lynch Capital Services, Inc.; Notice of Filing

January 23, 2001.

Take notice that on January 12, 2001, Applicants filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Merrill Lynch Capital Services, Inc. (MLCS) will: (1) Dispose of jurisdictional facilities by way of a sale and assignment of the right, title, obligation, and interest in certain of its wholesale electric power sales agreements and associated intellectual property, books and records to Allegheny Energy Global Markets, LLC (Allegheny Global), a newly formed and wholly-owned subsidiary of Allegheny Energy Supply Company, LLC (Allegheny Supply); and (2) transfer to MLCS membership interests in Allegheny Supply as part of that disposition.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments 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. 01–2432 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–40–000]

Panhandle Eastern Pipeline Company; Notice of Informal Settlement Conference

January 22, 2001.

An informal settlement conference will be held in the above docket regarding the Kansas ad valorem tax refund issues in the proceedings

involving the Panhandle Eastern Pipeline Company system. The conference will be held on February 7, 2001, at the Hilton Kansas City Airport hotel, 8801 112th Street, NW., Kansas City, Missouri. The conference will begin at 8:30 a.m. For questions concerning the conference please call Deborah Osborne, Dispute Resolution Service. Her telephone number is 202–208–0831 and her e-mail address is *deborah.osborne@ferc.fed.us* All interested parties in the above-reference docket are requested to attend. To ensure that the facilities are adequately sized for the participants, please let Deborah Osborne know if you are planning to attend by February 2, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–2429 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–54–000]

Wisconsin Public Service Corporation, American Transmission Company, LLC; Notice of Filing

January 23, 2001.

Take notice that on January 10, 2001, Wisconsin Public Service Corporation (WPSC) and American Transmission Company LLC (ATCLLC) filed an application under Section 203 of the Federal Power Act for authorization and approval for WPSC to transfer by assignment to the ATCLLC rights in transmission facility lease agreements WPSC has with Marshfield Electric and Water Department and Manitowoc Public Utilities.

A copy of the filing has been served on the Public Service Commissions of Michigan and Wisconsin.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 2, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–222 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 side at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–2430 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL00–1–000]

Dialog Concerning Natural Gas Transportation; Policies Needed to Facilitate Development of Competitive Natural Gas Markets; Notice Deferring Staff Conference

January 23, 2001.

Take notice that the staff conference on affiliate issues that was to be convened in this proceeding on January 31, 2001 at 1 p.m. will be deferred until March 15, 2001. We are deferring the conference in light of the request for postponement filed by the Edison Electric Institute's Alliance of Energy Suppliers (Alliance) and supported by Reliant Energy Services. As noted in the Alliance's request, a deferral will allow resources to be more effectively applied to ongoing concerns. Deferral of the conference will also allow the Commission and the parties to incorporate winter operating experience in both the gas and electric industries in the discussion. A notice establishing the composition of the panel(s) will be issued in advance of the conference.

For additional information, contact Robert Flanders at (202) 208–2084.

David P. Boergers,

Secretary.

[FR Doc. 01–2484 Filed 1–26–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–36]

Amateur Service Club and Military Recreation Station Call Sign Administrators Announced

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces that the Commission has accepted requests from three organizations interested in processing applications for amateur service club, Radio Amateur Civil Emergency Service (RACES), and military recreation station call signs. The organizations are designated as a ''Club Station Call Sign Administrators'' (CSCSA) and will process applications for amateur service club, RACES, and military recreation station call signs.

DATES: Starting January 22, 2001, the FCC will accept applications for new, modification of, or renewal of amateur service club and military recreation station licenses, and modification of RACES station licenses, only from a CSCSA.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680.

SUPPLEMENTARY INFORMATION: In a Public Notice released on January 3, 2000, the Federal Communications Commission (FCC) announced that it would accept requests from organizations interested in processing applications for amateur service club, RACES, and military recreation station call signs pursuant to an October 21, 1998, Report and Order, 63 FR 68904, December 14, 1998, reinstituting the use of volunteer organizations for the purpose of processing applications for amateur service club and military recreation station call sign. A club station license is an amateur service station license granted only to the trustee of an amateur service club, which must be composed of at least four persons and have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with part 97 of the FCC's rules. A military recreation station license is an amateur service station license granted only to the person who is the license custodian designated by the official in charge of the United States military recreational premises where the station is situated. A RACES station license is an amateur service station license granted only to the person who is the license custodian designated by the official responsible for the governmental agency served by that civil defense organization and also authorizes only the use of a specific call sign.

The purpose of this Public Notice is to announce that beginning January 22, 2001, the FCC will accept the services of three organizations as CSCSAs. An

organization designated as a CSCSA has provided information showing: (1) That it is an amateur radio organization; (2) that it has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986; (3) that it will provide voluntary, uncompensated and unreimbursed services for processing applications for club, RACES, and military recreation station call signs; (4) that it will submit the information to the FCC in an electronic batch file; and (5) that it will retain the application information for at least 15 months and make it available to the FCC upon request. A CSCSA may collect all necessary information in any manner of its choosing, including creating its own forms. The following organizations have successfully completed a pilot autogrant batch filing project and are authorized as CSCSAs to process applications for amateur service club, RACES, and military recreation station call signs and submit the information to the FCC in an electronic batch file:

American Radio Relay League, Inc., 225 Main Street, Newington, CT 06111. Contact: Wayne Irwin (860) 594–0200; world wide web: *http://www.arrl.org;* e-mail: *clubcalls@arrl.org.*

W4VEC Volunteer Examiners Club of America,. 3504 Stonehurst Place, High Point, NC 27265. Contact: Jim Williamson (336) 841–7576; world wide web: *http://www.w4vec.com*; e-mail: *w4vec@aol.com.*

W5YI–VEC, P.O. Box 565101, Dallas, TX 75356–5101. Contact: Larry Pollock (817) 461–6443; world wide web: *http://www.w5yi.org*; e-mail: *NB5X@w5yi.org.*

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–2438 Filed 1–26–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1354–DR]

Arkansas; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas, (FEMA–1354–DR), dated December 29, 2000, and related determinations.

EFFECTIVE DATE: January 22, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arkansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 29, 2000:

Baxter County for Public Assistance (already designated for Individual Assistance).

Boone, Cleburne and Sharp Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–2442 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1355–DR]

Oklahoma; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma, (FEMA–1355–DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oklahoma is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 2001:

Beckham, Caddo, Comanche, Delaware, Greer, Harmon, Jackson, Nowata, Ottawa, Rogers, and Washita for Public Assistance.

Caddo, Comanche, Craig, Delaware, Mayes, Ottawa, Rogers, and Tillman for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–2443 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1355–DR]

Oklahoma; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma, (FEMA–1355–DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oklahoma is hereby amended to include Categories C through G under the Public Assistance program in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 2001:

Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Cotton, Creek, Garvin, Grady, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Lincoln, Love, Marshall, McClain, McCurtain, McIntosh, Murray, Muskogee, Okfuskee, Oklahoma, Okmulgee, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Seminole, Sequoyah, Stephens, Tulsa, Wagoner, and Washington Counties for Categories C through G under the Public Assistance

program (already designated for Individual Assistance, debris removal, and emergency protective measures (Categories A and B), including direct Federal assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–2444 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1355–DR]

Oklahoma; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma (FEMA–1355–DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 18, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a severe winter ice storm beginning on December 25, 2000, and continuing through January 10, 2001, is of sufficient severity and magnitude that the provision of additional Federal assistance to ensure public health and safety is warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000) (Stafford Act).

Therefore, I amend my declaration of January 5, 2001, to provide that the Federal Emergency Management Agency (FEMA) may reimburse 90 percent of the costs of debris removal from January 5, 2001, through and including March 6, 2001. This adjustment of the cost share may be provided to all counties under the major disaster declaration. You may extend this assistance for an additional period of time, if requested and warranted.

Please notify the Governor of Oklahoma and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 01–2445 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–1356-DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 18, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Texas resulting from a severe winter ice storm beginning on December 12, 2000, and continuing through January 15, 2001, is of sufficient severity and magnitude that the provision of additional Federal assistance to ensure public health and safety is warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000)(Stafford Act).

Therefore, I amend my declaration of January 8, 2001, to provide that the Federal Emergency Management Agency (FEMA) may reimburse 90 percent of the costs of debris removal from January 8, 2001, through and including March 9, 2001. This adjustment of the cost share may be provided to all counties under the major disaster declaration. You may extend this assistance for an additional period of time, if requested and warranted.

Please notify the Governor of Texas and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 01–2446 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

Texas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA–1356–DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the Categories C–G under the Public Assistance program to the following areas among those areas determined to have been adversely affected by the

catastrophe declared a major disaster by the President in his declaration of January 8, 2001:

Lamar County for Individual Assistance.

Borden, Carson, Cherokee, Cooke, Dawson, Delta, Gains, Garza, Gray, Gregg, Grayson, Fannin, Franklin, Harrison, Hopkins, Hunt, Lamar, Lynn, Marion, Montague, Morris, Panola, Rains, Rusk, Smith, Titus, Upshur and Wood for Public Assistance.

Bowie, Cass, and Red River Counties for Public Assistance (Categories C–G), (already designated for Individual Assistance and debris removal and emergency protective measures (Categories A and B), including direct Federal assistance under Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–2447 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1358–DR]

Vermont; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–1358–DR), dated January 18, 2001, and related determinations.

EFFECTIVE DATE: January 18, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 18, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000), as follows:

I have determined that the damage in certain areas of the State of Vermont, resulting from severe storms and flooding on December 16–18, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000)(Stafford Act). I, therefore, declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Louis H. Botta of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Vermont to have been affected adversely by this declared major disaster: Bennington and Rutland Counties for Public Assistance.

All counties within the State of Vermont are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 01–2448 Filed 1–26–01; 8:45 am]

BILLING CODE 6718–02–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 12, 2001.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Michael William Walsh, St. Louis, Missouri; to retain voting shares of Jefferson County Bancshares, Inc., Festus, Missouri, and thereby indirectly retain voting shares of Eagle Bank and Trust Company of Jefferson County, Hillsboro, Missouri.

Board of Governors of the Federal Reserve System, January 23, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–2437 Filed 1–26–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 01-54) published on page 371 of the issue for Wednesday, January 3, 2001.

Under the Federal Reserve Bank of Philadelphia heading, the entry for Juniper Financial Corp., Wilmington, Delaware, is revised to read as follows:

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. Juniper Financial Corp., Wilmington, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of Juniper Bank, Wilmington, Delaware, a *de novo* bank, and First Bank, CBC, Maryville,

Missouri. Juniper bank will be the successor by merger with First Bank.

Comments on this application must be received by February 12, 2001.

Board of Governors of the Federal Reserve System, January 23, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–2434 Filed 1–26–01; 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 22, 2001.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Southern Community Financial Corporation., Winston-Salem, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Southern Community Bank & Trust, Winston-Salem, North Carolina.

B. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Persons Banking Company, Inc., Lithonia, Georgia; to acquire 100 percent of the voting shares of The Farmers Bank, Forsyth, Georgia.

2. Synovus Financial Corp., Columbus, Georgia; to acquire approximately 6 percent of the voting shares of Juniper Financial Corporation. Wilmington, Delaware, and thereby acquire shares of Juniper Bank, Wilmington, Delaware, a *de novo* bank, and First Bank, CBC, Maryville, Missouri. Juniper Bank will be the successor by merger with First Bank.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Sterling Bancshares, Inc., Houston, Texas, and Sterling Bancorporation, Inc., Wilmington, Delaware; to merge with CaminoReal Bancshares, Inc., San Antonio, Texas, and thereby indirectly acquire voting shares of CaminoReal Delaware, Inc., Wilmington, Delaware, and CaminoReal Bank, N.A., San Antonio, Texas.

Board of Governors of the Federal Reserve System, January 23, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–2435 Filed 1–26–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 22, 2001.

A .Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Platte Valley Financial Services, Inc., Scottsbluff, Nebraska; to acquire Tri-County Bancorp, Torrington, Wyoming, and thereby indirectly acquire Tri-County Bank, Torrington, Wyoming, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, January 23, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–2436 Filed 1–26–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Time and Date: February 21, 2001—9:00 a.m.–5:15 p.m.; February 22, 2001—10:10 a.m.–3:30 p.m.

Place: Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 705A, Washington, DC 20201.

Status: Open.

Purpose: At this meeting the Committee will hear presentations and hold discussions on several health data policy topics. On the first day an update from HHS has been scheduled on the implementation of the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Committee will be briefed by HHS staff on a number of data policy activities including a report from a recent World Health Organization (WHO) Executive Board meeting, an evaluation of the National Health Interview Survey (NHIS) for surveillance of sentinel health indicators, and a presentation

on the National Electronic Data Surveillance System (NEDSS) and Public Health Conceptual Data Model. The first day will end with Subcommittee working sessions. The Subcommittee on Privacy and Confidentiality will meet early on day two. Day two of the full Committee meeting will feature a briefing on the International Classification of Diseases, Tenth Revision, Clinical Modification (ICD–10 CM) and a discussion of NCVHS strategic planning. The afternoon agenda is comprised of reports from the Subcommittees and planning future agendas.

Notice: In the interest of security, HHS has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Persons without a government identification card may need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, MD 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/*, where further information including an agenda will be posted when available.

Dated: January 22, 2001.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 01–2426 Filed 1–26–01; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities: Submission for Office of Management and Budget (OMB) Review; Comment Request; Extension and Revision of a Currently Approved Information Collection

AGENCY: Administration on Aging, HHS.

ACTION: Notice of revision and request for comments.

SUMMARY: The Administration on Aging is announcing an opportunity for public comment on the proposed request for an extension and revision to the currently approved information collection, as required by the Paperwork Reduction Act of 1995. This notice solicits comments on the requirements relating to the submission, by AoA grantees, of semiannual financial reports on all Title III grants. The information contained in the OMB 269 and its supplemental forms are reports currently being collected concurrently.

SUPPLEMENTARY INFORMATION:

Title: Supplemental Form to the Financial Status Report for all AoA Title III Grantees OMB control number 0985–0004.

Description: Supplemental form to the Financial Status Report provide an understanding of how projects funds by the Older American Act are being administered by grantees, in conformance with legislative requirements, pertinent federal regulations, and other applicable instructions and guidelines issues by the Administration on Aging (AoA). This information will be used for federal oversight of Title III Projects.

Respondents: State Agencies on Aging.

Number of Respondents: 56.

Average Number of Responses per Respondent: 2.

Average Burden Hours: 1 hour per State Agency.

To request more information concerning the revised Supplemental Form to the Financial Status Report (269) or to obtain a copy, please call Margaret A. Tolson on (202) 401–0838. Written comments and recommendations for the proposed information collection should be sent directly to the following address: Administration on Aging, Wilbur J. Cohen Federal Building, 330 Independence Avenue, SW, Room 4254, Washington, DC 20201 Attn: Margaret A. Tolson. Written comments should be received within 60 days of this notice.

Jeanette C. Takamura,

Assistant Secretary for Aging.

The Administration on Aging (AoA) Additional Instructions for Completing Financial Status Report and Supplemental Form to SF–269

General Instructions

(1) All amounts reported should be rounded off to the nearest dollar; no cents should be reported.

(2) Leave blank items 10.c and 10.g since the Deductive and the Matching or Cost Sharing alternatives are not allowed.

(3) The amount reported in item 10.e should represent non-State, subrecipient contributions (*i.e.* those non-Federal resources contributed by AAA's, nutrition and service providers, etc.).

(4) The amount reported in item 10.h should represent those outlays made from State resources.

(5) Item 10.k should include the total Federal and State share of unliquidated obligations. These would include State funds awarded to AAA's, etc. which have not been earned/expended.

(6) Item 10.l, the State's share from 10.k above.

(7) Please note that program income used in accordance with the Additional Alternative (Item 10.r) is a CUMULATIVE AMOUNT and should not be included in the total outlays on line 10.a.

Since the current form does not have multiple columns for reporting more than one program function, State Agencies are required to break down the following items on the Supplemental Form to the SF 269.

Item 10.i Total recipient share of outlays.

Sections 304 and 308 of the Older Americans Act and Section 1321.47 of the Title III regulations require a match of 25 percent for State and Area Plan Administration and 15 percent for all services. Breakdown Item 10.i, Column III, to identify the total non-Federal amount expended for State and Area Plan Administration.

Item 10.o Total Federal funds authorized for this funding period.

The break down of Item 10.o should be the State's allocation of Federal funds for the following five (5) program functions:

1. State Administration/ Administrative Activities.

Sections 308 (a)(1) and (b)(2) provide the authority for States to expend the greatest of 5% of their total allotment or $500,000 for this function. Provide the total amount of Title III funds used for State Administration. This total must be broken down further to identify the amount of funds utilized from each program allotment.

2. Part B, Supportive Services, Part C1, Congregate Meals and Part C2, Home Delivered Meals.

Sections 308(b)(4) and (5) provide the authority for States to transfer between Subparts C1 and C2 and between Parts B and C. Provide the amount utilized by the State after transfers for each of the three program allotments.

3. Long-Term Care Ombudsman.

Sections 304(d)(1)(B) and 307(a)(9) provides the authority to utilize Part B funds for Long-Term Care Ombudsman services. Provide the amount of Fiscal Year 2000, Title III–B funds utilized by the State for costs incurred by the State Agency in support of the Statewide Long-Term Care Ombudsman program. This amount should be excluded from Part B amount in item 2 above.

4. Part D, Disease Prevention and Health Promotion Services.

Section 303(d) authorizes funds for grants under Part D. Provide the amount

of Title III funds utilized for preventive health services.

5. Part E, National Family Caregiver Support Program.

Sections 303(e)(1) and (2) authorizes funds for grants under Part E. Provide the amount of Title III funds utilized for caregiver services. Also provide statewide expenditures by service categories.

6. Area Plan Administration.

Sections 304(d)(1)(A) and 308(a)(3) provide the authority for States to utilize a maximum of 10% of their total allotment for Area Plan Administration. This total must be broken down further to identify amount of funds utilized from each program allotment.

FINANCIAL STATUS REPORT

AOA SUPPLEMENTAL FORM TO SF–269—TITLE III

STATE _____

DATE SUBMITTED _____

FY _____

REPORTING PERIOD ENDED _____

Item 10i Column III, Total Recipient Share of Outlays which consist of outlays from:

	State	AAAs
ADMIN	$_____	$_____
Title III		
Part B	$_____	$_____
LTCO (Part B)	$_____	$_____
Part C–1	$_____	$_____
Part C–2	$_____	$_____
Part D	$_____	$_____
Part E	$_____	$_____
TOTAL	$_____	$_____

Item 10j–Column III, Federal Share of Net Outlays:

	State	AAAs
ADMIN	$_____	$_____
Title III		
Part B	$_____	$_____
LTCO (Part B)	$_____	$_____
Part C–1	$_____	$_____
Part C–2	$_____	$_____
Part D	$_____	$_____
Part E	$_____	$_____
TOTAL	$_____	$_____

Item 10o Column III Total Federal Funds Authorized by AOA for the Federal FY_____ have been allocated by the State as follows (as applicable):

1. State administrative activities which consists of funds in the amount of $_____ from the following:		
Part B	$_____	
Part C–1	$_____	
Part C–2	$_____	
Part D	$_____	
Part E	$_____	
2. Part B, Supportive Services	$_____	
3. Part B, Long Term Care Ombudsman	$_____	FY 2000 $_____
4. Part C–1, Congregate Meals	$_____	
5. Part C–2, Home Delivered Meals	$_____	
6. Part D, Preventive Health	$_____	
7. Part E, Caregivers	$_____	
Area Plan Administration which consists of funds from:		
Part B	$_____	
Part C–1	$_____	
Part C–2	$_____	
Part E	$_____	
Item 10p Column III, Unobligated Funds:		
Part B	$_____	Part D $_____
Part C–1	$_____	Part E $_____
Part C–2	$_____	
Item 10r Column III, Disbursed Program Income using the additional alternative (cumulative amount):		
Part B	$_____	Part D $_____
Part C–1	$_____	Part E $_____

Part C–2	$_____	

PART E (STATEWIDE EXPENDITURES)

	EXPENDITURES	UNITS	PEOPLE SERVED
INFORMATION	$_____	_____	_____
ASSISTANCE	$_____	_____	_____
COUNSELING SUPPORT GROUPS TRAINING	$_____	_____	_____
RESPITE	$_____	_____	_____
SUPPLEMENTAL SERVICES	$_____	_____	_____
TOTAL	$_____		

[FR Doc. 01–2425 Filed 1–26–01; 8:45 am]

BILLING CODE 4154–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Committee Meeting

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 committee meeting:

Name: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Times and Dates: 8:30 a.m.–5:30 p.m., February 15, 2001; 8 a.m.–4:30 p.m., February 16, 2001.

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, VA, 22314.

Status: Open 8:30 a.m.–9:30 a.m., February 15, 2001; Closed 9:30 a.m.–5:30 p.m., February 15, 2001; Closed 8:00 a.m.–4:30 p.m., February 16, 2001.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals which will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters To Be Discussed: The meeting will convene in open session from 8:30–9:30 a.m. on February 15, 2001, to address matters related to the conduct of Study Section business. The remainder of the meeting will proceed in closed session. The purpose of the closed sessions is for the Safety and Occupational Health Study Section to consider safety and occupational health related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6) title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Charles N. Rafferty, Ph.D., NIOSH Scientific Review Administrator, Bethesda, Maryland. Telephone (301)435–3562, E-mail raffertc@csr.nih.gov.

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 23, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–2453 Filed 1–26–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Social Services Block Grant Post-Expenditure Report.

OMB No.: New.

Description:

Purpose: In order to improve the quality of data on the utilization of SSBG funds a revised reporting form needs to be developed with instructions that will eliminate confusion and reporting inconsistencies that have resulted from the current form. As a block grant, SSBG provides the States with a flexible source of funds for social service needs. Accurate accounting of how these funds are used and whom they serve is critical to ensure that necessary and sufficient funding continues to be allocated. For this reason, the following changes are being proposed to the current form:

1. The codes that indicated whether expenditures were actual or estimates are omitted on the revised form. These codes have not been filled in consistently and have been of little analytical value.

2. The codes that indicated whether recipients were duplicated or unduplicated are omitted on the revised form. These codes have not been filled in consistently and have been of little analytical value.

3. Columns containing SSBG cost per adult and SSBG cost per child are omitted. SSBG cost per recipient can be calculated using the number of recipients and amount of expenditures reported.

4. Items 30 a,b,c and d (transfers in, transfers out, carry forward and carry over) are omitted on the revised form. Information about how much of allocated funds were spent will be reported on the Form 269a (OMB No. 0348–0036). Information about funds transferred into SSBG is in a separate expenditures column.

5. On the revised form, expenditures of SSBG funds is divided into two subcolumns—SSBG Allocation and Funds Transferred into SSBG. This provides more information about how transferred funds was used than the previous form which had only a place for Transfers In. States are instructed to note at the bottom from which block grant these funds were transferred.

6. A column is added for Expenditures of All other Federal, State and Local Funds. The addition of this column, with accompanying instructions, will make more clear that States are to report all sources of funds for services supported by SSBG.

7. The column for Adults is divided into two age groups. Adults are counted as either ''Adults Age 59 or younger'' or ''Adults Age 60 or older''. A column for total adults is also included, which can be used by States who do not know the age breakout of the adult recipients. This more detailed reporting of Adults will allow considerably greater detailed analyses of the use of SSBG for specific services.

8. The order of two services, special services for youth at risk and special services for the disabled, has been changed from the previous version of the post-expenditure report form so that services are in the correct alphabetical order.

The Social Services Block Grant program (SSBG) provides funds to assist States in delivering social services directed towards the need of children and adults in the State. Funds are allocated to the States in proportion to their populations. States, including the District of Columbia, Guam, Puerto Rico, Virgin Islands, Northern Mariana Islands, and American Samoa have substantial discretion in their use of funds and may determine what services will be provided, who will be eligible, and how funds are distributed among the various services. State or local SSBG agencies (*i.e.,* county, city, regional offices) may provide the services or may purchase them from qualified agencies, organizations or individuals. States report as recipients of SSBG-funded services any individuals who receive a service funded at least partially by SSBG.

States are required to report their annual SSBG expenditures on a standard post-expenditure report, which includes a yearly total of adults and children served and annual expenditures in each of 29 service categories. Reporting requirements for SSBG were originally described in the **Federal Register**, Volume 58, Number 218, on Monday November 15, 1993. The annual report is to be submitted within six months of the end of the period covered by the report, and must address (1) the number of individuals (as well as number of children and number of adults) who receive services paid for in whole or in part with federal funds under the Social Services Block Grant; (2) the amount of Social Services Block Grant funds spent in providing each service; (3) the total amount of federal, state and local funds spent in providing each service, including Social Services Block Grant funds; and (4) the method(s) by which each service is provided, showing separately the services provided by public agencies, private agencies.

