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WHEN: Tuesday, April 17, 2001 at 9:00 a.m.

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

RESERVATIONS: 202–523–4538

Contents

Federal Register

Vol. 66, No. 74

Tuesday, April 17, 2001

Agriculture Department
See Food and Nutrition Service
See Food Safety and Inspection Service
See Natural Resources Conservation Service
See Rural Housing Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19749–19752

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcoholic beverages:
Wine; labeling and advertising—
Counoise and St. Laurent; new grape variety names, 19738–19740

Army Department
NOTICES
Meetings:
Science Board, 19755

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19787–19788

Children and Families Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19788

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Florida, 19754
Virginia, 19754

Commerce Department
See National Oceanic and Atmospheric Administration

Customs Service
RULES
Vessels in foreign and domestic trades:
Foreign repairs to U.S. vessels
Meeting, 19720

Defense Department
See Army Department
See Navy Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19754–19755

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Gateway Specialty Chemicals Co., 19796
Novartis Pharmaceuticals Corp., 19796
Salsbury Chemicals, Inc., 19796–19797

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19756–19757
Submission for OMB review; comment request, 19757

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission
RULES
Acquisition regulations:
Contractor legal management requirements
Effective date confirmed, 19717
Nuclear safety management; contractor- and government-operated nuclear facilities
Effective date confirmed, 19717
NOTICES
Meetings:
Advanced Scientific Computing Advisory Committee, 19757–19758
Environmental Management Site-Specific Advisory Board—
Pantex Plant, TX, 19758
Rocky Flats, CO, 19758–19759
Methane Hydrate Advisory Committee, 19759

Energy Efficiency and Renewable Energy Office
RULES
Consumer products; energy conservation program:
Energy conservation standards—
Clothes washers; effective date confirmed, 19714
Water heaters; effective date confirmed, 19714–19717

Engraving and Printing Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19832–19833

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Idaho, 19722–19724
Ohio, 19721–19722
Pennsylvania, 19724–19726
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Idaho, 19746
Ohio, 19746–19747
Pennsylvania, 19747
Water pollution control:
National pollutant discharge elimination