Information collected on the post-expenditure report is analyzed and described in an annual report on SSBG expenditures and recipients produced by the Office of Community Services. The information contained in this report is used to establish how SSBG funding is used for the provision of services in each State to each of many specific populations of needy individuals.

Respondents: This report is completed once annually by a representative of the agency that administers the Social Services Block Grant at the State level in each State, the District of Columbia and the Territories.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Post-Expenditure Report	56	1	110	6160
Estimated Total Annual Burden Hours:				6160

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded 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. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: January 24, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–2463 Filed 1–26–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Child Support Enforcement; Statement of Organization, Functions and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KF, the Office of Child Support Enforcement (OCSE) as last amended October 6, 1999 (64 FR 54330). This reorganization will create an Office of Deputy Commissioner and abolish the Office of Central Office Operations. It establishes three new Divisions within OCSE—the Division of Management Services, the Division of Planning, Research and Evaluation and the Division of Special Staffs. In addition, this reorganization renames two Divisions and reassigns functions and reporting responsibilities.

I. *Amend Chapter KF as follows:*

a. *KF.00 Mission.* Delete in its entirety and replace with the following:

KF.00 Mission. The Office of Child Support Enforcement (OCSE) advises the Secretary, through the Assistant Secretary for Children and Families/ Director of Office of Child Support Enforcement, on matters relating to child support enforcement. OCSE, in conjunction with Regional Offices, provides direction, guidance and

oversight to State and tribal Child Support Enforcement (CSE) program offices and Tribes for activities authorized and directed by title IV–D of the Social Security Act and other pertinent legislation. The general purpose of the CSE legislation is to permit State and tribes to develop programs for establishing and enforcing support obligations by locating noncustodial parents, establishing paternity when necessary, obtaining child support orders, and enforcing those orders. The specific responsibilities of this Office are to: develop, recommend and issue policies, procedures and interpretations for State and tribal programs for locating non-custodial parents, establishing paternity, and obtaining child support; develop procedures for review and approval or disapproval of State and tribal plan material; conduct audits of child support programs; assist State and tribes in establishing adequate reporting procedures and maintaining records for the operation of the CSE programs and of amounts collected and disbursed under the CSE program and the costs incurred in collecting such amounts; provide technical assistance and training to the State and tribes to help them develop effective procedures and systems for establishing paternity, establishing support orders and collecting child support; operate the law enforcement, military and judicial liaison offices; operate the United State and tribes Central Authority for International Child Support; monitor the access, visitation and fatherhood programs. OCSE also operates the mandatory and discretionary grant programs for child support as well as several other components within the Administration for Children and Families; and reviews and manages the clearance of **Federal Register** Notices for OCSE, and various components of ACF. It also coordinates the child support provisions of the Welfare-to-Work program; certify applications from State and tribes for permission to utilize the courts of the United State and tribes to enforce court orders for support against absent parents; operate the Federal Parent Locator Service (FPLS); certify to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; transmits to the Secretary of State certifications of arrearages for passport denial; submit reports to Congress, as requested, on activities undertaken relative to the CSE program; approve advanced data processing planning documents; and review, assess and inspect planning, design and operation of State and tribal management information systems. The FPLS also assists other Federal and State and tribal agencies not involved in child support to fulfill their respective missions, save taxpayer dollars, and improve service to the public.

b. *KF.10 Organization.* Delete in its entirety and replace with the following:

KF.10 Organization. The Office of Child Support Enforcement is headed by a Director and consists of:

Office of the Director & Deputy Director/Commissioner (KFA)
Office of Audit (KFB1)
Office of Deputy Commissioner
Division of Consumer Services (KFA–2)
Division of Management Services (KFA3)
Division of Planning, Research, and Evaluation (KFA4)
Division of Policy (KFB5)
Division of State, Tribal and Local Assistant (KFB6)
Division of Special Staffs (KFA6)
Office of Automation and Program Operations (KFC)
Division of Federal Systems (KFC5)
Division of State and Tribal Systems (KFC4)
Office Grants Management (KFD)
Office of Mandatory Grants (KFG)

KF.20 Functions.

KFA. Office of the Director and Deputy Director/Commissioner. The Director is also the Assistant Secretary for Children and Families and is directly responsible to the Secretary for carrying out OCSE's mission. The Deputy Director/Commissioner has day-to-day operational responsibility for Child Support Enforcement programs. The Deputy Director/Commissioner assists the Director in carrying out responsibilities of the Office and provides direction and leadership to the Office of the Deputy Commissioner, the Office of the Automation and Program Operations, Office of Audit, Office of Grants Management, and Office of Mandatory Grants.

The Office is responsible for developing regulations, guidance and standards for State/Tribes to observe in locating absent parents; establishing paternity and support obligations and enforcing support obligations; maintaining relationships with Department officials, other federal departments, State and tribal and local officials, and private organizations and individuals interested in the CSE program; coordinating and planning child support enforcement activities to maximize program effectiveness; outreach to the communities of faith and service, as well as access/visitation programs and advocacy interests and approving all instructions, policies and publications issued by OCSE staff. The Office is responsible for Child Support Enforcement financial analysis and strategy development; overall grants and contracts planning and oversight, internal OCSE compliance operations; and the management of large-scale or high profile assistance activities involving multiple OCSE areas of responsibility.

KFB1. Office of Audit develops, plans, schedules and conducts periodic audits of CSE programs in accordance with audit standards promulgated by the Comptroller General. It is also responsible for liaison with other agencies on special law enforcement initiatives. The Division, headed by a Director reports directly to the Deputy Director/Commissioner, and will audit, at least once every three years (or more frequently in the case of a State which fails to meet the performance standards and the tests of the reliability of program data), the reliability of State financial and statistical data reporting systems used in calculating the paternity establishment percentage and the performance indicators used as the basis for the payment of performance based financial incentives to the State. These audits will examine the computer systems general and application controls and include in deputy testing of the data produced by the system to ensure that it is valid, complete and reliable. The Office will also conduct financial audits to determine whether federal and other funds made available to carry out the CSE programs are being appropriately expended, and properly and fully accounted for. These audits will also examine collections and disbursements of support payments for proper processing and accounting treatment.

The Office will also provide technical assistance to State and tribes in developing their self-assessment capabilities and implementing the annual reporting requirements contained in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

In addition, the Office will also conduct other audits and examinations of program operations as may be necessary or requested by program officials for the purpose of improving the efficiency, effectiveness and economy of State, tribal, and local child support activities; develops consolidated reports for the Director and Deputy Director/Commissioner, OCSE based on findings; provides specifications for the development of audit regulations and requirements for audits of State and tribal CSE programs;

and coordinates and maintains effective liaison with the HHS Inspector General's Office and with the General Accounting Office.

The Office operates Project Save Our Children, a law enforcement liaison initiative which is a coalition of task forces, which currently covers 20 States and the District of Columbia. This initiative addresses interstate and tribal cases by: (1) Creating a formal partnership between CSE and the criminal justice system; (2) devising new ways to analyze and interpret information; and (3) making interstate and tribal child support enforcement a priority with the criminal justice community. At the heart of the task forces is a case screening unit and its information platform through which public and private databases are queried in an attempt to gather information concerning the whereabouts and assets of the non-custodial parents. Project Save Our Children's goal is to increase child support collections through the identification, investigation, and, when warranted, prosecution of flagrant, delinquent child support offenders. Project Save Our Children makes this possible by creating a nationwide, comprehensive, coordinated Health and Human Services/Justice Department response to unresolved interstate and tribal child support enforcement cases.

KFB. Office of the Deputy Commissioner. The Deputy Commissioner reports to the Deputy Director/Commissioner and assists the Commissioner in carrying out the responsibilities of OCSE, and provides leadership and direction to the Division of Consumer Services, Division of Management Services, Division of Planning, Research and Evaluation, Division of Policy, Division of Special Staffs, the Division of State, Tribal, Local Assistance, and the Office of Automation and Program Operations.

KFA–2. Division of Consumer Services provides direction and leadership for a variety of consumer affairs activities in support of the nationwide child support enforcement program. It provides advice on strategies and approaches to be used to improve public understanding of and access to OCSE programs and policies; develops and publishes informational materials and disseminates them through the National Reference Center and promotes ''best'' child support practices to the public through monthly publication of the *Child Support Report.* The Division advises the Deputy Director/Commissioner through the Deputy Commissioner of the impact of the child support enforcement program upon consumers and provides a focal point for intergovernmental and consumer relations and consultation. This Division manages the access/visitation grants, the fatherhood initiative, and is responsible for the outreach to the communities of faith and service. The Division is also responsible for national electronic communications activities including disseminating information and operation of the OCSE Homepage on the internet and insuring that the information is placed thereon in a timely and accurate manner.

KFB2. The Division of Management Services manages the formulation and execution of the budgets for OCSE operated programs and for Federal administration of the CSE program; serves as the central control point for operational and long-range planning of the needs of the OCSE; plans for and coordinates the provision of staff development and training; provides support for OCSE's personnel administration, including staffing, employee and labor relations, performance management, and employee recognition; manages procurement planning and provides technical assistance regarding procurement; reviews and approves formula, entitlement, and block grant actions in conjunction with OCSE Offices and Divisions; manages OCSE-controlled space and facilities; performs manpower planning and administration; plans for, acquires, distributes, and controls OCSE supplies; provides mail and messenger services; maintains duplicating, fax, computer and computer peripheral equipment; supports and manages automation acquisition within OCSE; provides for health and safety; and overseas travel. It is also responsible for the day-to-day operational and administrative support services for the Office of Mandatory Grants and the Office of Grants Management, and other functions for OCSE. In addition, the Division reviews and manages clearance of Federal Register Notices and program announcements for OCSE, the Office of Family Assistance, the Office of Refugee Resettlement, the Office of Community Services, and the Office of Research and Evaluation.

KFA4. Division of Planning, Research and Evaluation is the principal advisor to the Deputy Commissioner on improving the effectiveness and efficiency of programs designed to make measurable improvements in the economic and social well-being of children and families.

The Division provides guidance, analysis, technical assistance, and oversight to CSE programs and across programs in ACF on strategic planning aimed at measurable results; performance measurement; research and evaluation methodologies; demonstration testing and model development; statistical, policy and program analysis; synthesis and dissemination of research and demonstration findings; and application of emerging technologies to improve the effectiveness of programs and service delivery. The Division is also responsible for the collection, compilation, and analysis, and dissemination of data.

The Division oversees and manages the section 1115 social research programs relating to CSE, including: priority setting and analysis; processing waivers for OSCE; managing and coordinating major cross-cutting, leading-edge studies, collaborating with State and tribes, communities, foundations, professional organizations and others to promote the development of children, family focused services, parental responsibility, employment, and economic independence; and providing coordination.

KFB5. Division of Policy proposes and implements national policy for the CSE program and provides policy guidance and interpretations to State and tribes in developing and operating their programs according to federal law. It develops legislative proposals and regulations to implement new legislation, court decisions or directives from higher authority and provides comments on pending legislative proposals. The Division develops new State and Tribal plan preprint requirements and procedures for review and approval of State plans by the OCSE regional offices and prepares the justification for State plan disapproval actions. In consultation with the Director, Division of Planning, Research and Evaluation, negotiates with State and Tribes the five year national strategic plan. Coordinates with the Office of the General Counsel on pending departmental appeals.

KFA6. Division of Special Staffs. The Division of Special Staffs provides leadership to special high profile, high priority projects resulting from new legislation which expand the provision of child support services, such as employer outreach and relations, health industry enforcement, Hispanic outreach and welfare-to-work. In addition, the Division office has responsibility for implementation of the United States and tribes Central Authority for International Child Support and the new Native American/Tribal Child Support Enforcement Program. In coordination with the Division of Policy, the Division

conducts consultations and outreach to Tribes; reviews Tribal plans and works across OCSE Divisions in providing guidance, assistance and information to Tribes. The Division also works with the Office of Mandatory Grants in the issuance grants to Tries.

KFB6. Division of State, Tribal, and Local Assistance, in concert with regional offices, provides information and assistance on CSE operations. It provides national direction and leadership for training and technical assistance activities and regional operations to increase CSE program effectiveness both at Federal and State/Tribal levels; develops guides and resource materials and serves as a clearinghouse for specialized program techniques for use by ACF regional offices and State and tribes; and ensures the transfer of best practices among State/tribes and local CSE enforcement agencies. The Division operates a national CSE training center which includes the operation of the National Electronic Resource System; provides logistical support for both training events and meetings; and monitors contracts with organizations affiliated with child support enforcement programs in the areas of training and technical assistance. The Division, through the Special Initiatives Branch, provides outreach and liaison services to a variety of special interest populations including (a) outreach to the homeless population, (b) interstate and tribal services, (c) intrastate (d) the judiciary, (e) law enforcement agencies, and (f) the military.

KFC. Office of Automation and Program Operations. The Office is headed by an Associate Commissioner who reports to the Deputy Director/Commissioner through the Deputy Commissioner and provides leadership and direction to the Division of State and Tribal Systems and Division of Federal Systems.

KFC5. Division of Federal Systems is responsible for the day-to-day operation of the Federal Parent Locator Service (FPLS), the Federal Tax Refund Offset Program, Project 1099, the IRS Full Collection Project, and the SSN Enumeration Verification System. The Division is also responsible for the design, development, implementation and operation of the Federal Case Registry (FCR) and the National Directory of New Hires (NDNH) within the expanded FPLS. It is responsible for monitoring contracts with vendors who provide automated systems support and quality assurance to these programs; working with vendors to define scope of work to be performed and by whom; negotiating interagency agreements; and providing contract oversight. The Division, is consultation with the Division of State, Tribal, and Local Assistance, also provides technical assistance to State/tribal and local child support enforcement agencies. The Division provides guidance and expertise to State/Tribes concerning other State, interstate, tribal and national locate networks and sources. In addition, the Division works with the U.S. Department of State on passport revocation and other Federal agencies authorized to have access to NDNH and FCR data. The data is being used to: detect overpayments in the Supplemental Security Income and Disability programs; determine eligibility in the Earned Income Tax Credit (EITC) program; collect defaulted loans and grants made through the Department of Education's Student Loan Program; and, aid vital welfare reform research.

KFC4. Division of State and Tribal Systems reviews analyzes, and approves/disapproves State and tribal requests for Federal financial participation for automated systems development activities, which support the Child Support program. It provides assistance to State/Tribes in developing or modifying automation plans to conform to Federal requirements. It monitors approved State and tribal systems development activities; certifies State and tribal wide automated systems; conducts periodic reviews to assure State and tribal compliance with regulatory requirements applicable to automated systems supported by federal financial participation. It provides guidance to State and tribes on functional requirements for these automated information systems. It promotes interstate and tribal transfer of existing automated systems and provides assistance and guidance to improve ACF's programs through the use of automated systems.

KFD. Office of Grants Management. The Office of Grants Management is headed by a Director who reports to the Deputy Director/Commissioner and receives daily operational and administrative support services from the Director of Management Services. The Division provides management and technical administration for discretionary grants to the Office of Child Support Enforcement (OCSE), Office of Community Services (OCS), Office of Family Assistance (OFA) and Office of Planning, Research and Evaluation (OPRE); reviews, certifies and/or signs all discretionary grants; assures that all discretionary grants awarded by OCSE, OCS, OFA and OPRE conform with applicable statutes, regulations, and policies; computes grantee allocations, prepares discretionary grant awards, ensures incorporation of necessary grant terms and conditions, and provides data in support of apportionment requests; prepares reports and analyses on the grantee's use of funds; maintains liaison and coordination with appropriate ACF and HHS organizations to ensure consistency between OCSE, OCS, OFA, and OPRE discretionary grant systems and the Department's grant payment systems; and provides technical assistance to regional components on discretionary grant operations and technical grants management issues; and performs audit resolutions activities for OCSE, OCS, OFA, and OPRE discretionary grant programs. On behalf of OCSE, OCS, OFA, and OPRE, coordinates and conducts liaison with the Department and other federal agencies on discretionary grants.

KFG. Office of Mandatory Grants. The Office of Mandatory Grants is headed by a Director who reports to the Deputy Director/Commissioner and receives daily operational administrative support services from the Director of Management Services. The Division provides management and technical administration of formula, entitlement and block grants administered by the following ACF program offices; OCSE; Office of Family Assistance (OFA); Office of Refugee Resettlement (ORR) and Office of Community Services (OCS). It assures that all formula, entitlement and block grant awards conform with applicable statues, regulations, and policies; computes grantee allocations; prepares formula, entitlement and block grant awards; ensures incorporation of necessary grant terms and conditions, monitors grantee expenditures; analyzes financial needs under formula, entitlement and block grant programs; provides data in support of apportionment requests; prepares reports and analyses on the grantee's use of funds; maintains liaison and coordination with appropriate ACF and HHS organizations to ensure consistency between ACF formula, entitlement and block grant systems and the Department's grant payment systems; provides technical assistance to ACF program and regional components on formula, entitlement and block grant operations and technical grants management issues; and performs audit resolution activities for formula, entitlement and block grant programs. For OCSE and the other program offices served, provides liaison with the Department and other federal agencies on formula, entitlement and

block grants management and administration operational issues and activities.

Dated: January 19, 2001.

Olivia A. Golden,

Assistant Secretary for Children and Families.

[FR Doc. 01–2464 Filed 1–26–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96M–0311]

''PHS Guideline on Infectious Disease Issues in Xenotransplantation;'' Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: On behalf of the U.S. Public Health Service (PHS), the Food and Drug Administration (FDA) is announcing the availability of a guideline entitled ''PHS Guideline on Infectious Disease Issues in Xenotransplantation'' dated January 19, 2001. This guideline was developed by the PHS to identify general principles for the prevention and control of infectious diseases associated with xenotransplantation that may pose a hazard to public health. The guideline is intended to provide general guidance to local review bodies evaluating proposed xenotransplantation protocols and to sponsors in developing xenotransplantation protocols, in preparing submissions to FDA and the Secretary's Advisory Committee on Xenotransplantation, and in conducting xenotransplantation clinical trials. The guideline announced in this document finalizes the ''Draft Public Health Service (PHS) Guideline on Infectious Disease Issues in Xenotransplantation'' announced in the **Federal Register** of September 23, 1996, as revised in response to comments.

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for single copies of the ''PHS Guideline on Infectious Disease Issues in Xenotransplantation'' dated January 19, 2001, to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The document may also be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by fax by calling the Fax Information System at 1–888–CBER–FAX or 301–827–3844. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guideline.

Submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Stephen M. Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

On behalf of the PHS, FDA is announcing the availability of a document entitled ''PHS Guideline on Infectious Disease Issues in Xenotransplantation'' dated January 19, 2001. This guideline was jointly developed by agencies within the PHS of the Department of Health and Human Services (DHHS), including FDA, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, as well as the DHHS Office of the Assistant Secretary for Planning and Evaluation. This guideline is intended to identify general principles for the prevention and control of infectious diseases associated with xenotransplantation that may pose a hazard to public health. It is intended to provide general guidance to local review bodies evaluating proposed xenotransplantation protocols and to sponsors in developing xenotransplantation protocols, in preparing submissions to FDA and the Secretary's Advisory Committee on Xenotransplantation, and in conducting xenotransplantation clinical trials. Such clinical trials conducted within the United States are subject to regulation by FDA under the Public Health Service Act (42 U.S.C. 262, 264), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 *et seq.*).

The finalized guideline announced in this document was revised based on public comments received in response to the ''Draft Public Health Service (PHS) Guideline on Infectious Disease Issues in Xenotransplantation'' announced in the **Federal Register** of September 23, 1996 (61 FR49920), as well as on input from national and international conferences and workshops. The preamble to the final guideline provides a summary of the major revisions and clarifications made to the draft guideline.

In the **Federal Register** of May 26, 2000 (65 FR 34196), FDA, on behalf of PHS, published a notice of the proposed reporting and recordkeeping requirements associated with the implementation of the guideline and provided an opportunity for public comment on the paperwork burden estimates for the guideline.

In the **Federal Register** of October 18, 2000 (65 FR 62359), FDA, on behalf of PHS, announced the submission of the reporting and recordkeeping burden estimates to the Office and Management and Budget for review and clearance under the Paperwork Reduction Act of 1995. The information collection provisions related to this guideline have been approved under OMB control number 0910–0456. This approval expires January 31, 2004. An agency may not conduct or sponsor, and a person is not obligated to respond to, a collection of information unless it displays a currently valid OMB control number.

This guideline represents PHS' current thinking on certain infectious disease issues in xenotransplantation. It does not create or confer any rights for or on any person and does not operate to bind the PHS or the public. This guideline is not intended to set forth an approach that addresses all of the potential health hazards related to infectious disease issues in xenotransplantation nor to establish the only way in which the public health hazards that are identified in this document may be addressed. The PHS acknowledges that not all of the recommendations set forth within this document may be fully relevant to all xenotransplantation products or xenotransplantation procedures. Sponsors of clinical xenotransplantation trials are advised to confer with relevant authorities (FDA, other reviewing authorities, funding sources, etc.) in assessing the relevance and appropriate adaptation of the general guidance offered here to specific clinical applications.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the guideline. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the guideline document and received comments are available for public examination in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the guideline at http://www.fda.gov/cber/guidelines.htm.

Dated: December 26, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–2419 Filed 1–26–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: Geological Survey, Interior.

ACTION: Notice of Proposed Cooperative Research & Development Agreement (CRADA) Negotiations.

SUMMARY: The United States Geological Survey (USGS) is contemplating entering into a Cooperative Research and Development Agreement (CRADA) with E.I. du Pont de Nemours & Co., Inc. to develop a better understanding of the chemical composition of archived stream drainage sediment and soil samples.

Inquiries: If any other parties are interested in similar activities with the USGS, please contact: Andrew E. Grosz, USGS National Center, MS 954, 12201 Sunrise Valley Dr., Reston VA 20192, (703) 648–6314.

SUPPLEMENTARY INFORMATION: This notice is submitted to meet the USGS requirements stipulated in Survey Manual Chapter 500.20.

P. Patrick Leahy,

Associate Director for Geology, U.S. Geological Survey, Reston VA.

[FR Doc. 01–2420 Filed 1–26–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8:30 a.m. to 5 p.m. on Monday, March 12, 2001 & 8 a.m. to 12 noon on Tuesday, March 13, 2001.

Place: Wyndham City Center Hotel, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Status: Open.

Matters to be Considered: Fiscal Year 2002 Service Plan Recommendations, Updates on Mental Health Program Options and Interstate Compact Activities; and Results of Advisory Board Hearings.

Contact Person for More Information: Larry Solomon, Deputy Director, 202–307–3106, ext. 155.

Larry Solomon,

Deputy Director.

[FR Doc. 01–2422 Filed 1–26–01; 8:45 am]

BILLING CODE 4410–36–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–018]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee.

DATES: Wednesday, February 28, 2001, 8 a.m. to 4:30 p.m.; and Thursday, March 1, 2001, 8 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, George C. Marshall Space Flight Center, Headquarters Building 4200, Room P–110, Marshall Space Flight Center, AL 35812.

FOR FURTHER INFORMATION CONTACT: Ms. Mary-Ellen McGrath, Office of Aerospace Technology, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4729).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—ASTAC Restructuring Strategy

—Space Launch Initiative (SLI) Program

—Aviation Safety Research

—Government Performance Results Act (GPRA) 2001 Status

—Reports from Goals and Propulsion Subcommittees

—George C. Marshall Space Flight Center Tour

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: January 24, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–2482 Filed 1–26–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel (Media Arts section B, Arts on Radio and Television category), to the National Council on the Arts will be held on January 31, 2001. The meeting will be held by teleconference at 2:30 p.m. in Room 726 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 12, 2000, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: January 24, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01–2486 Filed 1–26–01; 8:45 am]

BILLING CODE 7537–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–003 and 50–247]

Consolidated Edison Company of New York, Inc.; Indian Point Nuclear Generating Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Provisional Operating License No. DPR–5, for the Indian Point Nuclear Generating Unit No. 1 (IP1), and Facility Operating License No. DPR–26, for Indian Point Nuclear Generating Unit No. 2 (IP2), both currently held by the Consolidated Edison Company of New York, Inc. (Con Edison), as owner of IP1 and owner and operator of IP2. The transfer would be to Entergy Nuclear Indian Point 2, LLC (Entergy Nuclear IP2), the proposed owner of IP1 and IP2, and to Entergy Nuclear Operations, Inc. (ENO), the proposed entity to maintain IP1 and operate IP2. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfers.

According to application for approval filed by Con Edison, Entergy Nuclear IP2, and ENO, Entergy Nuclear IP2 would assume title to both facilities following approval of the proposed license transfers, and ENO would become responsible for the maintenance of IP1 and operation and maintenance of IP2. Con Edison will transfer decommissioning funds for both plants to Entergy Nuclear IP2 at the close of the sale. All employees within Con Edison's Nuclear Generation Department, and certain other employees supporting the Nuclear Generation Department, will become employees of ENO. No physical changes to either facilities nor operational changes are being proposed in the application.

Entergy Nuclear IP2, a Delaware limited liability company, is an indirect wholly owned subsidiary of Entergy Corporation, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #3.

ENO, a Delaware corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a direct wholly owned subsidiary of Entergy Nuclear Holding Company #2.

The proposed amendments would replace references to Con Edison in the license with references to Entergy Nuclear IP2 and/or ENO, as appropriate, and make other necessary administrative changes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By February 20, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Douglas Levanway, Esq., Wise, Carter, Child and Caraway, P.O. Box 651, Jackson, MS 39205, Phone: 601–968–5524, Fax: 601–968–5519, E-mail: del@wisecarter.com; Brent Brandenburg, Esq., Asst. General Counsel, Consolidated Edison Company of New York, Inc., 4 Irving Place, Room 1820, New York, NY 10003, Phone: 212–460–4333, Fax: 212–260–8627, E-mail: brandenburgb@coned.com; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (E-mail address for filings regarding license transfer cases only: OGCLT@NRC.GOV); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by February 28, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application and cover letter dated December 12, 2000, 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 23rd day of January 2001.

For the Nuclear Regulatory Commission.

Patrick D. Milano,

Senior Project Manager, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–2480 Filed 1–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket 72–10]

Nuclear Management Company, LLC; Prairie Island Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Amendment To Revise the License and Technical Specifications of License No. SNM–2506

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an amendment, pursuant to 10 CFR 72.56, to the Special Nuclear Materials License No. 2506 (SNM–2506) held by the Nuclear Management Company, LLC (licensee) for the Prairie Island independent spent fuel storage installation (ISFSI). The requested amendment would revise the license and Technical Specifications of SNM–2506 to specifically permit the storage of burnable poison rod assemblies (BPRAs) and thimble plug devices (TBDs) within the TN–40 casks used at the Prairie Island ISFSI.

Environmental Assessment (EA)

Identification of Proposed Action

The staff is considering issuance of an amendment to revise the license and Technical Specifications of SNM–2506 for the Prairie Island ISFSI. The changes to the license and Technical Specifications would specifically permit the storage of BPRAs and/or TPDs within the TN–40 dry storage casks used at the Prairie Island ISFSI.

Need for the Proposed Action

The proposed action is needed to eliminate the need to physically remove BPRAs and TPDs from irradiated fuel assemblies that have already been loaded into the TN–40 dry storage casks and irradiated fuel assemblies that will be loaded into TN–40 dry storage casks in the future. Permitting the proposed action would result in the reduction of exposure time to plant workers handling the BPRAs and TPDs and a more effective ALARA program pursuant to 10 CFR 20.1101(b).

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that granting the amendment to specifically allow the storage of BPRAs and TPDs within the TN–40 casks used at the Prairie Island ISFSI will not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite. With regard to radiological impacts, the addition of irradiated BPRAs and TPDs only affects the gamma source term of the cask. The offsite dose rates were calculated to increase an insignificant amount. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The amendment only affects the requirements associated with the content of the casks and does not affect non-radiological plant effluents or any other aspects of the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since there is no significant environmental impact associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny the request for amendment (i.e., the ''no-action'' alternative). Denial of the proposed action would result in greater exposures to plant workers due to the fact that the BPRAs and TPDs would have to be physically removed from each fuel assembly possessing them. Physical removal of irradiated BPRAs and TPDs would increase exposure time and dose to the plant workers and would require disposal or storage of additional radioactive material (i.e., BPRAs and TPDs) that would otherwise be safely stored if the BPRAs and TPDs are left intact with its irradiated fuel assembly and loaded into dry cask storage. The environmental impacts of the alternative action may be greater than the proposed action.

Given that there may be greater environmental impacts associated with the alternative action of denying the amendment, the Commission concludes that the preferred alternative is to grant this amendment request.

Agencies and Persons Consulted

On December 27, 2000, Mr. Rakow of the Minnesota Department of Commerce, Electric Unit, was consulted about the EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an amendment to permit the storage of BPRAs and TPDs within the TN–40 casks used at the Prairie Island ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the amendment application dated August 31, 1999, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 11155 Rockville Pike, Rockville, MD.

Dated at Rockville, Maryland, this 21st day of January 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–2481 Filed 1–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste Working Group Meeting; Notice of Meeting

The ACNW Working Group meeting will hold a meeting on February 21–22, 2001, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 21, 2001—8:30 a.m. until the conclusion of business

Thursday, February 22, 2001—8:30 a.m. until 12:00 Noon

The Working Group will review the chemistry aspects of documents intended to support the Yucca Mountain Site Recommendation Considerations Report (SRCR) and the NRC/DOE issue resolution process. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the

concurrence of the Working Group Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Working Group, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACNW staff scientist named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Working Group, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Working Group may then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACNW staff scientist, Dr. Andrew C. Campbell (telephone 301/415–6897) between 8:30 a.m. and 4:30 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: January 22, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–2477 Filed 1–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on February 22, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, February 22, 2001—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the NRC staff's draft Safety Evaluation Report for the Entergy Operations, Inc., license renewal application for Arkansas Nuclear One, Unit 1 and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Entergy Operations, Inc., and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Sam Duraiswamy (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: January 22, 2001.

James E. Lyons,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–2478 Filed 1–26–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Joint Meeting of the ACRS Subcommittees on Plant Operations and on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Plant Operations and on Reliability and Probabilistic Risk Assessment will hold a joint meeting on February 21, 2001, in Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 21, 2001—8:30 a.m. until the conclusion of business

The Subcommittees will discuss the South Texas Project Nuclear Operating Company's exemption request to exclude certain components from the scope of special treatment requirements in 10 CFR parts 21, 50, and 100. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairmen and written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore, can be obtained by contacting the cognizant ACRS staff engineer, Ms. Maggalean W. Weston (telephone 301/

415–3151) between 8:00 a.m. and 5:30 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, *etc.*, that may have occurred.

Dated: January 22, 2001.

James E. Lyons,

Associate Director for Technical Support.

[FR Doc. 01–2479 Filed 1–26–01; 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 Filings and Information Services, Washington, DC 20549.

Extension:

Appendix F to Rule 15c3–1, SEC File No. 270–440, OMB Control No. 3235–0496

Rule 17Ad–16, SEC File No. 270–363, OMB Control No. 3235–0413

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 requests for extension of the previously approved collections of information discussed below.

Appendix F to Rule 15c3–1 requires a broker-dealer choosing to register as an OTC derivative dealer to develop and maintain an internal risk management system based on Value-at-Risk (''VAR'') models. Appendix F also requires the OTC derivatives to notify Commission staff of the system and of certain other periodic information including when the VAR model deviates from the actual performance of the OTC derivatives dealer's portfolio. It is anticipated that approximately six (6) broker-dealers will spend 1,000 hours per year complying with Appendix F. The total burden is estimated to be approximately 6,000 hours. Each broker-dealer will spend approximately $76,500 per response for a total annual expense for all broker-dealers of $459,000.

Rule 17Ad–16 requires a registered transfer agent to provide written notice to a qualified registered securities depository when assuming or terminating transfer agent services on behalf of an issuer or when changing its name or address. These recordkeeping requirements address the problem of certificate transfer delays caused by transfer requests that are directed to the wrong transfer agent or the wrong address.

Given that there are approximately 450 respondents who submit Rule 17Ad–16 notices, the staff estimates that the average number of hours necessary for each transfer agent to comply with Rule 17Ad–16 is approximately 15 minutes per notice or 3.5 hours per year, totaling 1,575 hours industry-wide. The average cost per hour is approximately $30 per hour, with the industry-wide cost estimated at approximately $47,250. However, the information required by Rule 17Ad–16 generally already is maintained by registered transfer agents. The amount of time devoted to compliance with Rule 17Ad–16 varies according to differences in business activity.

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 22, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–2472 Filed 1–26–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43865; File No. SR–OPRA–01–01]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Amendment to OPRA Plan To Establish Certain Notification Requirements of the Plan Processor and To Make Minor Editorial Revisions

January 22, 2001.

Pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 16, 2001, the Options Price Reporting Authority (''OPRA''),[2] submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''Plan''). The amendment would establish certain notification requirements of the Plan Processor and make minor editorial revisions to the Plan. OPRA has stated that the proposed amendment involves solely technical or ministerial matters and is, therefore, effective upon filing, pursuant to Rule 11Aa3–2(c)(3)(iii) under the Act.[3] The Commission is publishing this notice to solicit comments on the proposed amendment from interested persons.

I. Description and Purpose of the Amendment

On November 27, 2000, the Commission approved an amendment to the Plan,[4] pursuant to section 11A(a)(3)(B) of the Act[5] and Rule 11Aa3–2(b)(2)[6] thereunder. The Commission Amendment established a formula for allocating OPRA systems capacity among the OPRA participants during peak usage periods. The purpose of the proposed amendment is to conform the language added to the Plan by the Commission Amendment to the language and style of the remainder of the Plan, and to make additional nonsubstantive editorial changes to the Commission Amendment language to clarify its meaning and operation. The proposed amendment also would require the Plan Processor to notify each party and the Commission whenever total systems capacity reaches 90 percent of total available systems capacity or whenever the capacity allocation procedures provided for in the Plan go into effect or are discontinued. OPRA has stated that,

[1] 17 CFR 240.11Aa3–2.

[2] OPRA is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act, 15 U.S.C. 78k–1, and Rule 11Aa3–2 thereunder, 17 CFR 240.11Aa3–2. *See* Securities Exchange Act Release No. 17638 (March 18, 1981). The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The five signatories to the OPRA Plan that currently operate an options market are the American Stock Exchange, the Chicago Board Options Exchange, the International Securities Exchange, the Pacific Exchange, and the Philadelphia Stock Exchange. The New York Stock Exchange is a signatory to the OPRA Plan, but sold its options business to the Chicago Board Options Exchange in 1997. *See* Securities Exchange Act Release No. 38542 (April 23, 1997), 62 FR 23521 (April 30, 1997).

[3] 17 CFR 240.11Aa3–2(c)(3)(iii).

[4] *See* Securities Exchange Act Release No. 43621 (November 27, 2000), 65 FR 75564 (December 1, 2000) (''Commission Amendment'').

[5] 15 U.S.C. 78k–1(a)(3)(B).

[6] 17 CFR 240.11Aa3–2(b)(2).

except for these notification provisions, the proposed amendment would make no substantive change to the provisions of the Plan that were added pursuant to the Commission Amendment.

II. Solicitation of Comments

OPRA has stated that the proposed amendment involves solely technical or ministerial matters and is, therefore, effective upon filing, pursuant to Rule 11Aa3–2(c)(3)(iii) under the Act.[7]

At any time within 60 days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that such amendment be filed in accordance with Rule 11Aa3–2(b)(1) under the Act[8] and reviewed in accordance with rule 11Aa3–2(c)(2) under the Act[9] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets; to remove impediments to, and perfect the mechanisms of, a national market system; or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed plan amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, and all written statements with respect to the proposed plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available at the principal offices of OPRA. All submissions should refer to File No. SR–OPRA–01–01 and should be submitted by February 20, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–2473 Filed 1–26–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR 240.11Aa3–2(c)(3)(iii).

[8] 17 CFR 240.11Aa3–2(b)(1).

[9] 17 CFR 240.11Aa3–2(c)(2).

[10] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43858; File No. SR–MSRB–00–06]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change Relating to Municipal Fund Securities

January 18, 2001.

I. Introduction

On April 5, 2000, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to municipal fund securities. On July 17, 2000, the Board submitted Amendment No. 1 to the proposed rule change.[3] The proposed rule change, as amended by Amendment No. 1, was published for comment in the **Federal Register** on August 2, 2000.[4] The Commission received one comment letter on the proposed rule change.[5] On October 12, 2000, the Board submitted Amendment No. 2 to the proposed rule change.[6] This order approves the proposal, as amended. The Commission also seeks comment from interested persons on Amendment No. 2.

II. Description of the Proposal

The proposed rule change consisted of the following: (1) A proposed definition of municipal fund security; (2) amendments to MSRB Rule A–13 regarding underwriting and transaction assessments; (3) amendments to MSRB Rule G–3 regarding the classification of principals and representatives, and testing and continuing education requirements; (4) amendments to MSRB Rule G–8 regarding books and records; (5) amendments to MSRB Rule G–14 regarding reports of sales or purchases; (6) amendments to MSRB Rule G–15 regarding confirmations and clearance and settlement of transactions with customers; (7) amendments to MSRB Rule G–26 regarding customer account transfers; (8) amendments to MSRB Rule G–32 regarding disclosures in connection with new issues; and (9) amendments to MSRB Rule G–34 regarding CUSIP numbers and new issue requirements. In addition, the MSRB submitted a proposed interpretation regarding sales of municipal fund securities in the primary market.

1. Proposed MSRB Rule D–12—Definition of Municipal Fund Security

The Board proposed to define a municipal fund security as a municipal security that would qualify as a security of an investment company under the Investment Company Act of 1940 if it had not been issued by a state or local governmental entity.[7]

As a threshold matter, a municipal fund security must meet the definition of municipal security in section 3(a)(29) of the Act[8] before a determination can be made as to whether it is a municipal fund security. As proposed by the Board, if a security meets the definition of municipal fund security then dealer transactions would be subject to all MSRB rules. The Board noted that its proposed definition would not be limited to interests in local government pools or higher education trusts that may be found to be municipal securities. The proposed definition would apply to any other municipal security issued under a program that, but for the identity of the issuer as a state or local governmental entity, would constitute an investment company under the Investment Company Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Board submitted an amended Form 19b–4, which supplemented the original filing (''Amendment No. 1'').

[4] Securities Exchange Act Release No. 43066 (July 21, 2000), 65 FR 47530. On August 11, 2000, corrections to the notice were published in the **Federal Register.** *See* Securities Exchange Act Release No. 43066A (August 4, 2000), 65 FR 49279.

[5] *See* letter from Kevin R. Bertolini, Legal Counsel, Fidelity Investments, to Jonathan G. Katz, Secretary, SEC, dated August 22, 2000.

[6] *See* letter from Ernesto A. Lanza, Associate General Counsel, MSRB, to Katherine England, Associate Director [sic], Division of Market Regulation (''Division''), SEC, dated October 11, 2000 (''Amendment No. 2''). In Amendment No. 2, the MSRB responded to the issues raised in the comment letter. The MSRB, in response to the commenter's suggestion, amended proposed MSRB Rule G–15(a)(i)(C)(5) to delete the requirement to disclose whether a municipal fund security is puttable or otherwise redeemable by the customer on the confirmation. The Board also proposed to amend MSRB Rule G–15(a)(viii)(B)(2) to delete the reference to MSRB Rule G–15(a)(i)(C)(5).

[7] The Board distinguished municipal fund securities from shares in a mutual fund that is registered under the Investment Company Act of 1940 with assets invested in municipal securities, which shares would not be considered municipal fund securities.

[8] 15 U.S.C. 78c(a)(29).

2. MSRB Rule A–13—Underwriting and Transaction Assessments for Brokers, Dealers and Municipal Securities Dealers

The Board proposed to exempt the sale of municipal fund securities from the underwriting assessment imposed under section (b) of MSRB Rule A–13.

3. MSRB Rule G–3—Professional Qualifications

The Board proposed to permit associated persons that are qualified as investment company limited representatives to effect transactions in municipal fund securities, but not in other municipal securities.[9] However, a dealer must continue to have one or two municipal securities principals, as required under MSRB Rule G–3(b), even if the dealer's only municipal securities transactions are sales of municipal fund securities.

4. MSRB Rule G–8—Books and Records To Be Made by Brokers, Dealers and Municipal Securities Dealers

The Board proposed to amend MSRB Rule G–8 to recognize that municipal fund securities do not have par values, dollar prices, yields, or accrued interest. In addition, the Board proposed to amend MSRB Rule G–8 to recognize that investment company limited representatives may be permitted to effect transactions in municipal fund securities. Under MSRB Rule G–8, dealers would be required to retain copies of all periodic statements delivered to customers in lieu of individual confirmations of municipal fund securities transactions pursuant to MSRB Rule G–15. Further, pursuant to MSRB Rule G–8, a dealer effecting transactions in municipal fund securities would be permitted to meet its books and records obligations by having a transfer agent maintain its books and records for municipal funds securities. A transfer agent that maintains a dealer's books and records would be required to satisfy the requirements of MSRB Rule G–8. Ultimately, however, the dealer remains responsible for the accurate maintenance and preservation of its books and records.

5. MSRB Rule G–14—Reports of Sales or Purchases

In proposed MSRB Rule G–14(b)(i), the Board exempted transactions in municipal fund securities from the reporting requirements of the customer transaction reporting system.

6. MSRB Rule G–15—Confirmation, Clearance and Settlement of Transactions With Customers

The Board proposed amendments to MSRB Rule G–15 to reflect that the concepts of par value, yield, dollar value, maturity date and interest do not apply to municipal fund securities. Specifically, the Board proposed to require a dealer to use the purchase or sale price of the security on a confirmation of a municipal fund security transaction, rather than par value, and would permit a dealer to omit yield, dollar price, accrued interest, extended principal, maturity date, and interest rate. Dealers that sell municipal fund securities would be required to include the purchase price of each share or unit as well as the number of shares or units to be delivered. Confirmations of transactions in municipal fund securities would have to include a disclosure that a deferred commission or other charge may be imposed upon redemption, if applicable.[10] Further, the confirmation, as proposed, must include the name used by the issuer to identify the security and, to the extent necessary to differentiate the security from other municipal fund securities of the issuer, any separate program series, portfolio, or fund designation.

The Board proposed to permit dealers to use periodic statements rather than transaction-by-transaction confirmations if customer purchases of municipal fund securities are affected pursuant to certain periodic plans [11] or non-periodic programs,[12] in a manner similar to the periodic reporting provision of Rule 10b–10 under the Act.[13]

7. MSRB Rule G–26—Customer Account Transfers

The Board proposed to amend the definition of ''nontransferable asset'' and the transfer instructions for nontransferable assets in MSRB Rule G–26 to reflect that an issuer of municipal fund securities may limit the dealers that are authorized to carry accounts for customers in such securities.

8. MSRB Rule G–32—Disclosures in Connection With New Issues

The Board proposed to amend MSRB Rule G–32 to permit a dealer to sell, pursuant to a periodic plan [14] or non-periodic program,[15] a municipal fund security to a customer who has previously received the official statement for the security so long as it sends to the customer a copy of any new, supplemented, amended, or stickered official statement promptly upon receipt from the issuer (*i.e.,* actual delivery by settlement will not be required). As proposed, the dealer would be permitted to satisfy its delivery requirement by delivering the amendment alone (including a notice that the complete official statement is available upon request) so long as the customer already has the official statement that is being amended and the dealer ensures that the amendment makes clear what constitutes the complete official statement. In addition, the proposal excepts municipal fund securities for which periodic statements in lieu of transaction confirmations are provided from the requirement that information on the underwriting fees paid to the dealer by the issuer be provided to customers by settlement so long as such information regarding any changes in the fees paid by the issuer to the dealer is sent to customers simultaneously with or prior to the sending of the next periodic statement.

9. MSRB Rule G–34—CUSIP Numbers and New Issue Requirements

The Board proposed to exempt municipal fund securities from the requirements of MSRB Rule G–34.

[9] Therefore, the Board noted that an associated person who sells both municipal fund securities and other types of municipal securities must continue to qualify as either a municipal securities representative or general securities representative.

[10] According to the Board, disclosure of deferred commissions or other charges includes, for example, any deferred sales load or, in the case of interests in certain higher education trusts, any penalty imposed on a redemption that is not for a qualifying higher education trust.

[11] In MSRB Rule G–15, the Board defined the term ''periodic municipal fund security plan'' as any written authorization or arrangement for a broker, dealer, or municipal securities dealer, acting as agent, to purchase, sell, or redeem for a customer or group of customers one or more specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commissions or charges to be paid by the customer in connection therewith (or the manner of calculating them).

[12] In MSRB Rule G–15, the Board defined the term ''non-periodic municipal fund security program'' as any written authorization or arrangement for a broker, dealer, or municipal securities dealer, acting as agent, to purchase, sell, or redeem for a customer or group of customers one or more specific municipal fund securities, setting forth the commissions to be paid by the customer in connection therewith (or the manner of calculating them) and either (1) providing for the purchase, sale, or redemption of such municipal fund securities at the direction of the customer or customers or (2) providing for the purchase, sale, or redemption of such municipal securities at the direction of the customer or customers as well as authorizing purchase, sale, or redemption of such municipal fund securities in specific amounts (calculated in security units or dollars) at specific time intervals.

[13] 17 CFR 240.10b–10.

[14] *See* note 11 *supra.*

[15] *See* note 12 *supra.*

10. Interpretation Relating to Sales of Municipal Fund Securities in the Primary Market

The Board proposed to provide interpretative guidance with respect to the application of MSRB Rules G–23, G–32, G–36, G–37, and G–38 to dealer transactions in municipal fund securities.

III. Summary of Comments

The Commission received one comment letter on the proposed rule change.[16] In its letter, the commenter stated that interests in local government investment pools (''LIGPs'') and qualified state tuition programs (''QSTPs'') are not municipal securities for purposes of the Act. Notwithstanding this position, the commenter provided suggestions to the proposed revisions to MSRB Rule G–15 to assist in its compliance efforts should the proposed rule change be approved. The Board responded to the issues raised by the commenter in Amendment No. 2.[17]

First, the commenter argued that the requirement that the time of execution or a statement that the time of execution will be furnished upon request be included on a confirmation is unnecessary for LGIPs and QSTPs. According to the commenter, these products are priced once a day and the pricing policies are disclosed in the offering documents. Thus, according to the commenter, requiring additional disclosure on the confirmation yields no additional benefits and does not serve to further protect the interests of investors.

The Board disagreed; it believes that dealers executing transactions in municipal securities should be obligated to disclose the time of execution or state that the time of execution will be furnished upon written request. The Board argued that this information may be relevant, depending on the facts and circumstances, in determining whether a transaction was executed as the customer expected or as required under the Board's rules. The Board noted that disclosure of transactions effected under a periodic plan or a non-periodic program may be provided by a dealer in a separate document, such as the offering document. The Board further noted that this disclosure is required to appear on individual transaction confirmations by Rule 10b–10(a)(1).[18] In addition, the Board noted that pursuant to Rule 10b–10(b)(2),[19] any periodic statement used in lieu of individual transaction confirmations must include, among other things, a statement to the effect that any information required by Rule 10b–10(a)[20] that is not set forth in the periodic statement will be furnished upon written request. Therefore, the Board believes that its disclosure requirement in MSRB Rule G–15 is consistent with Commission rules applicable to securities that are similar in many respects to municipal fund securities.

Second, the commenter argued that proposed MSRB Rule G–15 is consistent with Commission rules applicable to securities that are similar in many respects to municipal fund securities.

Second, the commenter argued that proposed MSRB Rule G–15(a)(i)(C)(5)(f), which requires redeemability to be indicated on a confirmation, yields little benefit to purchasers of either LGIPs or QSTPs if such disclosure is included in the offering documents. Further, the commenter argued that requiring disclosure of redeemability on the transaction confirmation may serve to further confuse customers.

After reviewing the reasons for including the puttability of municipal securities on transaction confirmations, the Board determined that deleting the requirement of disclosing puttability on confirmations of municipal fund securities transactions would not affect its customer protection goals. According to the Board, the redeemability of municipal fund securities by their owners is a standard feature of such securities[21] and a dealer selling municipal fund securities would be required to disclose, at or prior to the time of the trade, all material facts relating to the securities, including material facts about redeemability. However, the puttability of a municipal fund security on a transaction confirmation would not serve any function in identifying or distinguishing the particular municipal fund security that is the subject of the transaction being confirmed. Therefore, the Board amended proposed MSRB Rule G–15(a)(i)(C)(5) to delete the requirement that puttability or redeemability be disclosed on the transaction confirmation. The Board also made conforming amendments to MSRB Rule G–15(a)(viii)(B)(2).

Finally, the commenter argued that proposed MSRB Rule G–15 could be read to prohibit certain LGIPs from utilizing the periodic transaction reporting provisions because under the proposal only those municipal fund securities that are sold either through a periodic plan[22] or non-periodic municipal fund security program[23] may utilize the periodic transaction reporting provisions. This, according to the commenter, would prohibit certain no-load LGIPs that are managed like money market funds and seek to maintain a stable net asset value from utilizing the periodic transaction reporting provisions.

According to the commenter, the Board's proposed amendments to MSRB Rule G–15 were patterned, in part, after Rule 10b–10 under the Act.[24] The commenter requested that the Board permit the use of periodic statements rather than individual transaction confirmations for stable, no-load LGIPs, regardless of the method of distribution. In the alternative, the commenter suggested that the MSRB amend MSRB Rule G–15 to more closely track the provision of rule 10b–10 under the Act[25] to permit the use of periodic statements in lieu of individual transaction confirmations for no-load LGIPs that are managed like money market funds and seek to maintain a stable net asset value regardless of whether the LGIPs are sold pursuant to periodic or non-periodic programs.

In addition, the commenter suggested that the MSRB amend the definition of ''non-periodic municipal fund security program'' to specifically state that a dealer may be acting as agent for either the issuer or the customer because, according to the commenter, LGIPs are sometimes bought and sold absent any explicit designation of agency by the customer to the entity effecting transactions in the pool. The commenter believes that this modification would resolve any lingering uncertainty regarding the ability of LGIPs to utilize periodic transaction reports.

In response, the Board stated that it believed the proposed definition of ''non-periodic municipal fund security program'' permits an authorization or arrangement relating to municipal fund securities to qualify as a non-periodic program regardless of whether the dealer is acting as agent for the issuer or for the customer.[26] Therefore, the Board

[16] *See* note 5 *supra.*

[17] *See* note 6 *supra.*

[18] 17 CFR 240.10b–10(a)(1).

[19] 17 CFR 240.10b–10(b)(2).

[20] 17 CFR 240.10b–10(a).

[21] In contrast, the puttability of debt instruments is considered a non-standard feature whose absence or presence may have a significant effect on, among other things, the nature and value of the debt instrument. Thus, according to the Board, puttability is often a crucial term for distinguishing one security from another an for ensuring that the security that is delivered in fact matches with the security that was bargained for.

[22] *See* note 11 *supra.*

[23] *See* note 12 *supra.*

[24] 17 CFR 240.10b–10.

[25] 17 CFR 240.10b–10.

[26] The Board noted that if the dealer is acting as principal, individual transaction confirmations would be required.

stated that it believed that no modification of the proposed definition was necessary.

IV. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Board.[27] In particular, the Commission believes the proposed rule change is consistent with section 15B(b)(2)(C) of the Act,[28] which requires, among other things, that the rules of the Board be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The Commission notes that the Board's proposal amends its current rules to accommodate the unique characteristics of municipal fund securities. According to the Board, it did not seek to extend the application of its rules to produces that were not already subject to its rules. Specifically, the Board's proposal only applies to those interests that satisfy the definition of municipal fund securities, which includes the requirement that such interests be municipal securities. The Board's proposal recognizes that municipal fund securities have unique terms and characteristics that, in some circumstances, should be accorded different treatment under the Board's rules.

1. Definition of Municipal Fund Security

The Board proposed to define a municipal fund security as a municipal security that but for the identity of the issuer as a state or local governmental entity would qualify as a security of an investment company under the Investment Company Act of 1940. The threshold issue is whether an interest in a trust fund held by a state or local governmental entity is in fact a municipal security. In an interpretative letter, the staff of the Division stated that interests in local government pools and higher education trusts may be depending on the facts and circumstances, municipal securities for the purposes of the Act.[29] If an interest in a trust fund held by a state or local governmental entity is not a municipal security, as defined by the Act, it would not be considered a municipal fund security subject to the rules of the Board.

The Commission believes that the proposed definition of municipal fund security is consistent with section 15B of the Act.[30] The definition is appropriately limited to those interests that are municipal securities over which the Board has jurisdiction. Specifically, section 15B(b)(2)[31] of the Act states that the board shall propose and adopt rules with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers. While the determination of whether an instrument is in fact a municipal security depends on the facts and circumstances of each individual instrument, if the instrument is a municipal security, it is subject to the rules of the Board. Further, the Commission notes that consistent with the requirements of section 15B(b)(2), the proposed rule change only governs those transactions in municipal fund securities that are effected by brokers, dealers, or municipal securities dealers.

2. MSRB Rule G–8—Books and Records To Be Made by Brokers, Dealers and Municipal Securities Dealers

The Board proposed several changes to its books and records requirements to accommodate municipal fund securities. First, to accommodate the terms of municipal fund securities that differ from more traditional municipal securities, the Board proposed to amend Rule G–8 to require that books and records to be kept for municipal fund securities include those terms that are required to be reflected on a customer's confirmation pursuant to MSRB Rule G–12 and MSRB Rule G–13. Specifically, municipal fund securities do not have par values, dollar prices, yields, or accrued interest. Thus, the amendment reflects the absence of these terms for municipal fund securities. The Commission believes that it is appropriate for the MSRB to tailor its rules to reflect the peculiar nature of these instruments.

Second, the Board proposed to require that municipal securities dealers retain copies of all periodic written statements disclosing purchases, sales, or redemptions of municipal funds securities, as currently required for confirmation of municipal securities. The Commission believes that this distinction should remove any confusion as to the required books and records to be retained regarding municipal fund securities.

Third, the Board proposed to permit dealers effecting transactions in municipal fund securities to meet their books and records requirements by having a transfer agent maintain their books and records. Pursuant to the proposed rule, the transfer agent must meet all of the requirements of MSRB Rule G–8; the dealer will remain ultimately responsible for the accurate maintenance and preservation of its books and records. The Commission believes that transfer agents should be able to adequately keep and maintain a dealer's books and records consistent with the rules of the MSRB as well as the requirements under the Act. However, dealers should actively monitor and ensure that their delegated transfer agents diligently and completely maintains their books and records because any failure of the transfer agent to adequately maintain and keep the dealer's books and records will also be considered a failure of the dealer.

3. MSRB Rule G–14—Reports of Sales or Purchases

The Board proposed to exclude transactions in municipal funds securities from its customer transaction reporting system. The Board presented a number of arguments supporting its decision not to require transaction reporting for municipal fund securities. The major reason was the lack of a secondary market for these products. According to the Board, because municipal fund securities do not trade in the secondary market, transaction reporting would be limited to one-time sales transactions to customers upon initial issuance and one-time purchases (or redemptions) upon cashing out. Further, the Board argued that because municipal fund securities are sold by dealers on an agency basis generally without payment of commissions, dealers would have little opportunity to alter the pricing of municipal fund securities from that set by the issuer. Finally, the Board noted that certain data that must be reported (*e.g.* dollar price, yield, etc.) would not apply to municipal fund securities.

The Commission believes that at this time the Board's proposed exemptions are consistent with the requirements of the Act. Based on the observations made by the Board, the Commission believes that requiring dealers to report

[27] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[28] 15 U.S.C. 78o–4(b)(2)(C).

[29] *See* letter from Catherine McGuire, Chief Counsel, Division, SEC to Diane G. Klinke, General Counsel, MSRB, dated February 26, 1999 (''Division Letter'').

[30] 15 U.S.C. 78o–4.

[31] 15 U.S.C. 78o–4(b)(2).

transactions of municipal fund securities would not provide benefits to investors. Specifically, a transaction report for municipal securities does not appear to be necessary to the price discovery process because of the lack of a secondary market and because of dealers' inability to change the prices set by issuers. However, the Commission believes that if the market for municipal fund securities changes in a manner such that investors could benefit from enhanced disclosure and transparency, the Board should consider requiring transaction reports.

4. Proposed MSRB Rule G–15—Confirmation, Clearance and Settlement of Transactions With Customers

The Board proposed to amend the terms that must be set forth in a customer confirmation for a municipal fund security transaction. In addition, the Board proposed to permit periodic statements rather than transaction-by-transaction confirmation, if the customer purchases municipal fund securities pursuant to certain defined periodic plans or non-periodic programs. The Commission believes that these proposed changes should provide investors with pertinent information about their municipal fund securities transactions in a clear and appropriate manner. The Commission believes that removing irrelevant information should create a more useful and accurate confirmation statement for municipal fund securities investors.

In regard to periodic statements, the Commission believes that the changes are consistent with the requirements of the Act. Investors will continue to be provided with confirmations about their municipal fund securities transactions either on a monthly basis, if the investor participates in a non-periodic municipal fund security program, or quarterly basis, if the investor participates in a periodic municipal fund security plan.

5. MSRB Rule G–32—Disclosures in Connection With New Issues

The Commission believes that the Board's proposal regarding delivery of official statements to customers who participate in either periodic municipal fund security plans or non-periodic municipal fund security programs is consistent with the Act. Dealers will continue to be required to forward official statements to customers that participate in periodic plans and non-periodic programs and are required to ensure that their customers have the most recent new, supplemented, amended or stickered official statement in final form. Thus, investors will continue to receive pertinent, material information about the securities. The amendments should prevent duplicate information from being sent to investors each time a transaction is effected. The Commission believes that requiring official statements to be continuously sent would not serve any regulatory purpose. Dealers must ensure, however, that their customers have current, up-to-date official statements when transactions are effected.

The Commission also believes that the Board's proposal to exempt municipal funds securities for which periodic statements are used from the requirement that information on underwriting fees paid to the dealer by the issuer be disclosed to customers by settlement is consistent with the Act. These dealers will be required to provide information regarding any changes to fees paid by the issuer to the dealer simultaneously with or prior to the sending of the next periodic statement. Therefore, investors will continue to be provided this information in a timely manner.y

6. Interpretation Relating to Sales of Municipal Fund Securities in the Primary Market

The Board's proposed interpretation describes the Board's view on sales of municipal fund securities in the primary market and the applicability of Rule 15c2–12,[32] regarding Municipal Securities Disclosure, and MSRB Rules G–23 regarding Activities of Financial Advisors, G–32 regarding Disclosures in Connection with New Issues, G–36 regarding Delivery of Official Statements, Advance Refunding Documents and Forms G–36(OS) and G–36(ARD) to the Board or its Designee, G–37 regarding Political Contributions and Prohibitions on Municipal Securities Business, and G–38 regarding Consultants.

Specifically, the Board clarified dealers' obligations regarding municipal securities disclosure. In the Division Letter, Division staff stated that if a dealer is acting as an underwriter [33] in connection with a primary offering [34] of interests in local government pools or higher education trusts, the dealer may be subject to the requirements of Rule 15c2–12.[35]

Accordingly, the Board stated that if municipal fund securities are sold in a primary offering, dealers acting as underwriters generally would be subject to the requirements of MSRB Rule G–36 regarding delivery of official statements and advance refunding documents and Forms G–36(OS) and G–36(ARD). Pursuant to this rule, the Board expects that dealers would receive a final official statement from the issuer or its agent. In addition, the Board noted that municipal fund securities sold in a primary offering would constitute new issue municipal securities and, thus, would be subject to MSRB Rule G–32 regarding disclosures in connection with new securities, so long as the securities are in the underwriting period.

Finally, the Board alerted members to the implications that arise under the Board rules as a result of municipal fund securities being regarded as sold in a primary offering. Specifically, the Board noted that dealers would be subject to the political contribution limitations and prohibitions under MSRB Rule G–37. In addition, MSRB Rule G–38 would govern a dealer's use of consultants. Finally, a dealer's financial advisory or consultant services to an issuer would be subject to MSRB Rule G–23.

The Commission believes that the Board's interpretation should assist brokers, dealers and municipal securities dealers with complying with their obligations under the MSRB's rules regarding transactions in municipal fund securities. In the interpretation, the Board provided guidance on the current rules' application to municipal funds securities. The Commission believes that the interpretation should clarify the rules that govern a dealer's transactions in municipal fund securities.

7. Other Proposed Rules

With respect to the changes proposed by the Board to Rules A–13, Assessments, G–13, Professional Qualifications, G–8, Books and Records to be Made by a Broker, Dealer and Municipal Securities Dealer, G–26 Customer Account Transfers, and G–34, CUSIP and New Issue Requirements, the Commission believes the Board has appropriately tailored its rules to reflect the unique nature of these securities.

[32] 17 CFR 240.15c2–12.

[33] An underwriter is defined as any person who has purchased from an issuer of municipal securities with a view to, or offers or sells for an issuer of municipal securities in connection with, the offering of any municipal security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking. 17 CFR 240.15c2–12 (f)(8).

[34] A primary offering is defined as including an offering of municipal securities directly or indirectly by or on behalf of an issuer of such securities. 17 CFR 240.15c2–12(f)(7). In the Division Letter, the staff stated that based on its analysis of programs brought to its attention interests in local government pools or higher education trusts generally are offered only by direct purchase from the issuer. Thus, the staff noted that it would view those interests as having been sold in a primary offering.

[35] 17 CFR 240.15c2–12.

8. Amendment No. 2

Finally, the Commission finds good cause to accelerate approval of Amendment No. 2 to the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. In Amendment No. 2, the Board amended MSRB Rule G–15(a)(i)(C)(5) to delete the requirement that puttability or redeemability be disclosed on a transaction confirmation. In this regard, the Board also made conforming changes to MSRB Rule G–15(a)(viii)(B)(2). According to the Board, redeemability is a standard feature of municipal fund securities and, thus, the term does not serve to identify or distinguish a particular municipal fund security. Further, as a standard feature, redeemability would need to be disclosed to customers at the time of trade pursuant to MSRB Rule G–17. The Commission believes that the amendment further tailors the MSRB's rules to accommodate the unique characteristics of municipal fund securities and notes that investors will be provided with disclosure of this term. According to the information provided by the Board, redeemability is not a necessary term that needs to be set forth on a confirmation. Therefore, the Commission believes that good cause exists, consistent with section 15B(b)(2)(C) [36] and section 19(b) [37] of the Act, to accelerate approval of Amendment No. 2 to the proposed rule change.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether the amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–00–06 and should be submitted by February 20, 2001.

VI. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[38] that the proposed rule change (SR–MSRB–00–06), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[39]

Margaret H. McFarland,

Deputy Secretary.

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[36] 15 U.S.C. 78o–4(b)(2)(C).

[37] 15 U.S.C. 78s(b).

[38] 15 U.S.C. 78s(b)(2).

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43873; File No. SR–NASD–99–65]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 4 to the Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to the Creation of a Corporate Bond Trade Reporting and Transaction Dissemination Facility and the Elimination of Nasdaq's Fixed Income Pricing System

January 23, 2001.

I. Introduction

On October 28, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder [2] to establish a corporate bond trade reporting and transaction dissemination facility and to eliminate Nasdaq's Fixed Income Pricing System (''FIPS''). Notice of the proposed rule change was published for comment in the **Federal Register** on December 10, 1999.[3] The Commission received 39 comment letters regarding the proposal.[4]

On November 17 and November 22, 2000, respectively, the NASD filed Amendment Nos. 2 and 3 to the proposed rule change.[5] Notice of these amendments was published in the **Federal Register** on November 29, 2000.[6] The Commission received 13 additional comments on the amended proposal since that time.[7] On January 5, 2001, the NASD filed Amendment No. 4 to the proposed rule change.[8] This order approves the proposed rule change, as amended by Amendments 2–4, accelerates approval of Amendment No. 4, and solicits comments from interested persons on that Amendment.

II. Background

In 1998, Commission staff conducted a review of the U.S. debt market, with a particular focus on price transparency. The review concluded that the corporate bond market did not measure up to the standard of other securities markets—including the government and municipal bond markets—in making price information readily available to investors. In light of these findings, SEC Chairman Arthur Levitt called upon the NASD to take the following actions:

First, adopt rules requiring dealers to report all transactions in U.S. corporate bonds and preferred stocks to the NASD and to develop systems to receive and redistribute transaction prices on an immediate basis;

Second, create a database of transactions in corporate bonds and preferred stocks to enable regulators to take a proactive role in supervising the corporate debt market; and

Third, create a surveillance program, in conjunction with the development of a database, to better detect fraud and foster investor confidence in the fairness of the corporate debt market.[9]

In response to this request, the NASD formed the Bond Market Transparency Committee, comprised largely of market participants, to work toward an industry-guided solution to increase price transparency and oversight for the corporate debt market.

In September 1998 and March 1999, Chairman Levitt testified for the Commission before Congress on bond

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Securities Exchange Act Release No. 42201 (December 3, 1999), 64 FR 69305.

[4] A list of the commenters on the proposal as originally noticed appears in Appendix A.

[5] Amendment No. 2 reflected certain changes proposed by the commenters in response to the proposed rule change, as originally noticed, or changes suggested by the NASD staff after additional review. Amendment No. 3 sets forth the statutory basis of the proposed rule change. Amendment No. 1, which had been submitted to reflect the Association's receipt of written comments from the Regional Municipal Operations Association (''RMOA''), was withdrawn, and the RMOA's comments and the NASD's response to them were incorporated in Amendment No. 2.

[6] *See* Securities Exchange Act Release No. 43616 (November 24, 2000), 65 FR 71174.

[7] A list of the commenters on Amendment Nos. 2 and 3 appears in Appendix B.

[8] Amendment No. 4 is described in Section IV.C., *infra.*

[9] Speech by Chairman Levitt, September 9, 1998, at Media Studies Center, New York, NY.

transparency; in May 1999, the Commission submitted its *Statement Concerning Transparency in the U.S. Corporate Debt Market* to the Securities Subcommittee of the Senate Banking Committee.[10] In these statements, which were approved by the Commission, Chairman Levitt described the results of the Commission's debt review, reiterated the request that the NASD improve bond transparency, and described the NASD's progress in implementing the proposal.

As noted above, in October 1999 the NASD filed the original version of the proposed rule change that is being approved today in amended form. In its general outline, the amended proposal requires NASD members to report transaction information on specified U.S. corporate bonds and establishes a transaction dissemination facility—to be known as the Trade Reporting and Comparison Entry Service, or ''TRACE''[11]—to facilitate the reporting, collection, and public dissemination of this transaction information. In its amended proposal, the NASD also states that, in accordance with the Commission's mandate, it intends to use TRACE reports to develop a database of transactions that will enable NASD Regulation (''NASDR'') to take a more proactive role in supervising the corporate debt market. The specifics of the proposed rule change are described in Section IV below.

The 39 comment letters received in response to the original proposal are summarized in Sections III and V below. Although these letters generally supported enhanced price transparency in the corporate debt markets, they raised a number of specific concerns. As a result, the NASD entered into substantial discussions with industry representatives, including The Bond Market Association (''TBMA''), aimed at responding to their comments. Subsequently, the NASD filed Amendment Nos. 2 and 3 to the proposal to reflect discussions with the industry. Commenters filed 13 additional comments in response to those Amendments; the NASD filed Amendment No. 4 to address those comments.

[10] *See* Testimony of Chairman Levitt before the Subcommittee on Finance and Hazardous Materials, Committee on Commerce, United States House of Representatives, September 28, 1998 and March 18, 1999; Statement of the U.S. Securities and Exchange Commission before the Subcommittee on Securities, Committee on Banking, Housing, and Urban Affairs, United States Senate, May 26, 1999.

[11] The NASD has represented, however, that it intends eventually to rename TRACE.

III. Summary of Comments

The principal areas of concern reflected in the 39 initial comment letters related to potential negative effects on liquidity; the role of Nasdaq as an exclusive processor of bond data given its announced intention to become a privatized, profit-making exchange; and objections of some market participants to the associated mandatory trade comparison service. There were also concerns that the proposed implementation schedule was impractical.

Comments submitted in response to Amendments 2 and 3 suggested that those Amendments did not fully resolve all the concerns regarding the original proposal, and suggested alternative approaches to facilitate corporate bond transparency. Sections IV and V below discuss both rounds of comments, the ways in which the NASD amended its proposal to address the concerns articulated in those comments, and the Commission's findings after consideration of the comments.

IV. Description of the Proposal

A. The Original Proposal

The original TRACE proposal contemplated: (1) The adoption of new rules (''NASD/TRACE Rules'') requiring members to report transactions in specified U.S. corporate bonds (''TRACE-eligible bonds'')[12] to Nasdaq; and (2) the establishment of the TRACE facility, operated by Nasdaq, to facilitate the collection, dissemination, and comparison of reported transactions. As proposed, TRACE featured a mandatory trade comparison component for transactions between two NASD members in which a reported ''buy'' or ''sell'' would be compared with the contra side of the transaction and forwarded to the National Securities Clearing Corporation (''NSCC'') for clearance and settlement as a ''locked-in'' trade. Significantly, the NASD proposed to use TRACE reports to develop a database of transactions in corporate bonds to enable NASDR and Nasdaq Market Watch staff to take a more proactive role in surveilling the corporate bond market. Finally, the NASD proposed to eliminate the FIPS reporting system for high-yield corporate bonds.[13]

Implementation of the proposal was to take place in two phases. In the first phase of the plan, which would last six months, members were required to report transactions to TRACE within one hour after trade execution, and there was no public dissemination of transaction information. In the second phase, the one-hour reporting interval was reduced to 15 minutes, and immediate dissemination of transaction information for all reported bonds except Rule 144A issues was to begin. Trade reports were required to include: (1) Trade ''side,'' *i.e.,* whether a buy, sell, or ''cross'' transaction; (2) CUSIP number or NASD symbol; (3) quantity; (4) price, inclusive of mark-up, mark-down, and stated commission (stated commission to be reported as a separate field for agency trades); (5) contra party's NASD symbol (or ''C'' for customer); (6) date and time of trade execution; and (7) capacity, *i.e.,* principal (with riskless principal reported as principal) or agent. As noted, TRACE generally proposed to disseminate actual quantity of bonds traded expressed as par value; however, high-yield and unrated bond transactions over $1 million par value were proposed to be disseminated as ''1MM+,'' and investment grade transactions over $5 million par value were proposed to be disseminated as ''5MM+.''

B. Amendment Nos. 2 and 3

In response to comments received on the initial proposal, and after extensive discussions, the NASD made six main changes to the proposal:

First, it designated the NASD as owner and operator of TRACE, removing TRACE from the control of Nasdaq;

Second, it agreed to register as an exclusive securities information processor (''ESIP'') under section 11A of the Act;

Third, it proposed a phase-in schedule for dissemination of transaction information, to permit dissemination of transaction information for larger sized bonds to begin immediately and allow smaller sized bonds to be phased-in later;

Fourth, it withdrew all proposed rules requiring trade comparison, but added a requirement that trade information provided to a member's clearing agency be provided to the NASD as well;

Fifth, it added yield to the information required to be included in the trade reports submitted by members; and

[12] TRACE-eligible bonds consist of: dollar-denominated debt securities issued by U.S. and private foreign corporations that are registered with the Commission and eligible for book-entry services at the Depository Trust Company (''DTC''); Rule 144A U.S. high-yield debt securities designated as ''PORTAL Debt Securities'' in Nasdaq's PORTAL Market; and Rule 144A investment grade debt securities eligible for book-entry services at DTC.

[13] ''FIPS'' is an acronym for the Fixed Income Pricing System operated by Nasdaq. Begun in April 1994, FIPS collects transaction and quotation information on domestic, registered, non-convertible high-yield corporate bonds.

Sixth, it established an implementation date 180 days following Commission approval of the amended proposal.

The NASD's proposed phase-in schedule contemplates the involvement of a Bond Transaction Reporting Committee (''BTRC'') to advise the NASD Board of Governors regarding liquidity issues. The BTRC will consist of eight persons selected by the NASD Board. Four members will be recommended by the staff of the NASD; the other four members will be recommended by TBMA.[14] The BTRC will provide input to the NASD Board on issues related to the operation of TRACE, including effects on liquidity associated with the dissemination of transaction information. The BTRC also will make recommendations to the NASD Board concerning appropriate time frames for public dissemination of transaction information for smaller, less-actively traded issues.[15] The NASD represents that its staff may make independent recommendations or proposals to the NASD Board concerning bond market issues. In any case, the NASD Board will have the authority and responsibility to determine how and at what pace to expand the public dissemination of transaction reports.

During the first three months of the plan (Phase I), NASD members will be required to report transactions in TRACE-eligible securities within one hour of trade execution. The NASD will immediately disseminate transaction reports in publicly offered, investment grade corporate bonds having an initial issuance size of $1 billion or greater. If applicable, these reports will include the large volume trade dissemination cap identifier (''5 MM+'') for trades of more than $5 million face value, as proposed in the original TRACE filing. Transaction reports in the high yield debt securities called the ''FIPS 50'' [16] will also be disseminated and will use the large volume trade dissemination cap identifier (''1 MM'') applicable to trades in high yield bonds of more than $1 million face value.

During this period, the BTRC will begin examining the impact of transaction information dissemination on liquidity. By the end of Phase I, the BTRC will recommend dissemination protocols for investment grade bonds, starting with the largest issuance size, that, when combined together, make up the top 50% (by dollar volume) of such bonds.

During the next six months of the plan (Phase II), NASD members will continue to report transactions within one hour of execution. The NASD will disseminate transaction reports of all transactions in the top 50% (by dollar volume) of investment grade bonds as determined by the NASD Board (subject to the approval of the SEC) after considering the recommendations of the BTRC.[17] If applicable, these reports will include the large-volume trade dissemination cap identifiers proposed in the original TRACE filing. Transaction reports in the FIPS 50 will continue to be disseminated. The BTRC will continue to evaluate the impact of dissemination of transaction information on liquidity. By the end of Phase II, the BTRC will provide recommendations for appropriate dissemination protocols for all remaining issues eligible for public dissemination. Finally, three months after the start of Phase II, the one hour maximum time period to submit trade reports will be reduced to 15 minutes, subject to the members' ability to comply technologically and operationally.

C. Amendment No. 4

In response to comments received regarding Amendment Nos. 2 and 3, the NASD amended its proposal to:

(1) Clarify the definition of ''TRACE-eligible securities'' in TRACE Rule 6210(a). The amendment reorganizes the definition and specifically excludes certain securities that were described as excluded in the narrative portion of the original rule filing;

(2) Delete Rule 6230(e)(2) exempting transactions in debt securities issued under section 4(2) of the Securities Act of 1933 from the TRACE reporting requirements. According to the NASD, the provision was intended to apply to debt securities issued under Section 4(2) that were not depository-eligible. Because the NASD clarified the definition of ''TRACE-eligible securities'' in Rule 6210(a) to include only depository-eligible securities, Rule 6230(e)(2) is no longer necessary;

(3) Delete proposed TRACE Rule 6231(a), which required members to report to the NASD the same transaction information the member provides to its registered clearing agency for clearance and settlement;

(4) Add language to the NASD/TRACE Rules requiring information on the FIPS 50 [19] to be publicly disseminated at the time reporting of such transactions begins under the rules;

(5) Clarify a provision in the narrative of Amendment No. 2 regarding shortening the one-hour transaction reporting interval in Rule 6230(a)(1) to fifteen minutes in the future. Amendment No. 4 modifies the proposal to clarify that Rule 6230(a)(1) requires reporting within one hour of trade execution, and states that if it seeks to reduce that reporting interval in the future, it will be required to file a proposed rule change with the Commission pursuant to Section 19(b)(1) of the Act;

(6) Withdraw the NASD's previous proposal to register with the Commission as a ''securities information processor'' under the Act;

(7) Make explicit in Rule 6250 that market aggregate and last sale information will be collected, updated, and disseminated on a continuing basis only through 5:15 p.m., although the NASD will continue to collect and disseminate information on individual transactions on a continuing basis through 6:30 p.m.; modify Rule 6250(b) to exclude the price of certain non-standard transactions in a debt security from the calculation of the market aggregate figures or the last-sale figures for such security; and

(8) Change the implementation date from 180 days after the date of Commission approval to 180 days after the date the NASD provides members with technical specifications relating to TRACE, to allow members to make the systems changes necessary to comply with the NASD/TRACE Rules.

V. Discussion

A. Liquidity

As noted above, as first proposed, TRACE was intended to immediately disseminate trade reports on all reported bonds except Rule 144A issues, after an initial six-month review period. Many commenters objected to immediate dissemination of transaction information for so many reported bonds. Although most commenters supported

[14] BTRC members will not include current staff or officers of the NASD or TBMA; moreover, the NASD represents that it and TBMA will commit to selecting a broad range of bond market participants, including public participants.

[15] The NASD represents that its Board will give significant weight to the advice and recommendations of the BTRC. The NASD represents, however, that the formation and operation of the BTRC shall in no way limit or hinder the responsibility and ability of the NASD Board to make final decisions, in accordance with the statutory obligations and responsibility articulated in section 15A of the Act and the NASD By-Laws.

[16] The ''FIPS 50'' refers to 50 high-yield corporate debt issues for which transaction and quotation information is collected. The FIPS 50 are selected by a committee of NASD members from the most actively traded FIPS securities. The FIPS 50 issues are the *only* FIPS issues subject to trade reporting within five minutes after execution of a transaction—non-FIPS 50 issues need not be reported until end-of-day. In addition, the FIPS 50 are the only issues subject to dissemination of hourly trade summaries to vendors; reports on non-FIPS 50 issues are not publicly disseminated.

[17] Trade reports for Rule 144A securities will not be considered as part of the total average daily volume of the TRACE system for purposes of Phase II. In addition, the NASD notes that the proposed Phase II formula will result in an overlap with Phase I securities that may reduce the number of newly disseminated bonds in the second phase. The NASD represents that it will ask BTRC to review the Phase II dissemination formula in more detail to determine if a different approach to expanding the universe of disseminated bonds in Phase II is appropriate.

[19] See *supra* note 16.

enhanced price transparency in the corporate debt market,[20] many expressed concern that immediate dissemination of transaction information in less frequently traded corporate bonds could have a negative impact on the liquidity of those issues.[21] Specifically, these commenters contended that immediate dissemination of transaction information on less frequently traded bonds could reduce the willingness of dealers and their customers to commit capital and assume risk positions in those securities.[22] One such commenter argued that distribution of transaction information could reveal the trading patterns and intentions of market participants, making it more difficult to conduct further trades at acceptable prices. This, in turn, could result in a decline in demand and a corresponding increase in required yield for certain types of bonds, raising the overall cost of capital and decreasing the efficiency of the capital formation process.[23]

In light of this concern, TBMA suggested a phase-in framework designed to reduce the risk of any possible adverse effects on liquidity.[24] The phase-in plan provided for dissemination of transaction information for larger, more frequently traded issues first, and smaller, less frequently traded issues later. TBMA's phase-in proposal was similar to the original TRACE proposal in its approach to the time frames in which members would be required to submit trade reports. It differed from the TRACE proposal, however, in that it proposed a phase-in schedule in which transaction data on the largest sized bonds could be displayed immediately during the first six months of the plan, with smaller sized bonds to be phased-in later. The proposal was supported by many other commenters.[25]

In response to these concerns and after extensive discussions, the NASD modified its proposal to adopt the phase-in schedule described in Section IV above.[26] Under the phase-in schedule, the BTRC will advise the NASD Board of Governors regarding liquidity issues. During the first three months (Phase I), transaction information on publicly offered, investment grade bonds with an initial issuance size of $1 billion or greater, and the FIPS 50, will be distributed immediately. By the end of Phase I, the BTRC will recommend to the NASD Board dissemination protocols for investment grade bonds, starting with the largest issuance size that, when combined together, make up the top 50% (by dollar volume) of such bonds. During the next six months (Phase II), TRACE will disseminate reports of all transactions in the top 50% of investment grade bonds as determined by the NASD Board (subject to the approval of the SEC) after considering the recommendations of the BTRC; and transaction reports in the FIPS 50 will continue to be disseminated. By the end of Phase II, the BTRC will recommend appropriate dissemination protocols for transactions in all remaining issues eligible for public dissemination.

All recommendations made by the BTRC will be subject to approval of the NASD Board of Governors. The Board will have the authority and responsibility to determine how and at what pace to expand the public dissemination of transaction reports.

After careful consideration, the Commission finds that the NASD's revised proposal strikes an appropriate balance between commenters' concerns about liquidity and the need to make transaction information publicly available on an immediate basis. First, the phased-in approach proposed by the NASD will permit dissemination of transaction information for only the largest sized bonds first, and that distribution of transaction information for smaller sized bonds is delayed until the impact on liquidity of the larger bonds can be assessed. Second, the involvement of the BTRC, composed in part of members recommended by TBMA, should provide the industry with meaningful participation in the phase-in process.[27] Third, because the recommendations of the BTRC are subject to approval by the NASD Board of Governors, the revised proposal ensures that the NASD will retain ultimate authority over and responsibility for the phase-in process, consistent with the Act and the NASD's obligations under the Commission's Order[28] and *Report Pursuant to Section 21(a) of the (Act) Regarding the Nasdaq Market (''Section 21(a) Report'')*.[29]

Significantly, the revised TRACE proposal provides for trade data to be made publicly available more quickly than under the original proposal. Unlike the original proposal, which contemplated no public dissemination of transaction information during the first six months, under the revised

[20] *See* D.A. Davidson Letter; Edward Jones Letter; Merrill Letter; Liberty Letter; ICI Letter; Morgan Letter; Thomson Letter; CSFB Letter; Garban Letter; Schwab Letter; SIA Letter; Warburg Letter; Legg Mason Letter; Zions Bank Letter; A.G. Edwards Letter; DLJ Letter; TBMA Letter; AMF Letter; Bear Stearns Letter; BAS Letter; Fidelity Letter; and Instinet Letter, Appendix A.

[21] *See* D.A. Davidson Letter; Liberty Letter; Morgan Letter; CSFB Letter; Garban Letter; Freeman Letter; Warburg Letter; Legg Mason Letter; Zions Bank Letter; A.G. Edwards Letter; DLJ Letter; TBMA Letter; Bear Stearns Letter; BAS Letter; Lehman Letter; ABN-AMRO Letter; Salomon Letter; and Fidelity Letter, Appendix A. Some of the commenters who opposed public dissemination of transaction information for less frequently traded bonds for *transparency* purposes nevertheless supported reporting of prices on those bonds for *regulatory* purposes. Lehman Letter; ICI Letter; Schwab Letter; TBMA Letter; Warburg Letter; Freeman Letter; and Fidelity Letter, Appendix A.

[22] *See, e.g.,* TBMA Letter, Appendix A.

[23] *See* TBMA Letter. *See also* DLJ Letter, Appendix A. In addition, some commenters were concerned that immediate distribution of trade data may damage U.S. markets by compelling U.S. institutional investors to effect their debt trades offshore. CSFB Letter; Morgan Letter, Appendix A. One such commenter stated that the movement of trading outside the U.S. would not only diminish the quality and liquidity of U.S. markets, but would also render the transaction data ''incomplete and potentially misleading.'' Morgan Letter, at 4, Appendix A. In addition, one commenter suggested that trade reports be disseminated twice per day rather than on a continuous and immediate basis. This commenter argued that twice daily distribution would provide current pricing information, especially in view of the trading frequency of even the most liquid bonds. Merrill Letter, Appendix A. Other commenters, however, supported immediate distribution of all corporate bond transaction data. One commenter in particular argued that the benefits of increased transparency outweigh any speculative concerns regarding the impact of real-time reporting on liquidity. ICI Letter, Appendix A.

[24] *See* TBMA Letter, Appendix A.

[25] *See* Morgan Letter; McFadden Letter; CSFB Letter; Freeman Letter; Warburg Letter; Legg Mason Letter; A.G. Edwards Letter; DLJ Letter; Bear Stearns Letter; BAS Letter; Lehman Letter; ABN-AMRO Letter; Zions Bank Letter; and Salomon Letter, Appendix A.

[26] *See* Amendment Nos. 2 and 3.

[27] One commenter on Amendment Nos. 2 and 3 stated that the NASD should ensure that the BTRC reflects equal representation by the ''buy-side.'' ICI Letter, Appendix B. In its filing, the NASD represents that both the NASD and TBMA will commit to selecting a broad range of bond market participants, including public representation. Under the NASD By-Laws, the Board of Governors has ultimate responsibility for the appointment of the BTRC. *See* NASD By-Laws, Article IX, Section 1 (authorizing the Board generally to ''appoint such committees or subcommittees as it deems necessary or desirable . * * *''). By contrast, the NASD staff and TBMA have authority only to *recommend* members of the BTRC under the amended TRACE proposal. Therefore, should the recommendations of the NASD staff or TBMA fail to adequately represent an industry segment, the NASD Board may disapprove those recommendations pursuant to its broad authority to appoint committees and subcommittees under the By-Laws. The Commission staff intends to monitor the progress of the TRACE phase-in as well.

[28] Securities Exchange Act Release No. 37538 (August 8, 1996).

[29] Securities Exchange Act Release No. 37542 (August 8, 1996). In the *Section 21(a) Report*, the Commission stated that the NASD, as part of its settlement, has undertaken ''to provide for the autonomy and independence of its staff with respect to disciplinary and regulatory matters. * * * Staff autonomy and independence are vital to the future effectiveness of the NASD if it is to comply with its statutory mandate. The NASD must have an environment in which they can bring to bear the objectivity, professionalism, and concern for investor protection that an SRO must always display.'' *Section 21(a) Report,* at 44.

proposal information on investment grade bonds with an initial issuance size of $1 billion or greater will be made available immediately. Distribution of information with respect to successively smaller initial issuance amounts will begin after the first three months, subject to the approval of the NASD Board, after considering the recommendations of the BTRC. On balance, the Commission believes that the immediate public availability of transaction information on the largest sized bonds, followed by the phase-in of smaller sized bonds, significantly strengthens the proposal.[30]

The Commission notes that the NASD has stated that the formula for phasing-in public dissemination of transaction information for bonds in Phase II may need to be reviewed by the BTRC in light of the fact that the Phase II formula will result in an overlap with Phase I securities that may reduce the number of newly disseminated bonds in Phase II. The Commission believes that it is reasonable for the NASD to build in this layer of guidance by the BTRC; and further, that it is appropriate for the BTRC, when making its recommendations to the NASD Board, to use its discretion to adjust applicable dissemination formulas in light of its assessment of the impact on liquidity of each phase of the TRACE dissemination schedule. In this regard, the Commission emphasizes that the NASD Board retains ultimate authority and responsibility for these matters after considering the recommendations of the BTRC.[31]

In addition, the NASD plans to reduce the time frame for reporting bond trades—from one hour to 15 minutes—during Phase II of the plan.[32] This will help ensure that transaction information is reported to TRACE and released to the public before it becomes ''stale.'' During all phases of the plan, the NASD represents that the BTRC will evaluate the technological readiness of the industry, with a view to further reducing this time frame.

Finally, the Commission believes it is significant that the revised proposal captures more information for regulatory purposes in a shorter time frame than under the original TRACE proposal. This will allow the NASD to continue to develop and refine its surveillance plan for the fixed income market.

B. Competition

As originally proposed, the NASD/TRACE Rules required NASD members to report their transactions in TRACE-eligible securities to Nasdaq. Nasdaq was to collect, process, and disseminate the trade reports to interested parties, and provide the information to the NASD for surveillance and other regulatory purposes.

While generally supporting increased price transparency and heightened surveillance in the OTC corporate bond market, many commenters strongly objected to Nasdaq ownership and operation of the TRACE system.[33] Several commenters argued that it was an unwarranted use of regulatory power for the NASD to give Nasdaq, a for-profit, privately (and potentially publicly) owned enterprise that might compete with other corporate bond market participants, the exclusive right to collect and disseminate bond trade data.[34] Other commenters acknowledged the NASD's legitimate interest as an SRO in obtaining corporate bond transaction information for surveillance, enforcement, and other regulatory purposes, but took issue with the NASD having the right to the commercial value of that data.[35] Some commenters stated that the NASD should not be permitted to profit from the sale and distribution of the data, suggesting instead that fees should be collected on a cost recovery basis, or that any revenue collected should be rebated to the dealer community.[36]

Other commenters objected more generally to any single entity having an exclusive franchise on collection and dissemination of corporate bond transaction data.[37] A few commenters proposed that the NASD limit its proposal to setting forth standards for transaction reporting and dissemination without mandating a specific provider.[38] Several commenters argued that mandating a single provider of bond market data would not only give the single provider the right to monopoly profits, but also would frustrate technological innovation in the area of reporting and dissemination of market data.[39]

In response to comment that the NASD/TRACE Rules, as originally proposed, could lead to granting an exclusive right over bond trade data to a private competitor in the OTC bond market (*i.e.,* a for-profit Nasdaq), the NASD submitted Amendment Nos. 2 and 3 to provide that the NASD, rather than Nasdaq, will instead own and operate the TRACE facility. In Amendment No. 2, the NASD also represented that it would register with the Commission as an exclusive securities information processor (''ESIP'') on the rationale that it would be subject to Section 11A of the Act.[40]

Comment in response to Amendment Nos. 2 and 3 was more limited than comment on the original proposal. A few commenters stated that the amendments are not an adequate response to the anti-competitive concerns raised initially, arguing that the amended proposal remains a monopoly model.[41] One commenter stated that NASD ownership of TRACE creates a conflict of interest between the

[30] With respect to the commenter who suggested that the TRACE proposal provide for twice-daily dissemination of trade reports instead of immediate and continuous dissemination, the Commission questions whether twice-daily dissemination would provide investors with timely and accurate pricing information on a wide range of bonds. Moreover, to the extent this commenter's concern is premised on anticipated negative effects on liquidity, the Commission believes that the NASD's proposed phase-in approach adequately addresses this concern, as discussed above.

[31] One commenter suggested that the NASD delegate authority over the phase-in schedule to the BTRC. *See* Morgan Letter, Appendix B. The Commission believes that such delegation would undermine the autonomy and independence of the NASD, in direct contravention of the section 21(a) Report and the NASD's obligations under the Act as a registered securities association and as a self-regulatory organization.

[32] In order to change the one-hour transaction reporting interval to fifteen minutes in the future, the NASD must submit a rule filing pursuant to section 19(b)(1) of the Act.

[33] *See* Advantage Letter; Bear Stearns Letter; Fidelity Letter; Freeman Letter; Garban Letter; Instinet Letter; Lazard Letter; Legg Mason Letter; Liberty Letter; Phlx/Bloomberg Letter; Morgan Letter; TBMA Letter; Thomson Letter; Wachovia Letter; Warburg Letter, Appendix A.

[34] *See* Freeman Letter; Garban Letter; Liberty Letter; Morgan Letter; TBMA Letter; Thomson Letter; Wachovia Letter, Appendix A.

[35] *See* Bear Stearns Letter, CSFB Letter; Fidelity Letter; Instinet Letter, Appendix A.

[36] *See* BAS Letter; Bear Stearns Letter; Freeman Letter; Garban Letter; ICI Letter; Lazard Letter; Legg Mason Letter; Merrill Letter; Morgan Letter; Schwab Letter; TBMA Letter; Warburg Letter, Appendix A. *See also* Phlx/Bloomberg Letter (arguing that proposal would cast the SEC into a ratemaking role).

[37] *See* ABN–MRO Letter; A.G. Edwards Letter; Bear Stearns Letter; CSFB Letter; Fidelity Letter; ICI Letter; Instinet Letter; Legg Mason Letter; Merrill Letter; Phlx/Bloomberg Letter; TBMA Letter; Salomon Letter; SIA Letter; Thomson Letter; Warburg Letter, Appendix A.

[38] *See* A.G. Edwards Letter; CSFB Letter; D.A. Davidson Letter; Legg Mason Letter; Merrill Letter; SIA Letter; TBMA Letter; Warburg Letter, Appendix A. *See also,* Zions Bank Letter.

[39] *See* Instinet Letter; Phlx/Bloomberg Letter; Salomon Letter; SIA Letter, Appendix A. *See also,* Thomson Letter, Appendix A.

[40] The NASD subsequently withdrew this undertaking in Amendment No. 4, stating that it will not register as a securities information processor in any capacity (either exclusive or non-exclusive), and explaining that such registration would be superfluous given that the Act vests the Commission with plenary authority to regulate the information processing and dissemination activities of the NASD.

[41] *See* Bloomberg Letter; Phlx Letter; Schwab Letter; IFI Letter, Appendix B. *See also,* Datek Letter, Appendix B.

NASD and its members.[42] This commenter stated that TRACE establishes a monopoly, and argued that if it is approved, fees for TRACE must be cost-based.[43] Two commenters stated that the NASD should not select Nasdaq as its vendor for information processing, but should instead use a competitive bidding process.[44] Other commenters noted that the Commission has established an Advisory Committee on Market Information [45] to examine whether the existing structure of market data collection and dissemination in the equity markets should be improved or replaced, and suggested that because TRACE is similar to existing models, the Commission should defer final action on the TRACE proposal until after the Advisory Committee issues its report.[46]

The NASD filed with the Commission its response to comment letters received following the publication of Amendment Nos. 2 and 3 (''Response Letter'').[47] In its Response Letter, the NASD stated that the TRACE Proposal does not give the NASD a monopoly over data collection, explaining that the NASD/TRACE Rules do not specify or limit the means by which members may report trades to the NASD. In regard to fee setting, the NASD stated that it expects to partially recover its costs of regulating the bond market through TRACE fees, and noted that the Act contemplates such regulatory cost recovery. The NASD explained that it is not accurate to characterize regulatory cost recovery as cross-subsidization of regulation because regulation ''contributes directly to the integrity, reliability, and * * * value of, market data.'' Additionally, the NASD represented that it will not sell unconsolidated data and will limit its dissemination of consolidated data to broker-dealers and to those seeking to compete in the resale of the data. Furthermore, the NASD represented that it will cease functioning as a consolidated information disseminator and limit its role to bond market regulation in the event the Advisory Committee on Market Information ''develop(s) a market-driven approach to equities market data that can be applied to bond market data.''

The Commission believes Amendment Nos. 2–4 strengthen the initial proposal, and that they should address many commenters' concerns regarding competition, without compromising the goal of increased transparency and heightened surveillance in the corporate bond market. For the reasons more fully discussed below, the Commission finds that the TRACE proposal is consistent with section 15A , including section 15A(b)(6),[48] and Section 11A(a)(1)(C) of the Act,[49] and that the proposal does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as required by section 15A(b)(9) of the Act.[50]

The Commission has long believed that price transparency plays a fundamental role in promoting the fairness and efficiency of U.S. capital markets, and likewise that market surveillance is a fundamental means of promoting fairness and confidence in those markets.[51] Price transparency and market surveillance go hand in hand. The key to meaningful surveillance is regulatory access to comprehensive trading information—including the information that is required for price transparency.[52]

To date, the NASD has not had routine access to comprehensive transaction information for the broad OTC corporate bond market, even though the NASD is responsible for conducting surveillance in and regulating that market.[53] As the sole SRO responsible under the Act for regulating the OTC market, the NASD is the only SRO that can effectively use consolidated bond transaction data for regulatory purposes.

The NASD/TRACE Rules require only that NASD members trading corporate bonds in the OTC market submit transaction reports to the NASD.[54] The rules exempt securities listed and traded on a national exchange.[55] A few commenters outlined alternative proposals to promote price transparency in the corporate bond market.[56] One commenter proposed that the NASD delete the listed securities exemption in the TRACE proposal, suggesting instead that multiple SROs should collect corporate bond transaction data and contribute to a ''consolidated tape'' through data linkages. This commenter further suggested that multiple SROs conduct surveillance of the corporate bond market and pass the resulting information to interested parties (*i.e.,* the Commission, the NASD, or an SRO acting as the Designated Examining Authority for the broker-dealer involved).[57] This commenter argued that such a proposal would be superior to the TRACE proposal because it would contribute greatly to ''robust competition'' and that, unlike the TRACE proposal, it would not unfairly discriminate between bonds listed on an exchange and bonds traded over-the-counter (''OTC'').[58] Another commenter proposed a ''network model,'' whereby multiple competing vendors could obtain trade reports, issue market-data for corporate bonds, and share their data with SROs and clearing agencies to facilitate surveillance and processing functions.[59] Another commenter suggested that TBMA sponsor a corporate bond transparency facility, arguing that such a facility would have greater access to expertise and would better serve the interests of bond market participants.[60]

These proposals fail to recognize that, under the Act, the NASD is the only regulator, other than the Commission itself, of the OTC market. Whereas bond transactions that take place on an exchange are regulated by that

[42] *See* Schwab Letter, Appendix B.

[43] *See* Schwab Letter, Appendix B. *See also,* Phlx Letter, Appendix B (arguing that TRACE proposal creates incentives for fees to exceed costs).

[44] *See* Morgan Letter, Schwab Letter, Appendix B.

[45] *See* Securities Exchange Act Release No. 43313 (September 20, 2000), 65 FR 58135 (September 27, 2000).

[46] *See* Datek Letter; Phlx Letter; Schwab Letter; IFI Letter, Appendix B.

[47] *See* Letter from Joan C. Conley, Senior Vice President and Corporate Secretary, NASD, to Katherine A. England, Commission, dated January 5, 2001.

[48] 15 U.S.C.78*o*–3(b)(6).

[49] 15 U.S.C. 78k–1(a)(1)(C).

[50] 15 U.S.C. 78*o*–3(b)(9).

[51] *See* Statement of the U.S. Securities and Exchange Commission to the Subcommittee on Securities, Committee on Banking, Housing and Urban Affairs, United States Senate, May 26, 1999.

[52] *Id.*

[53] In enacting Section 15A of the Exchange Act (15 U.S.C. 78*o*–3), Congress determined that the over-the-counter (''OTC'') markets should be regulated by registered securities associations, rather than by the SEC. *See* S. Rep. No. 75–1455, at 1684–85 (1938). Today, the NASD remains the only registered securities association responsible for regulation of the OTC markets. Although the Municipal Securities Rulemaking Board (''MSRB'') has the authority to adopt rules governing the conduct of municipal securities dealers, it is the NASD that is responsible for enforcing those rules and conducting surveillance in the municipal securities market. To close the gap with regard to corporate bond transactions not listed on an exchange, it is logical for the NASD to require members to report OTC corporate bond transactions to the NASD.

[54] *See* TRACE Rule 6230.

[55] *See* TRACE Rule 6230(e).

[56] *See* Phlx/Bloomberg Letter, Appendix A; Schwab Letter, Appendix B.

[57] *See* Phlx/Bloomberg Letter, Appendix A.

[58] *See* Phlx/Bloomberg Letter, Appendix A (arguing that the TRACE proposal unfairly discriminates between exchange listed and OTC bonds in violation of section 15A(b)(6) of the Act).

[59] *See* Schwab Letter, Appendix B (arguing that its proposal fosters innovation, competition, minimizes the need for regulatory oversight of fees, and eliminates conflict of interest). *See also,* Datek Letter, Appendix B (arguing that open network information technology ''has emerged as one of the most revolutionary developments transforming our nation's securities markets'').

[60] *See* Morgan Letter, Appendix B.

exchange, the statutory scheme contemplates that the NASD will regulate bond transactions in the OTC market.[61] No other SRO has the necessary authority to conduct surveillance of the OTC corporate bond market. The NASD/TRACE Rules permit the NASD to obtain the information that it needs to better fulfill its statutory responsibility to regulate the OTC corporate bond market.[62] The Commission does not believe the TRACE proposal discriminates unfairly between exchange listed and OTC corporate bonds within the meaning of section 15A(b)(6) of the Act. Rather, the NASD's proposal reasonably proposes only to regulate matters within its jurisdiction.

The NASD's need for comprehensive bond transaction data to better fulfill its regulatory responsibilities cannot seriously be in dispute. Indeed, several commenters acknowledged the NASD's legitimate interest as an SRO in obtaining corporate bond transaction information for surveillance, enforcement, and other regulatory purposes.[63] Accordingly, the Commission finds that the NASD/TRACE Rules are consistent with section 15A(b)(6) of the Act, in that they further empower the NASD to fulfill its statutory obligations in the OTC corporate bond market to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general, to protect investors and the public interest, and further that they do not unfairly discriminate between customers, issuers, brokers, or dealers.

As a general matter, commenters did not object to the NASD/TRACE Rules authorizing the NASD to collect corporate bond trade data for regulatory purposes. Rather, commenters were more concerned that it was anti-competitive to permit the NASD to give Nasdaq or another single entity the exclusive right to market the data.[64] The Commission believes that the NASD's amendment giving the NASD control over TRACE, in lieu of Nasdaq, addresses these concerns. The NASD is less likely to be viewed as a potential competitor than Nasdaq. Unlike Nasdaq, the NASD intends to remain a membership organization and has no plans to operate an organized market. With regard to commenters' concerns that the TRACE proposal confers a regulatory monopoly with regard to the data, the Commission believes that these concerns are overstated because the NASD is not an exclusive securities information processor by virtue of operating the TRACE system. Third parties can obtain bond transaction data, either from the NASD or directly from broker-dealers, and the proposal does not prevent these third parties from marketing the data. Furthermore, the Act has in place regulatory safeguards to prevent the NASD from taking unfair advantage of its position as a consolidator of market information. Pursuant to sections 15A and 19(b) of the Act, the Commission has authority to oversee the NASD's provision of data to third parties, including the fees that the NASD proposes to charge for the data, as well as claims of unfair denial of access.[65]

To achieve its goal of consolidating bond market data for regulatory purposes, the NASD/TRACE Rules require NASD members to ensure that the NASD receives transaction reports in a timely fashion.[66] The rules do not prevent intermediaries from collecting the data from NASD members for transmission to the NASD.[67] Moreover, the rules do not establish any exclusive rights to that information. Vendors are expected to offer value-added services, incorporating data they receive from the NASD.[68] NASD members that provide the data are free to sell or give the same information to information vendors. Once required to make trade data available in corporate bonds, bond dealers will have little remaining reason to withhold this data from vendors. Those vendors in turn are free to offer ''unconsolidated'' information products in direct competition with the NASD.[69] At the same time, the data available from the NASD will provide a reference point for measuring the accuracy and completeness of private vendors' data streams. The Commission believes that actual or potential competition from providers of unconsolidated data, some of which may include data unavailable to the NASD, will deter the NASD from charging excessive rates for consolidated data. Furthermore, the NASD's distribution of the raw data will provide competing vendors with opportunities to package the information in forms that will be useful to institutions and retail investors. Unlike the equity markets, where pricing information is easily interpreted, in the bond market, information may need to be packaged with ancillary information and analytical tools to be fully valuable to users. The mandatory transaction reporting to the TRACE system will almost certainly create competitive opportunities for market products designed to analyze and interpret the data.

Some commenters argued that TRACE creates a monopoly, and therefore, the NASD's fees for TRACE would almost certainly exceed its costs.[70] Other commenters suggested that the NASD use a competitive bidding process to select a technology vendor to keep costs down. Given the opportunities that exist for other vendors and market participants to obtain the data, either from the NASD or directly from broker-dealers, and compete with the NASD to collect and disseminate data, the Commission does not agree that TRACE fees will necessarily exceed the NASD's costs. Even in the absence of such competition, the Act limits the ability of

[61] Transaction data for corporate bonds trading on the New York Stock Exchange's Automated Bond System is reported to the NYSE.

[62] The MSRB requires dealers to report transactions in municipal securities to the MSRB. *See* MSRB Rule G–14 (establishing public availability of Daily and Comprehensive Transaction Reports disclosing price and other information on municipal securities transactions). Likewise, transaction information for bonds listed and traded on an exchange is reported to such exchange. The NASD's proposal to require its members to report OTC corporate bond transactions to the NASD simply closes a gap in regulation.

[63] *See* Bear Stearns Letter; CSFB Letter; ICI Letter, Appendix A.

[64] *See e.g.,* ABN–AMRO Letter; A.G. Edwards Letter; Bear Stearns Letter; CSFB Letter; Fidelity Letter; ICI Letter; Instinet Letter; Legg Mason Letter; Merrill Letter; Phlx/Bloomberg Letter; TBMA Letter; Salomon Letter; SIA Letter; Warburg Letter, Appendix A. *See also* Bloomberg Letter, Datek Letter, Phlx Letter, Schwab Letter; IFI Letter, Appendix B.

[65] See also discussion *infra.* The Commission also notes that in its report recommending that the Senate adopt the Securities Act Amendments of 1975, the Senate Committee on Banking, Housing and Urban Affairs stated that, ''the Commission's broad authority under the bill includes all powers necessary to ensure the regulation of the securities information processing activities of * * * exchanges and [registered securities] associations in the same manner and to the same extent as the Commission may regulate securities information processors registered and regulated under new section 11A(b).'' Senate Report No. 94–75 (Apr. 14, 1975).

[66] *See* TRACE Rule 6230.

[67] *See* NSCC Letter, Appendix B, indicating that NSCC participants may use NSCC as an intermediary to submit trade reports to the NASD.

[68] Indeed, one commenter stated that ''private initiatives to capture and distribute trade data should be able to develop freely in the marketplace'' and acknowledged that ''the NASD's proposal would not preclude the development of such other initiatives.'' *See* ICI Letter, Appendix A. Another commenter stated that TRACE ''should serve as the ultimate collector and repository of reportable trade data which will permit regulatory surveillance of the market * * * (but) should allow for the development of other alternative means of data collection and dissemination.'' *See* Fidelity Letter, Appendix A. The Commission believes the TRACE proposal will in fact allow for such alternatives.

[69] Rule 11Ac1–2(b) under the Act, which requires vendors of reported security information to offer a consolidated product, does not apply to corporate bonds.

[70] See Phlx Letter; Schwab Letter, Appendix B. *See also* Morgan Letter, Appendix B.

the NASD to charge unreasonable fees for consolidated information. The NASD proposed in Amendment No. 2 to voluntarily register as an ESIP on the rationale that, by doing so, it would become subject to certain additional regulatory safeguards set forth in section 11A(c) of the Act. The Commission finds, however, that such registration would not place meaningful additional regulatory requirements on the NASD, as the Act provides plenary authority to regulate the information processing and dissemination activities of the NASD, including the NASD's fee structure. Furthermore, by virtue of its status as an SRO, the NASD is subject to the requirements of section 15A(b)(5) [71] and (b)(6) of the Act to deliver market information on terms that are reasonable and not unfairly discriminatory.[72] Moreover, as an SRO, the NASD will establish charges and fees for TRACE by submitting a rule filing with the Commission pursuant to section 19(b)(1) of the Act. When the Commission reviews fees to be charged for market information in the context of a proposed rule change under section 19(b) of the Act, the Commission must consider whether the proposed fees are consistent with the Act. In the context of a section 19(b) filing by the NASD to establish fees and charges for TRACE, section 15A(b)(5) of the Act will be particularly important. Specifically, section 15A(b)(5) requires the ''equitable allocation of reasonable'' fees charged to any person using the facilities operated or controlled by the NASD, and as such requires that the proposed fees be reasonable and not unfairly discriminatory.[73] The Commission believes that purchasers of consolidated TRACE data are users of the TRACE facility for purposes of considering whether a section 19(b) rule filing establishing fees and charges for TRACE is consistent with the Act.

Further, in section 11A(a)(1)(C), Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure: (1) The economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; and (3) the availability to brokers, dealers, and investors of information with respect to quotations and transactions in securities. The NASD/TRACE Rules further these goals by increasing the amount of public information available in the corporate bond market. Without the availability of public information, participation in this market has been limited to well-established participants who are able to devote significant resources to obtain the necessary information. By increasing public availability of information about bond prices, the NASD/TRACE Rules may encourage greater participation in the market by brokers, dealers, and investors, which will contribute to deeper markets and increased competition. The Commission believes that the TRACE proposal is tailored to achieve the important goals of increased price transparency and enhanced market surveillance in the corporate bond market; and despite some commenters' assertions to the contrary, the Commission believes that the TRACE proposal is not so broad as to eliminate the opportunity for others to compete in the marketing and dissemination of corporate bond data.

Additionally, the Commission does not agree with commenters that bond market transparency should be deferred to await the outcome of the Commission's Advisory Committee on Market Information, which is currently studying whether the traditional model for market data collection and dissemination is still appropriate. Should the Advisory Committee on Market Information conclude that an approach substantially different from the TRACE approach provides a superior way to assure price transparency in the corporate bond market, the Commission would consider such a conclusion when evaluating any NASD amendments to TRACE.[74] After careful consideration of commenters' concerns, the Commission concludes that the TRACE proposal is consistent with section 15A(b)(9) of the Act, which requires that the rules of a registered securities association not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Trade Comparison, T+1, and Straight Through Processing

As originally proposed, the NASD/TRACE Rules included a mandatory trade comparison feature. Several commenters objected to the mandatory comparison feature of the TRACE proposal, arguing that price transparency and trade processing issues should be addressed separately.[75] A few argued that the NSCC and DTC comparison framework works well and that the NASD's proposed system was neither necessary nor efficient.[76] Other commenters objected specifically to Nasdaq having an exclusive franchise over the provision of comparison services for corporate bond trades.[77] Some commenters raised concerns that inserting the TRACE comparison proposal between the trade execution and clearance and settlement functions would hinder the transition to a T+1 settlement cycle.[78]

In response to these concerns, the NASD, in Amendment No. 2, deleted the mandatory trade comparison feature, but required TRACE participants to provide the same data on corporate bond transactions they provide to their clearing agency within the same time frame. Several commenters, in response to Amendment Nos. 2 and 3, objected to the ''optional comparison feature'' of the amended proposal, on the grounds that it could lead to confusion in the industry.[79] Additionally, several commenters urged the NASD to delete the requirement in proposed Rule 6231(a) that members report to TRACE the same information they report to their clearing agency.[80]

The Commission recognizes the value of crosschecking the trade data submitted by the reporting dealer with information from the counterparty. Nonetheless, this process should be done in the most efficient manner

[71] 15 U.S.C. 78*o*–3(b)(5).

[72] 15 U.S.C. 78*o*–3(b)(5) and (6).

[73] Additionally, section 15A(b)(6) of the Act provides that the rules of a registered securities association must not be designed ''to permit unfair discrimination between customers.'' As vendors and other market participants who review transaction information could be considered customers of TRACE, the Commission believes this provision also prohibits the NASD from unfairly discriminating against those vendors and market participants.

[74] The Commission notes that in its Response Letter, the NASD stated that it will cease functioning as a consolidated information disseminator and limit its role to bond market regulation in the event the Advisory Committee on Market Information ''develop(s) a market-driven approach to equities market data that can be applied to bond market data.'' *See* note 47 *supra*.

[75] *See* A.G. Edwards Letter; AMF Letter; Fidelity Letter; Freeman Letter; Garban Letter; Lazard Letter; Legg Mason Letter; Liberty Letter; Merrill Letter; Morgan Letter; SIA Letter; Salomon Letter; Schwab Letter; TBMA Letter, Appendix A.

[76] *See* D.A. Davidson Letter; Edward Jones Letter; J.C. Bradford Letter; RMOA Letter, Appendix A.

[77] *See* ABN–AMRO Letter; CSFB Letter; Bear Stearns Letter; Merrill Letter; Morgan Letter; Salomon Letter; TBMA Letter; Thomson Letter, Appendix A.

[78] *See* A.G. Edwards Letter; AMF Letter; D.A. Davidson Letter; DTC Letter; Freeman Letter; J.C. Bradford Letter; Morgan Letter; SIA Letter; Thomson Letter, Appendix A. *See also*, DTC Letter (stating that TRACE Proposal does not indicate whether TRACE is compatible with NSCC technology).

[79] *See* RMOA Letter; SIA Letter; SIA/Streetside Letter, Appendix B.

[80] *See* Morgan Letter; RMOA Letter; SIA Letter; TBMA Letter, Appendix B. *See also* Phlx Letter; IFI Letter, Appendix B.

possible. Commenters stated that submitting clearing information to the NASD would add significantly to a participant's burden in complying with the Rules, without providing the NASD any information it could not obtain from the participant's clearing agency. Accordingly, the NASD filed Amendment No. 4 to delete this requirement, and the Commission is accelerating approval of that amendment as more fully described in Section VI below. In this regard, the NASD has indicated that it intends to address this issue by amending Rule 6230(b) to require both the buy and sell sides of a member-to-member transaction to report to TRACE.[81] Such a proposed rule change will be subject to notice and comment under section 19(b) of the Act.The Commission finds that the NASD's amendments to scale back the TRACE proposal to delete all provisions concerning trade comparison and submission of clearing information addresses commenters' concerns about a single comparison processor. Furthermore, because the amended proposal no longer has any direct bearing on clearance and settlement, the Commission believes that the changes should eliminate any concerns that TRACE could seriously affect the industry's move to T+1 settlement.

D. Information Required to be Reported

As originally proposed, the NASD/TRACE Rules did not require members to include yield information in their trade reports. Commenters stated that yield information would be useful, and suggested that the NASD specify how yield should be calculated.[82] In response, the NASD amended the NASD/TRACE Rules to require reporting of yield, and specified that yield should be calculated in accordance with Rule 10b–10 under the Act.[83] We believe that the NASD has made a reasonable response to the comments, and that inclusion of yield information will enhance the usefulness of the transaction reports.[84]

E. Scope of the Proposal

Several commenters suggested that the NASD significantly expand the scope of the TRACE proposal. Some argued that the proposal should accommodate fixed income instruments other than corporate debt securities, to avoid forcing the industry to support multiple systems for similar products.[85] These comments generally were premised on a concern that the proposed mandatory trade comparison feature would result in needless duplication of effort and possible inconsistency with other trade comparison systems. The NASD has addressed this concern by deleting the trade comparison feature of its filing.

In response to the NASD's amendments, some commenters argued that the NASD should incorporate municipal bond requirements as well as corporate bond requirements into a single format.[86] The Commission does not disagree that a single-format approach to fixed income transparency could have merit; however, it believes the current proposal takes a reasonable first step towards providing public investors with current transaction information on corporate bonds in a uniform format, consistent with the purposes of the Act. The Commission cannot disapprove the current proposal simply because a different or more extensive approach might also have been consistent with the Act.

Finally, one commenter, responding to Amendment Nos. 2 and 3, criticized the NASD/TRACE Rules for failing to distinguish between real-time and historical data.[87] This commenter stated that an entity other than the NASD could be the distributor of historical data. In addition, this commenter urged that final NASD/TRACE Rules recognize the economic interest of broker-dealers that report this data to the NASD.[88] In this regard, the Commission understands that the treatment of historical data has been the subject of negotiations between the NASD and TBMA. Preliminarily, the Commission believes that there is no basis in the Act to distinguish between real-time and historical data collected by an SRO. However, because the NASD/TRACE Rules do not address this issue, it is not addressed here.

F. Lack of Specificity

Some commenters argued that the proposal is not specific enough to permit informed comment.[89] One commenter stated that the filing did not comport with Form 19b–4 under the Act because it failed to explain the competitive implications of the proposal.[90]

The Commission believes that the NASD's original notice and subsequent amendments were sufficiently detailed as to afford commenters a meaningful opportunity to comment on their impact on competition. The notice and amendments described the scope of TRACE, the key reporting requirements, and the general schedule for implementation. The Commission raised the issue of competition in its notice by specifically asking whether the method of trade report dissemination is appropriate, and whether there are ways to improve the proposed trade reporting system. The Commission received 39 comments on the original proposal, which was published well over one year ago, and 13 comments on Amendment Nos. 2 and 3, which were published in November 2000. In fact, Amendment Nos. 2 and 3 were submitted by the NASD in part to address certain competitive concerns raised by comments on the original proposal. Further, in the original notice, the

[81] *See* Response Letter, note 47 *supra*.

[82] ICI Letter; Schwab Letter, Appendix A. *See also*, Fidelity Letter, Appendix A. *See also* Morgan Letter, Appendix B.

[83] 17 CFR 240.10b–10.

[84] Commenters raised several additional concerns about the types of information required to be included in TRACE trade reports. Several commenters argued that the trade reports should include information on the amount of interest on the trades (*see, e.g.*, D.A. Davidson Letter; J.C. Bradford Letter, Appendix A). Another disagreed with the NASD's decision to include markup and markdown figures in reported prices (Briggs and Morgan Letter, Appendix A). Finally, two commenters recommended adjusting the amount of the large volume trade identifiers disclosed in the reports (Merrill Letter, ICI Letter). Because there is no current consolidated reporting system for corporate bonds, it is difficult to make a firm determination regarding what information will be most useful to investors. We believe that the NASD has made a reasonable first attempt at this, based on its extensive discussions with the industry. For example, the NASD has developed its large volume trade identifiers in consultation with the industry. Other commenters, including TBMA, have supported these identifiers. Once TRACE operates, the NASD Board will be in a better position to determine whether to modify the system, including the large volume identifiers, to reflect suggestions provided by members, vendors, and end-users. At that time, we would expect the NASD to file with the Commission, pursuant to section 19(b)(1) of the Act, proposed changes to the NASD/TRACE Rules as necessary and appropriate, based on the suggestions it has received.

[85] *See* RMOA Letter; Edward Jones Letter; D.A. Davidson Letter; A.G.Edwards Letter; Sloan Letter; and J.C. Bradford Letter, Appendix A. For example, two commenters, in response to Amendments 2 and 3, urged the NASD to work to ensure that its trade reporting function ''works within the context of ongoing industry initiatives to consolidate and expedite post-trade processing functions across all fixed income markets.'' *See* MSRB Letter, SIA Letter; SIA/Streetside Letter, Appendix B.

[86] *See* MSRB Letter; RMOA Letter; SIA Letter; SIA/Streetside Letter, Appendix B.

[87] *See* TBMA Letter, Appendix B.

[88] *Id.*

[89] *See* Morgan Letter; RMOA Letter, Appendix A. *See also*, J.C. Bradford Letter; Freeman Letter; Garban Letter, Appendix A.

[90] *See* Phlx/Bloomberg Letter, Appendix A. One commenter repeated this concern in responding to Amendments 2 and 3 to the proposal. This commenter said that the NASD's failure to provide adequate information concerning the competitive burdens of its proposal ''deprives the public of an adequate basis to comment * * * and deprives the Commission of an adequate basis for determining whether to approve it.'' Bloomberg Letter, Appendix B.

Commission sought comment on whether the proposal is consistent with the Act, thus invoking sections 3(f), 15A(b)(6), and 15A(b)(9) of the Act regarding burdens on competition and non-discrimination.[91]

G. Problems with Rule Text

A few commenters pointed to problems with the text of the rule. For example, one commenter stated that the proposal is internally inconsistent.[92] That commenter argued that the narrative of the original proposal and the proposed rules themselves are not consistent. For example, the narrative described several types of securities that would not be reportable, but the proposed rules did not define the securities subject to reporting in such a way that excluded those securities. The amended proposal addresses this issue by including in the NASD/TRACE Rules the types of securities that are excluded from reporting.

H. Preference for a More Open System

Several commenters argued that the proposal should use open architecture and competitively driven technologies rather than a single, proprietary service.[93] These comments do not appear to take into account the NASD's need for central collection of the data to create a comprehensive surveillance system. As discussed above, TRACE allows for alternative methods for submitting this information to the NASD, and does nothing to prevent dissemination of this information independently of the NASD. Moreover, as noted above, nothing in the amended NASD/TRACE Rules prevents vendors and other market participants from receiving unconsolidated information from NASD members or from packaging consolidated data from the NASD and marketing that information in direct competition with the NASD and others. Further, to the extent these comments were directed towards the proposed mandatory comparison service, the Commission believes that the NASD's decision to delete all provisions relating to trade comparison effectively responds to such objections.

I. Timing

Several commenters raised concerns about the original proposed timeframe for implementing the NASD/TRACE Rules.[94] Many of the issues commenters raised regarding preparations for Y2K, decimalization, and OATS are no longer a concern. The NASD/TRACE Rules will be implemented 180 days after the date the NASD provides technical specifications to its members, in accordance with the phase-in schedule discussed above. The Commission believes that this timeframe will allow ample time for NASD members and other bond market participants to prepare for TRACE reporting, and permit the NASD to more fully test TRACE technology.

In response to Amendments 2 and 3, one commenter continued to express concerns about the revised implementation schedule for TRACE.[95] This commenter stated that members will be unable to meet the requirement to report transactions within 15 minutes after trade execution, scheduled to take effect on December 31, 2001. In this connection, the Commission notes that there is no 15-minute requirement in the rules at this time.[96] The Commission will have the opportunity to reconsider this issue if and when the NASD submits a rule change to implement a 15-minute reporting requirement.

J. Fees

Several commenters addressed the issue of fees, urging that fees be cost-based and account for costs incurred by NASD members who are required to report.[97] The Commission notes that the NASD/TRACE Rules as proposed do not contain proposed fees for distributing reported data. Thus, this approval order does not address the issue of fees. As noted above, the NASD is required to file a proposed rule change with the Commission prior to imposing fees, and the Commission must find that those fees are reasonable and not unfairly discriminatory under the Act.[98]

K. Impact on Competition, Efficiency and Capital Formation

Section 3(f) of the Act requires that the Commission consider whether the NASD's proposal will promote efficiency, competition, and capital formation.[99] As described above, the NASD proposal followed a Commission staff review of the debt market. Specifically, in 1998 Commission staff reviewed the market for debt securities in the U.S., with particular emphasis on the state of price transparency. One of the chief goals of the review was to identify specific inadequacies in the availability of pricing information in the various market segments. The review focused on five segments of the debt market: U.S. Treasury and Federal Agency Bonds; mortgage-backed securities and other structured products; corporate bonds; municipal bonds; and foreign sovereign bonds. Commission staff interviewed over thirty organizations, including trade associations, SROs, government agencies, interdealer brokers, information vendors, bond dealers, institutional investors, clearing agencies, and electronic trading system operators. The staff concluded that the quality of pricing information available in the market for government bonds was good, but that information available on high yield corporate bonds was relatively poor, and that pricing information on investment grade corporate bonds fell between high yield corporate bonds and government bonds in terms of quality.

The staff concluded that real-time transaction reporting for corporate bonds, in addition to improving the transparency of the corporate debt market, would also provide a sound basis for surveillance of that market. As a result of the findings of the review, Chairman Levitt requested the NASD to undertake the current TRACE initiative.

The Commission believes that the NASD/TRACE Rules represent a reasonable effort by the NASD to enhance the quality of the OTC corporate debt market by providing more information to investors and other market participants, thus increasing overall market transparency. While the NASD/TRACE Rules provide for a centralized collection and dissemination of bond transaction data, this centralized collection is needed to create a complete surveillance database. It does not create an exclusive means of collecting and distributing that information to investors. The NASD/TRACE Rules also will improve

[91] *See* Securities Exchange Act Release No. 42201 (December 3, 1999), 64 FR 69305 (December 10, 1999). *See also*, Securities Exchange Act Release No. 43616 (November 24, 2000), 65 FR 71174 (November 29, 2000) (requesting comment on the amended TRACE proposal).

[92] *See* Wachovia Letter, Appendix A.

[93] *See* Thomson Letter, Appendix A. *See also* McFadden Letter; TBMA Letter, Appendix A; Datek Letter; Schwab Letter; Morgan Letter, Appendix B.

[94] *See* A.G. Edwards Letter; D.A. Davidson Letter; Edward Jones Letter; Freeman Letter; Garban Letter; Legg Mason Letter; Liberty Letter; Schwab Letter; SIA Letter; Sloan Letter; TBMA Letter; Wachovia Letter; Zions Bank Letter, Appendix A.

[95] *See* RMOA Letter, Appendix B.

[96] In its Response Letter, the NASD noted that any proposal to shorten the one hour reporting period to 15 minutes would require the filing of a rule proposal pursuant to Section 19(b)(1) of the Act. The NASD represented that in developing such a proposal it will give substantial weight to the industry's timeline for implementing T+1. *See* Response Letter, note 47 *supra*.

[97] *See* BAS Letter; Bear Stearns Letter; Freeman Letter; Garban Letter; ICI Letter; Lazard Letter; Legg Mason Letter; Merrill Letter; Morgan Letter; Schwab Letter; TBMA Letter; Warburg Letter, Appendix A; Phlx Letter; Schwab Letter, Appendix B. *See also* Phlx/Bloomberg Letter (arguing that proposal would cast the SEC into a ratemaking role), Appendix A.

[98] *See* discussion *supra*, Section V.B.

[99] 15 U.S.C. 78c(f).

surveillance of the OTC corporate debt market. Moreover, they may create an opportunity for vendors and broker-dealers to market analytical tools to interpret the data. In addition, the Commission believes that the NASD/TRACE Rules proposal should promote competition and capital formation by encouraging increased participation in the corporate bond market by broker, dealers, and investors. Finally, the Commission believes that broad public availability of transaction information will increase the fairness and efficiency of the debt markets and thereby foster investor confidence in those markets. Enhanced investor confidence, in turn, may yield increased investor participation in the markets, which in turn would lead to greater liquidity in the markets.

VI. Accelerated Approval of Amendment No. 4

The Commission finds good cause for approving Amendment No. 4 to the proposal prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. First, in response to comment, Amendment No. 4 deletes proposed Rule 6231(a) which required NASD members to report to TRACE the same transaction information that the member provides to its registered clearing agency for clearance and settlement, by the time the member transmits that information to its clearing agency.

Second, Amendment No. 4 withdraws the NASD's earlier undertaking to register as a securities information processor. As discussed *supra,* the Commission believes that the Act provides it with substantially similar oversight of the NASD's operation of TRACE whether it registers as a securities information processor or not.

In addition, Amendment No. 4 adds language to Rule 6260(a) that provides for the NASD to immediately disseminate transaction information on the ''FIPS 50.'' [100] This language was inadvertently omitted from Rule 6260(a) in the NASD's amended proposal; however, the language was included in the notice of the original proposal and in the description of transaction dissemination contained in the NASD's Amendment No. 2.

The proposed changes to the definition of ''TRACE-eligible securities'' in Amendment No. 4 clarify the rules by inserting exclusions from reporting that were contained in the narrative of the original filing. Amendment No. 4 also narrows the reporting requirement so as not to include certain investment grade securities issued pursuant to section 4(2) of the 1933 Act, but not sold or traded under Rule 144A. The Commission believes that this change will not substantially alter the scope of reporting required under the NASD/TRACE Rules.

Finally, the revised implementation schedule provides 180 days time for the industry to prepare for TRACE after technical specifications are made available, rather than 180 days after Commission approval. This change responds to commenters suggestions, and the Commission believes that commenters would likely welcome the additional time to prepare for TRACE.

Other changes effected by Amendment No. 4 are technical in nature and were added for clarification only.

For these reasons, the Commission finds good cause, consistent with sections 15A(b)(6) and 19(b)(2) of the Act, to accelerate approval of Amendment No. 4 to the proposed rule change.

VII. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 4, including whether Amendment No. 4 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–65 and should be submitted by February 20, 2001.

VIII. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–99–65), as amended, be and hereby is approved, and that Amendment No. 4 thereto is approved on an accelerated basis.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Appendix A—List of Comment Letters NASD's Original Trace Proposal SR–NASD–99–65

1. Letter from William T. Dolan, Briggs and Morgan, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated January 14, 2000 (''Briggs and Morgan Letter'').
2. Letter from Thomas Sargant, President, Regional Municipal Operations Association, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated January 27, 2000 (''RMOA Letter'').
3. Letter from Douglas L. Williams, Executive Vice President, Wachovia Securities, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 4, 2000 (''Wachovia Letter'').
4. Letter from Dennis J. Dirks, Chief Operating Officer, The Depository Trust & Clearing Corporation, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''DTC Letter'').
5. Letter from Kreg Jones, Sr. Vice President, and George Tootle, Vice President, D.A. Davidson & Co., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 7, 2000 (''D.A. Davidson Letter'').
6. Letter from Thomas J. Westphal, Principal, Operations, Edward Jones, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 4, 2000 (''Edward Jones Letter'').
7. Letter from Thomas M. Likovich, Managing Director, U.S. High Grade Credit Trading, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''Merrill Letter'').
8. Letter from Louis J. Scotto, President, Liberty Brokerage Securities, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 7, 2000 (''Liberty Letter'').
9. Letter from Amy B.R. Lancellotta, Senior Counsel, Investment Company Institute, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''ICI Letter'').
10. Letter from Kenneth deRegt, Managing Director, Morgan Stanley & Co, Incorporated, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''Morgan Letter'').
11. Letter from Mari-Anne Pisarri, Pickard and Djinis LLP, on behalf of Thomson Financial, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''Thomson Letter'').
12. Letter from Rene L. Robert, President, AdvantageData.com, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 7, 2000 (''Advantage Letter'').
13. Letter from Alan M. Green, Managing Partner, McFadden, Farrell & Smith, to Jonathan G. Katz, Secretary, Securities and

[100] *See supra* note 16.

Exchange Commission, dated February 7, 2000 (''McFadden Letter'').

14. Letter from F. Harlan Batrus, Managing Director, Lazard Freres & Co, LLC, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 (''Lazard Letter'').

15. Letter from Richard E. Thornburgh, Vice Chairman of the Executive Board, Member of the Credit Suisse Group Executive Board, Credit Suisse First Boston, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 8, 2000 (''CSFB Letter'').

16. Letter from Salvatore Trani, President, Garban Corporates LLC, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 (''Garban Letter'').

17. Letter from J.P. Lademark, Senior Vice President, Schwab Capital Markets & Trading Group, Charles Schwab & Co., Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 11, 2000 (''Schwab Letter'').

18. Letter from James F. Smith, President, Freeman Securities Company, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Freeman Letter'').

19. Letter from Noland Cheng, Chairman, Fixed Income Transparency Subcommittee of SIA's Operations Committee, Securities Industry Association, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''SIA Letter'').

20. Letter from Robert Wolf, Managing Director, Warburg Dillon Read LLC, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 (''Warburg Letter'').

21. Letter from Joseph A. Sullivan, Senior Vice President and Director, Fixed Income Group, Legg Mason Wood Walker, Incorporated, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Legg Mason Letter'').

22. Letter from Robert G. Knox, Zions Bank Capital Markets, Zions First National Bank, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Zions Bank Letter'').

23. Letter from Ronald J. Kessler, Corporate V.P. & Director of Operations, and Gregory C. Menne, Sr. V.P. & Director of Fixed Income, A.G. Edwards & Sons, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''A.G. Edwards Letter'').

24. Letters from David DeLucia, Managing Director, Donaldson, Lufkin & Jenrette, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 and February 23, 2000 (collectively, ''DLJ Letter'').*

25. Letter from William H. James III, 1999 Chairman Corporate Bond Division; Vincent P. Murray, 2000 Chairman, Corporate Bond Division; Ferdinand Masucci, 2000 Vice Chairman, Corporate Bond Division, The Bond Market Association, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 (''TBMA Letter'').

26. Letter from Joseph W. Sack, Executive Director, and Judith D. Donahue, The Capital Group Chairman, The Bond Market Association, Asset Managers Forum, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 11, 2000 (''AMF Letter'').

27. Letter from Robert B. Sloan to Secretary, Securities and Exchange Commission, dated February 14, 2000 (''Sloan Letter'').

28. Letter from Warren J. Spector, Senior Managing Director, Bear Stearns & Co., Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Bear Stearns Letter'').

29. Letter from Stephen J. Gallagher, Managing Director, Global High Grade Trading, Banc of America Securities LLC, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''BAS Letter'').

30. Letter from Steven Berkenfeld, Managing Director, Lehman Brothers, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Lehman Letter'').

31. Letter from Brian Riano, Managing Director, Corporate Bond Secondary Trading, Salomon Smith Barney, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 23, 2000 (''Salomon Letter'').

32. Letter from David Russell, Jr., Cove Hill Consulting, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 10, 2000 (''Cove Hill Letter'').

33. Letter from Sarah Cohen, Director, Fixed Income Syndicate, ABN–AMRO, Incorporated, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 9, 2000 (''ABN AMRO Letter'').

34. Letter from Kevin M. Foley, Bloomberg L.P., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 15, 2000 (''Bloomberg Letter'').

35. Letter from Meyer S. Frucher, Philadelphia Stock Exchange, Inc., and Kevin M. Foley, Bloomberg L.P., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 15, 2000 (''Phlx/Bloomberg Letter'').

36. Letter from Peter Fenichel, Senior Vice President, Instinet Fixed Income, Instinet Corporation, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated April 4, 2000 (''Instinet Letter'').

37. Letter from Eric Broder, Partner, Director of Operations, J.C. Bradford & Co., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 11, 2000 (''J.C. Bradford Letter'').

38. Letter from Dwight D. Churchill, Senior Vice President and Bond Group Leader, Fidelity Investments, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated February 28, 2000 (''Fidelity Letter'').

*Donaldson, Lufkin & Jenrette submitted two comment letters, the second elaborating on points made in the first. For ease of reference, both letters are collectively referred to as the ''DLJ Letter.''

Appendix B—List of Comment Letters: Amendment Nos. 2 and 3 to SR–NASD–99–65

1. Letter from Thomas Sargant, President, Regional Municipal Operations Association, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 13, 2000 (''RMOA Letter'').

2. Letter from William H. James, III, 1999 Chairman, Corporate Bond Division, Vincent Murray, 2000 Chairman, Corporate Bond Division, and Thomas Thees, 2001 Chairman, Corporate Bond Division, The Bond Market Association, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 20, 2000 (''TBMA Letter'').

3. Letter from Barry E. Simmons, Associate Counsel, Investment Company Institute, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 20, 2000 (''ICI Letter'').

4. Letter from Zoe Cruz, Managing Director, Morgan Stanley Dean Witter, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 20, 2000 (''Morgan Letter'').

5. Letter from W. Hardy Callcott, Senior Vice President & General Counsel, Charles Schwab & Co., Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 20, 2000 (''Schwab Letter'').

6. Letter from Noland Cheng, Chairman, Fixed Income Transparency Subcommittee of Securities Industry Association Operations Committee, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 21, 2000 (''SIA Letter'').

7. Letter from Eleanor Davis Ainspan, Chairperson, T+1 Streetside Fixed Income Working Group, SIA, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 21, 2000 (''SIA/Streetside Letter'').

8. Letter from Kevin M. Foley, Bloomberg L.P., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 22, 2000 (''Bloomberg Letter'').

9. Letter from Edward J. Nicoll, Chairman and Chief Executive Officer, Datek Online Holdings Corp., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, undated, received by e-mail on December 26, 2000 (''Datek Letter'').

10. Letter from Meyer S. Frucher, Chairman and Chief Executive Officer, Philadelphia Stock Exchange, Inc., to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 26, 2000 (''Phlx Letter'').

11. Letter from Dennis J. Dirks, Chief Operating Officer, Depository Trust & Clearing Corporation, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated December 28, 2000 (''DTC Letter'').

12. Letter from Christopher A. Taylor, Executive Director, Municipal Securities Rulemaking Board, to Jonathan G. Katz, Secretary, Securities and Exchange Commission, dated January 3, 2001 (''MSRB Letter'').

13. Letter from Peter Rich, Senior Vice President, Government and Regulatory Affairs, Instinet Fixed Income, Instinet Corporation, Inc., to Jonathan G. Katz,

Secretary, Securities and Exchange Commission, dated January 5, 2000 (''IFI Letter'').

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SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Chapter S2 covers the Deputy Commissioner, Operations. Notice is given that Subchapter S2N, the Office of Public Service and Operations Support (OPSOS), is being amended to reflect the establishment of the Division of Systems Security and Program Integrity (S2NE) under the Associate Commissioner for Public Service and Operations Support. The remaining divisions in OPSOS are being retitled to more accurately reflect their functions. The functions in two of the three existing divisions are being realigned. The new material and changes are as follows:

Section S2N.10 The Office of Public Service and Operations

Support—(Organization)

Retitle

D. The ''Division of Service Delivery and Program Policy'' (S2NA) to the ''Division of Program Policy and Operations'' (S2NA).

E. The ''Division of Operations Management'' (S2NB) to the ''Division of Operations Analysis and Customer Service'' (S2NB).

F. The ''Division of Resource and Management Information'' (S2NC) to the ''Division of Resource Management and Employee Services'' (S2NC).

Establish

G. The Division of Systems Security and Program Integrity (S2NE).

Section S2N.20 The Office of Public Service and Operations

Support—(Functions)

C. The Immediate Office of the Associate Commissioner for Public Service and Operations Support (S2N): Delete the final sentence, *i.e.,* ''Coordinates and implements a comprehensive DCO nationwide program to focus on systems security and programmatic fraud.''

Retitle

D. The ''Division of Service Delivery and Program Policy'' (S2NA) to the ''Division of Program Policy and Operations'' (S2NA).

Delete

Functional statement numbers 7 through 12.

Retitle

E. The ''Division of Operations Management'' (S2NB) to the ''Division of Operations Analysis and Customer Service'' (S2NB).

Delete

Functional statement number 5.

Add

5. Participates with appropriate policy components in SSA to provide clear, accurate and timely notices to the public and to fully utilize automation to reduce the need for manually prepared notices.

6. Develops and recommends to DCO standards and practices for national and international delivery of services. Plans, implements and evaluates the full range of SSA's service to the public.

7. Establishes service delivery policies. Develops and evaluates standards for measuring service to the public to ensure that quality, efficient and compassionate service is provided.

8. Plans, conducts and evaluates public information/referral programs to ensure Agency and other public and private services are effectively provided to the community within the guidelines and direction provided by the Agency. Ensures SSA's public affairs/information efforts are implemented effectively and efficiently within DCO components.

9. Establishes policies and develops criteria on field office accessibility (hours of service, size of field offices, type and location of services, etc.).

10. Directs the planning, analysis and evaluation of field office structure and develops innovative concepts for the future role of DCO components, including improvements in service.

Retitle

F. The ''Division of Resource and Management Information'' (S2NC) to the ''Division of Resource Management and Employee Services'' (S2NC).

Establish

G. The Division of Systems Security and Program Integrity (S2NE).

1. Coordinates and implements a comprehensive DCO nationwide program to focus on systems security and programmatic fraud.

2. Conducts nationwide analyses and studies to identify potential problems and develops guidelines/procedures to ensure an effective and efficient Operations security and integrity program.

3. Develops and maintains a comprehensive national program to focus attention on combating beneficiary and recipient fraud and develops recommendations for improving operational policy, procedures and internal controls to prevent recurrence.

4. Assesses security vulnerabilities. Evaluates overall plans and proposals for major Agency and interagency security projects and provides analysis for use in security program planning, implementation, evaluation and modification efforts.

5. Implements national level guidance in Agency standards, guidelines, or policies for major security programs.

6. Provides direction and coordination to the activities of the Regional Centers for Security and Integrity.

7. Ensures that training on security and program integrity is available and maintains a continuing awareness program.

8. Develops or interprets general policy direction for application on an organization-wide basis and conducts oversight reviews on the effectiveness of programs and practices.

9. Advises top-level DCO executives and security managers on new developments and advances in security techniques and keeps them informed of sensitive issues regarding beneficiary/recipient fraud, employee fraud and systems abuses.

10. Creates workflows and processes with systemic safeguards to prevent errors and ensure a full audit trail for automated and paper products.

11. Provides direction and coordination on sensitive cases involving employee fraud and abuse, including providing guidance to Operations executives regarding the appropriate disciplinary action.

12. Serves as Operations representative on the Agency's Critical Infrastructure Response Team responsible for responding to external and internal threats to the Agency's systems architecture.

13. Develops Operations systems access matrixes for new and/or existing applications to support the Agency's policy of least privilege access to SSA's various computer systems and monitors the profiles created to ensure the level of access is appropriate based on job duties and function of the application.

14. Develops and coordinates nationwide analysis and monitoring by the Regional Centers for Security and Integrity of the user accounts established within SSA's network systems architecture to identify vulnerabilities and monitor compliance.

15. Provides direction and guidance to Operations executives regarding security and privacy issues in connection with advances in the areas of electronic commerce, internet applications and intranet websites.

Paul D. Barnes,

Deputy Commissioner for Human Resources.

[FR Doc. 01–2456 Filed 1–26–01; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending December 8, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–8496
Date Filed: December 8, 2000
Parties: Members of the International Air Transport Association
Subject:
PTC COMP 0733 dated 8 December 2000
Mail Vote 098—Resolution 024c (Amending)
Conversion of Local Currency Amounts for Combination/ Construction Purposes
Intended effective date: 1 January 2001

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–2457 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending December 15, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–8523
Date Filed: December 12, 2000
Parties: Members of the International Air Transport Association
Subject:
CTC COMP 0330 dated 12 December 2000
Mail Vote 100—Resolution 033d
Currency Names, Codes, Rounding off Units and
Acceptability of Currencies (Amending)
Amend rounding units for the French Franc
Intended effective date: 1 January 2001

Docket Number: OST–2000–8534
Date Filed: December 12, 2000
Parties: Members of the International Air Transport Association
Subject:
PTC3 0460 dated 8 December 2000
TC3 between Japan, Korea and South Asian Subcontinent
Expedited Resolution 002ss
PTC3 0461 dated 8 December 2000
TC3 between Japan, Korea and South East Asia
Expedited Resolutions 002bb, 081pp
PTC3 0462 dated 8 December 2000
TC3 between Japan, Korea and South East Asia
Expedited Resolution 002gg
PTC3 0463 dated 8 December 2000
TC3 between Japan, Korea and South West Pacific
Expedited Resolutions
Intended effective date: 15 January, 1 February 2001

Docket Number: OST–2000–8535
Date Filed: December 12, 2000
Parties: Members of the International Air Transport Association
Subject:
PTC3 0456 dated 8 December 2000
TC3 Within South East Asia Expedited Resolution r002hh
PTC3 0457 dated 8 December 2000
TC3 Within South West Pacific Expedited Resolutions 002ii, 078
PTC3 0458 dated 8 December 2000
TC3 Between South East Asia and South Asian
Subcontinent Expedited Resolution 002rr
PTC3 0459 dated 8 December 2000
TC3 Between South Asian Subcontinent and South West
Pacific Expedited Resolutions 002jj, 080cc, 085uu
Intended effective date: 15 January 2001

Docket Number: OST–2000–8539
Date Filed: December 13, 2000
Parties: Members of the International Air Transport Association
Subject:
PTC2 EUR 0349 dated 17 December 2000
TC2 Within Europe Resolutions r1–r4
PTC2 EUR 0352 dated 8 December 2000
TC2 Within Europe Resolution r5–r41
PTC2 EUR 0353 dated 8 December 2000
TC2 Within Europe Resolution 002oo r42
Minutes—PTC2 EUR 0350 dated 21 November 2000
Tables—PTC2 EUR FARES 0049 dated 12 December 2000
Intended effective date: 1 March 2001, 1 April 2001,
1 June 2001

Docket Number: OST–2000–8553
Date Filed: December 15, 2000
Parties: Members of the International Air Transport Association
Subject:
PTC3 0455 dated 8 December 2000
TC3 Within South Asian Subcontinent Expedited
Resolution 002i
Intended effective date: 15 January 2001

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–2458 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending December 15, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1995–297.
Date Filed: December 11, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 2, 2001.

Description: Application of American Airlines, Inc. pursuant to 49 U.S.C. section 41101, 14 CFR Part 377 and subpart Q, applies for renewal of

segment 4 of its 3 certificate for Route 389, authorizing scheduled foreign air transportation of persons, property, and mail between the coterminal points New York, New York/Newark, New Jersey and Miami, Florida and the coterminal points Rio de Janeiro and Sao Paulo, Brazil.

Docket Number: OST–2000–8515.
Date Filed: December 11, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 2, 2001.
Description: Application of American Airlines, Inc. pursuant to 49 U.S.C. section 41101, 14 CFR Part 377 and subpart Q, applies for renewal of its certificate for Route 583, authorizing scheduled foreign air transportation of persons, property, and mail between San Jose, California, and Tokyo, Japan, as well as renewal of its allocation of six associated weekly frequencies.

Docket Number: OST–2000–8516.
Date Filed: December 11, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 2, 2001.
Description: Application of American Airlines, Inc. pursuant to 49 U.S.C. section 41101, 14 CFR Part 377 and subpart Q, applies for renewal of segments 1, 2, and 3 of its certificate for Route 602, authorizing scheduled foreign air transportation of persons, property, and mail from points in the United States to London and other points in Europe, the Middle East, Africa, and Asia.

Docket Number: OST–2000–8536.
Date Filed: December 12, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 3, 2001.
Description: Application of Potomac Air, Inc. pursuant to 49 U.S.C. section 41102 and subpart B, applies for a certificate of public convenience and necessity authorizing it to engage in interstate scheduled air transportation of persons, property, and mail.

Dorothy Y. Beard,
Federal Register Liaison.
[FR Doc. 01–2459 Filed 1–26–01; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending December 8, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–7559.
Date Filed: December 7, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 19, 2000.
Description: Amended Application of Gemini Air Cargo, Inc. pursuant to DOT Order 2000–9–24 and the Notice Setting Procedural Schedule for New Entrant Applicants, Dated November 24, 2000, Gemini amends its certificate of public convenience and necessity to operate scheduled foreign air transportation of property and mail between points in the United States, on the one hand, and Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Porto Alegre, Belem, Belo Horizonte, and Salvador de Bahia, Brazil, on the other; and beyond Brazil to Argentina, Uruguay, Paraguay, and Chile.

Docket Number: OST–2000–7559.
Date Filed: December 7, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 19, 2000.
Description: Amended Application of Evergreen International Airlines, Inc. pursuant to the Department's November 24, 2000 Notice, applies for a certificate of public convenience and necessity to provide scheduled foreign air transportation of property and mail between a point or points in the United States, on the one hand, and Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Porto Alegre, Belem, Belo Horizonte, and Salvador de Bahia, Brazil, on the other, via intermediate points and beyond Brazil to Argentina, Chile, Uruguay and Paraguay. Evergreen requests in addition (i) an initial allocation of seven weekly frequencies to implement its new Brazil service and (ii) authority to integrate U.S.-Brazil authority with Evergreen's other all-cargo certificate and exemption authority and to commingle traffic on services conducted pursuant to such authority, consistent with applicable agreements between the U.S. and foreign countries. This amended application supersedes the application Evergreen previously filed in this docket on October 12, 2000.

Docket Number: OST–2000–7559.
Date Filed: December 7, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 19, 2000.
Description: Amended Application of Atlas Air, Inc. pursuant to 49 U.S.C. 41102 and 14 CFR 302.201 *et seq.*, renews its request for a certificate of public convenience and necessity authorizing Atlas to engage in scheduled foreign air transportation of property and mail between a point or points in the United States, on the one hand, and Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Porto Alegre, Belem, Belo Horizonte and Salvador de Bahia, Brazil, on the other, via intermediate points and beyond Brazil to Argentina, Uruguay, Paraguay and Chile. Atlas seeks authorization to integrate this authority with its other all-cargo certificate and exemption authority, and to commingle traffic and services conducted pursuant to such authority, to the extent consistent with applicable agreements between the United States and foreign countries. Additionally, Atlas requests U.S. designation under the 1989 Air Transport Services Agreement between the United States and Brazil, as amended, and an award of ten weekly U.S.-Brazil all-cargo wide-body frequencies recently declared available for assignment to the fourth designated U.S. cargo airline.

Docket Number: OST–2000–8437.
Date Filed: December 8, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 29, 2000.
Description: Amendment #1 to the Application of Aerotransporte de Carga Union, S.A. de C.V., request authority to operate charters pursuant to 14 CFR 212.

Docket Number: OST–2000–8505.
Date Filed: December 8, 2000.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 29, 2000.
Description: Application of Delta Air Lines, Inc. pursuant to 49 U.S.C. 41102 and 41108 and subpart B, applies for renewal of its certificate of public convenience and necessity for Route 585, which authorizes Delta to engage in scheduled foreign air transportation of persons, property and mail between the terminal point Los Angeles, California, and the terminal point Tokyo, Japan. Delta further applies for renewal of its allocation of six weekly frequencies to conduct its Los Angeles-Tokyo services.

Docket Number: OST–2000–8506.

Date Filed: December 8, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 29, 2000.

Description: Application of Delta Air Lines, Inc. pursuant to 49 U.S.C. 41102 and 41108 and subpart B, applies for renewal of its certificate of public convenience and necessity for Route 586, which authorizes Delta to engage in scheduled foreign air transportation of persons, property and mail between the terminal point Portland, Oregon, and the terminal point Nagoya, Japan. Delta further applies for renewal of its allocation of seven weekly frequencies to conduct United States-Nagoya services.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–2460 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending December 1, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–8413.

Date Filed: November 28, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 19, 2000.

Description: Application of United Air Lines, Inc. pursuant to 49 U.S.C. 41101, 14 CFR parts 201, 302 and subpart B, applies for renewal to the extent necessary, of its Certificate of Public Convenience and Necessity for Route 588 authorizing services between Chicago, Illinois and Tokyo, Japan.

Docket Number: OST–2000–8437.

Date Filed: November 29, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 20, 2000.

Description: Application of Aerotransporte de Carga Union, S.A. de C.V. pursuant to 49 U.S.C. 41302, parts 211, 302 and subpart B, requests a foreign air carrier permit authorizing it to engage in charter foreign air transportation of property and mail between a point or points in Mexico, on the one hand, and a point or points in the United States, on the other hand.

Docket Number: OST–2000–8445.

Date Filed: November 30, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 21, 2000.

Description: Application of Polar Air Cargo, Inc. pursuant to 49 U.S.C. 41101, 14 CFR parts 201, 302 and subpart B, applies for renewal of its certificate of public convenience and necessity for Route 696 authorizing services between the U.S. and Brazil.

Docket Number: OST–2000–8447.

Date Filed: December 1, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 22, 2000.

Description: Application of Santa Barbara Airlines, C.A. pursuant to 49 U.S.C. 41305, 14 CFR part 211, and subpart B, applies for a Foreign Air Carrier permit to be issued under 49 U.S.C. 41302 authorizing it to engage in scheduled foreign air transportation of passengers, property and mail between a point or points in Venezuela and a point or points in the United States of America, and in on and off route charter services as may be authorized pursuant to part 212 of the Department's regulations.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–2461 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 91–XX]

Proposed Advisory Circular on Part 91 Pilot and Flightcrew Procedures During Taxi Operations and Part 135 Single Pilot Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) for part 91 Pilot and Flightcrew Procedures During Taxi Operations and part 135 Single Pilot Operations, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed AC that provides advisory material and recommends safe procedures, standards, and practices relating to taxi operations. This notice is necessary to give all interested persons the opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before February 28, 2001.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, General Aviation and Commercial Division (Attention AFS–820), 800 Independence Avenue SW., Washington, DC 20591, or electronically to Don.Jones@faa.gov. Comments may be inspected at the above address between 9:00 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Don Jones, AFS–820, at the address above, by email at Don.Jones@faa.gov, or telephone at (202) 267–3411.

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed AC is available on the FAA Web site at *http://www.faa.gov/avr/afs/acs/ac-idx.htm,* under AC No. 91–XX. A copy of the proposed AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Please identify AC 91–XX, part 91 Pilot and Flightcrew Procedures During Taxi Operations and Part 135 Single Pilot Operations, and submit comments, either hard copy or electronically, to the appropriate address listed above.

Issued in Washington, DC, on January 22, 2001.

L. Nicholas Lacy,

Director, Flight Standards Service.

[FR Doc. 01–2487 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Deadline for Submission of Application Under the Airport Improvement Program (AIP) for Fiscal Year 2001 for Sponsor Entitlement and Cargo Funds as well as the New Category of Entitlement Funds for the Nonprimary Airports

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces May

1, 2001, as the deadline for each airport sponsor to have on file with the FAA an acceptable fiscal year 2001 grant application for use of the funds that were apportioned to it under the AIP earlier this year.

FOR FURTHER INFORMATION CONTACT: Mr. Stan Lou, Manager, Programming Branch, Airports Financial Assistance Division, Office of Airport Planning and Programming, APP–520, on (202) 267–8809.

SUPPLEMENTARY INFORMATION: Section 47105(f) of Title 49, United States Code, provides that the sponsor of each airport to which funds are apportioned shall notify the Secretary by such time and in a form as prescribed by the Secretary, of the sponsor's intent to apply for the funds apportioned to it (entitlements). This notice applies only to those airports that have received such entitlements, except those nonprimary airports located in designated Block Grant States. Notification of the sponsor's intent to apply during fiscal year 2001 for any of its available entitlement funds including those unused from prior years, shall be in the form of a project application submitted to the cognizant FAA Airports office no later than May 1, 2001.

This notice is promulgated to expedite and prioritize grants in the final quarter of the fiscal year. Absent an acceptable application by May 1, 2001, FAA will defer an airport's entitlement funds until the next fiscal year. Pursuant to the authority and limitations in section 47117(f), FAA will issue discretionary grants in an aggregate amount not to exceed the aggregate amount of deferred entitlement funds. Airport sponsors may request unused entitlements after September 30, 2001.

Issued in Washington, DC on January 23, 2001.

Stan Lou,

Manager, Programming Branch.

[FR Doc. 01–2488 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–2001–8761 (Notice No. 01–05)]

Notice of Information Collection Approval

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of information collection approval.

SUMMARY: This notice announces OMB approval of information collection requests (ICRs), for OMB No. 2137–0034, ''Hazardous Materials Shipping Papers & Emergency Response Information'' and OMB No. 2137–0510, ''Radioactive (RAM) Transportation Requirements''. These information collections have been extended until January 31, 2004.

DATES: The expiration date for these ICRs is January 31, 2004.

ADDRESSES: Requests for a copy of an information collection should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW., Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW., Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (P.L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(s)) and specify that no person is required to respond to an information collection unless it displays a valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, RSPA has received OMB approval of the following ICRs:

OMB Control Number: 2137–0034

Title: Hazardous Materials Shipping Papers & Emergency Response Information

OMB Control Number: 2137–0510

Title: Radioactive (RAM) Transportation Requirements

These information collection approvals expire on January 31, 2004.

Issued in Washington, DC on January 23, 2001.

Edward T. Mazzullo,

Director, Office of Hazardous Materials Standards.

[FR Doc. 01–2462 Filed 1–26–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33988]

Central Midland Railway Company—Operation Exemption—Lines of Missouri Central Railroad Company

Central Midland Railway Company (CMRC), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to operate a 244.5-mile line of railroad owned by Missouri Central Railroad Company (Missouri), between Vigus, MO (milepost 19.0), and Pleasant Hill, MO (milepost 263.5), including trackage rights over 33.5 miles of Union Pacific Railroad Company between Vigus (milepost 19.0) and Rock Island Junction, MO (milepost 10.3), and between Pleasant Hill (milepost 263.5) and Leeds Junction, MO (milepost 288.3). CMRC has entered into an operating agreement with Missouri permitting CMRC to operate the lines of Missouri.

The transaction was scheduled to become effective on January 9, 2001 (7 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33988, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on John Broadley, John H. Broadley & Associates, P.C., 1054 31st St., NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our website at *http://WWW.STB.DOT.GOV.*

Decided: January 22, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–2388 Filed 1–26–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

Fee for Electronic Fingerprinting

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This document announces an increase in the fee for fingerprinting at airports at which there is a computerized fingerprint identification system for the use of conducting background checks on airline and airport employees who require unescorted access to Federal Inspection Service areas of an airport. The fee will be raised to $43.50.

EFFECTIVE DATE: January 29, 2001.

FOR FURTHER INFORMATION CONTACT: Linda Slattery, U.S. Customs Service, Office of Field Operations, Passenger Programs, Room 5.4D, 1300 Pennsylvania Avenue, NW, Washington, DC, 20029, Tel. (202) 927–4434.

SUPPLEMENTARY INFORMATION:

Background

On July 11, 2000, Customs published a document in the **Federal Register** (65 FR 42766) regarding the implementation, at certain airports, of a computerized fingerprint identification system (Integrated Automated Fingerprint Inspection System (IAFIS)) for the use of conducting background checks on airline and airport employees who require unescorted access to Federal Inspection Service areas of an airport. The IAFIS employs an automated fingerprint reading device that electronically transmits the fingerprint data directly to the Federal Bureau of Investigation (FBI) where a criminal history background search can be conducted within 24 hours, instead of the four to seven weeks it normally takes to manually process fingerprint cards. Where implemented, this computerized fingerprinting system will be used in lieu of collecting fingerprints on cards.

Customs announced in the July 11 **Federal Register** notice that the fee for this computerized fingerprinting would be $39.00. The fee is based on Customs recovering the FBI user-fee that is charged to Customs for conducting fingerprint checks and Customs administrative processing costs associated with the collection of fingerprints, which include the compensation and/or expenses of Customs officers performing the fingerprint service and 15% of that amount to cover Customs administrative overhead costs.

Primarily because the fee charged Customs by the FBI has been increased, Customs is announcing that it must increase the fee for fingerprinting at airports utilizing the IAFIS. The fee will be raised to $43.50 to offset the fee being charged Customs by the Federal Bureau of Investigation.

Dated: January 22, 2001.

Charles W. Winwood,

Acting Commissioner.

[FR Doc. 01–2423 Filed 1–26–01; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register
Vol. 66, No. 19
Monday, January 29, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

Correction

In rule document 00–32405 beginning on page 82891, in the issue of Friday, December 29, 2000, make the following corrections:

On page 82891, in the first column, under the heading **SUPPLEMENTARY INFORMATION:**, in the 11th line, ''Counsel'' should read ''Council''.

§ 2.25 [Corrected]

2. On page 82891, in the second column, §2.25, paragraph (a)(2), in the first line, '' is'' should read ''in''.

3. On page 82891, in the third column, §2.25, in paragraph (a)(6), in the seventh line, ''injuries'' should read '' inquiries''.

[FR Doc. C0–32405 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–177–004]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

Correction

In notice document 01–526 beginning on page 1657 in the issue of Tuesday, January 9, 2001, the docket number is corrected to read as set forth above.

[FR Doc. C1–526 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2195; Project No. 135]

North Fork Hydroelectric Project, Oak Grove hydroelectric Project, Portland General Electric Company, Portland, Oregon; Notice of Intent To Conduct Public Scoping Meetings

Correction

In notice document 00–33103 beginning on page 82331 in the issue of December 28, 2000, the Project Number is corrected to read as set forth above.

[FR Doc. C0–33103 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13, 20, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101

[WT Docket No. 00–230; FC 00–402]

Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets

Correction

In proposed rule document 00–32789 beginning on page 81475 in the issue of Tuesday, December 26, 2000 make the following correction:

On page 81475 in the third column, under the ''DATES'' heading, ''March 9, 2001'' should read ''March 12, 2001''.

[FR Doc. C0–32789 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–93; FCC 00–368]

1998 Biennial Regulatory Review–Streamlining of Radio Technical Rules

Correction

In rules document 00–32201 beginning on page 79773 in the issue of Wednesday, December 20, 2000, make the following correction:

§73.215 [Corrected]

On page 79778, in §73.215(e), in the table, in the first column, in the eighth line from the bottom, ''C2 to C'' should read ''C2 to C0''.

[FR Doc. C0–32201 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–00–1430–ES; AZA–31250]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Arizona

Correction

In notice document 00–19872 beginning on page 48250 in the issue of Monday, August 7, 2000, make the following correction:

On page 48250, in the third column, in the last line of the land description, section 36 is corrected to read as follows:

''NE¼,E½NW¼''.

[FR Doc. C0–19872 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

8 CFR Part 3

[EOIR No. 127P; AG Order No. 2358-2001]

RIN 1125-AA29

Executive Office for Immigration Review; Section 212(c) Relief for Certain Aliens in Deportation Proceedings Before April 24, 1996

Correction

In rule document 01–1785 beginning on page 6436 in the issue of Monday, January 22, 2001, make the following correction:

§3.44 [Corrected]

On page 6445, in the third column, in §3.44, in paragraph (f), in the fifth line, the date ''June 23, 2001'' should read ''July 23, 2001.''.

[FR Doc. C1–1785 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AG54

List of Approved Spent Fuel Storage Casks: FuelSolutions Addition

Correction

In rule document 01–1172 beginning on page 3444 in the issue of Tuesday, January 16, 2001 make the following correction:

§72.214 [Corrected]

On page 3448, in the third column, in §72.214, under the heading ''*Certificate Expiration Date:*'', the date ''March 19, 2021'' should read ''February 15, 2021''.

[FR Doc. C1–1172 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43768; File No. SR–NASD–00–74]

Self–Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval on a Temporary Basis Until January 31, 2001 of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to EWN II Fees for Subscribers Who Are Not DASD Members

December 22, 2000.

Correction

In notice document 01–151 beginning on page 824 in the issue of Thursday, January 4, 2001, the date should read as set forth above.

[FR Doc. C1–151 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43763; File No. SR–NYSE–99–24]

Self–Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 1 and 2 Thereto by the New York Stock Exchange, Inc. Establishing XPress Orders and Quotes

Correction

In notice document 00–33264 beginning on page 83120 in the issue of Friday, December 29, 2000, make the following correction:

On page 83122, in the second column, under the heading ''IV Solicitation of Comments'', in the last line ''[insert date 21 days from the date of publication]'' should read ''January 18, 2001''.

[FR Doc. C0–33264 Filed 1–26–01; 8:45 am]

BILLING CODE 1505–01–D

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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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.

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–038–00001–3)	6.50	Apr. 1, 2000
3 (1997 Compilation and Parts 100 and 101)	(869–042–00002–1)	22.00	[1] Jan. 1, 2000
4	(869–042–00003–0)	8.50	Jan. 1, 2000
5 Parts:			
1–699	(869–042–00004–8)	43.00	Jan. 1, 2000
700–1199	(869–042–00005–6)	31.00	Jan. 1, 2000
1200–End, 6 (6 Reserved)	(869–042–00006–4)	48.00	Jan. 1, 2000
7 Parts:			
1–26	(869–042–00007–2)	28.00	Jan. 1, 2000
27–52	(869–042–00008–1)	35.00	Jan. 1, 2000
53–209	(869–042–00009–9)	22.00	Jan. 1, 2000
210–299	(869–042–00010–2)	54.00	Jan. 1, 2000
300–399	(869–042–00011–1)	29.00	Jan. 1, 2000
400–699	(869–042–00012–9)	41.00	Jan. 1, 2000
700–899	(869–042–00013–7)	37.00	Jan. 1, 2000
900–999	(869–042–00014–5)	46.00	Jan. 1, 2000
1000–1199	(869–042–00015–3)	18.00	Jan. 1, 2000
1200–1599	(869–042–00016–1)	44.00	Jan. 1, 2000
1600–1899	(869–042–00017–0)	61.00	Jan. 1, 2000
1900–1939	(869–042–00018–8)	21.00	Jan. 1, 2000
1940–1949	(869–042–00019–6)	37.00	Jan. 1, 2000
1950–1999	(869–042–00020–0)	38.00	Jan. 1, 2000
2000–End	(869–042–00021–8)	31.00	Jan. 1, 2000
8	(869–042–00022–6)	41.00	Jan. 1, 2000
9 Parts:			
1–199	(869–042–00023–4)	46.00	Jan. 1, 2000
200–End	(869–042–00024–2)	44.00	Jan. 1, 2000
10 Parts:			
1–50	(869–042–00025–1)	46.00	Jan. 1, 2000
51–199	(869–042–00026–9)	38.00	Jan. 1, 2000
200–499	(869–042–00027–7)	38.00	Jan. 1, 2000
500–End	(869–042–00028–5)	48.00	Jan. 1, 2000
11	(869–042–00029–3)	23.00	Jan. 1, 2000
12 Parts:			
1–199	(869–042–00030–7)	18.00	Jan. 1, 2000
200–219	(869–042–00031–5)	22.00	Jan. 1, 2000
220–299	(869–042–00032–3)	45.00	Jan. 1, 2000
300–499	(869–042–00033–1)	29.00	Jan. 1, 2000
500–599	(869–042–00034–0)	26.00	Jan. 1, 2000
600–End	(869–042–00035–8)	53.00	Jan. 1, 2000
13	(869–042–00036–6)	35.00	Jan. 1, 2000
14 Parts:			
1–59	(869–042–00037–4)	58.00	Jan. 1, 2000
60–139	(869–042–00038–2)	46.00	Jan. 1, 2000
140–199	(869–038–00039–1)	17.00	[4] Jan. 1, 2000
200–1199	(869–042–00040–4)	29.00	Jan. 1, 2000
1200–End	(869–042–00041–2)	25.00	Jan. 1, 2000
15 Parts:			
0–299	(869–042–00042–1)	28.00	Jan. 1, 2000
300–799	(869–042–00043–9)	45.00	Jan. 1, 2000
800–End	(869–042–00044–7)	26.00	Jan. 1, 2000
16 Parts:			
0–999	(869–042–00045–5)	33.00	Jan. 1, 2000
1000–End	(869–042–00046–3)	43.00	Jan. 1, 2000
17 Parts:			
1–199	(869–042–00048–0)	32.00	Apr. 1, 2000
200–239	(869–042–00049–8)	38.00	Apr. 1, 2000
240–End	(869–042–00050–1)	49.00	Apr. 1, 2000
18 Parts:			
1–399	(869–042–00051–0)	54.00	Apr. 1, 2000
400–End	(869–042–00052–8)	15.00	Apr. 1, 2000
19 Parts:			
1–140	(869–042–00053–6)	40.00	Apr. 1, 2000
141–199	(869–042–00054–4)	40.00	Apr. 1, 2000
200–End	(869–042–00055–2)	20.00	Apr. 1, 2000
20 Parts:			
1–399	(869–042–00056–1)	33.00	Apr. 1, 2000
400–499	(869–042–00057–9)	56.00	Apr. 1, 2000
500–End	(869–042–00058–7)	58.00	Apr. 1, 2000
21 Parts:			
1–99	(869–042–00059–5)	26.00	Apr. 1, 2000
100–169	(869–042–00060–9)	30.00	Apr. 1, 2000
170–199	(869–042–00061–7)	29.00	Apr. 1, 2000
200–299	(869–042–00062–5)	13.00	Apr. 1, 2000
300–499	(869–042–00063–3)	20.00	Apr. 1, 2000
500–599	(869–042–00064–1)	31.00	Apr. 1, 2000
600–799	(869–038–00065–0)	10.00	Apr. 1, 2000
800–1299	(869–042–00066–8)	38.00	Apr. 1, 2000
1300–End	(869–042–00067–6)	15.00	Apr. 1, 2000
22 Parts:			
1–299	(869–042–00068–4)	54.00	Apr. 1, 2000
300–End	(869–042–00069–2)	31.00	Apr. 1, 2000
23	(869–042–00070–6)	29.00	Apr. 1, 2000
24 Parts:			
0–199	(869–042–00071–4)	40.00	Apr. 1, 2000
200–499	(869–042–00072–2)	37.00	Apr. 1, 2000
500–699	(869–042–00073–1)	20.00	Apr. 1, 2000
700–1699	(869–042–00074–9)	46.00	Apr. 1, 2000
1700–End	(869–042–00075–7)	18.00	[5] Apr. 1, 2000
25	(869–042–00076–5)	52.00	Apr. 1, 2000
26 Parts:			
§§ 1.0-1–1.60	(869–042–00077–3)	31.00	Apr. 1, 2000
§§ 1.61–1.169	(869–042–00078–1)	56.00	Apr. 1, 2000
§§ 1.170–1.300	(869–042–00079–0)	38.00	Apr. 1, 2000
§§ 1.301–1.400	(869–042–00080–3)	29.00	Apr. 1, 2000
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-042-00082-0)	36.00	Apr. 1, 2000
§§ 1.501–1.640	(869–042–00083–8)	32.00	Apr. 1, 2000
§§ 1.641–1.850	(869–042–00084–6)	41.00	Apr. 1, 2000
§§ 1.851–1.907	(869–042–00085–4)	43.00	Apr. 1, 2000
§§ 1.908–1.1000	(869–042–00086–2)	41.00	Apr. 1, 2000
§§ 1.1001–1.1400	(869–042–00087–1)	45.00	Apr. 1, 2000
§§ 1.1401–End	(869–042–00088–9)	66.00	Apr. 1, 2000
2–29	(869–042–00089–7)	45.00	Apr. 1, 2000
30–39	(869–042–00090–1)	31.00	Apr. 1, 2000
40–49	(869–042–00091–9)	18.00	Apr. 1, 2000
50–299	(869–042–00092–7)	23.00	Apr. 1, 2000
300–499	(869–042–00093–5)	43.00	Apr. 1, 2000
500–599	(869–042–00094–3)	12.00	Apr. 1, 2000
600–End	(869–042–00095–1)	12.00	Apr. 1, 2000
27 Parts:			
1–199	(869–042–00096–0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date
200–End	(869–042–00097–8)	18.00	Apr. 1, 2000
28 Parts:			
0-42	(869–042–00098–6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–042–00101–0)	14.00	July 1, 2000
500–899	(869–042–00102–8)	47.00	July 1, 2000
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–042–00106–1)	20.00	July 1, 2000
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
200–699	(869–042–00110–9)	33.00	July 1, 2000
700–End	(869–042–00111–7)	39.00	July 1, 2000
31 Parts:			
0–199	(869–042–00112–5)	23.00	July 1, 2000
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–042–00114–1)	51.00	July 1, 2000
191–399	(869–042–00115–0)	62.00	July 1, 2000
400–629	(869–042–00116–8)	35.00	July 1, 2000
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–038–00162–4)	36.00	Oct. 1, 1999
*400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
*430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–038–00166–7)	47.00	Oct. 1, 1999
***44**	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–038–00169–1)	16.00	Oct. 1, 1999
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–038–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–038–00172–9)	42.00	Oct. 1, 2000
41–69	(869–038–00173–7)	34.00	Oct. 1, 2000
70–89	(869–038–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–038–00176–1)	23.00	Oct. 1, 2000
156–165	(869–038–00177–2)	21.00	Oct. 1, 1999
166–199	(869–038–00178–8)	42.00	Oct. 1, 2000
200–499	(869–038–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–038–00181–1)	39.00	Oct. 1, 1999
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–038–00183–7)	26.00	Oct. 1, 1999
70–79	(869–038–00184–5)	39.00	Oct. 1, 1999
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
*1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–038–00187–0)	30.00	Oct. 1, 1999
2 (Parts 201–299)	(869–038–00188–8)	36.00	Oct. 1, 1999
3–6	(869–038–00189–3)	40.00	Oct. 1, 2000
*7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–038–00191–8)	36.00	Oct. 1, 1999
*29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–038–00193–4)	34.00	Oct. 1, 1999
100–185	(869–038–00194–2)	53.00	Oct. 1, 1999
186–199	(869–038–00195–1)	13.00	Oct. 1, 1999
200–399	(869–038–00196–9)	53.00	Oct. 1, 1999
400–999	(869–038–00197–7)	57.00	Oct. 1, 1999
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–038–00200–1)	43.00	Oct. 1, 1999
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–038–00202–7)	37.00	Oct. 1, 1999
CFR Index and Findings Aids	(869–042–00047–1)	53.00	Jan. 1, 2000
Complete 1999 CFR set		951.00	1999
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..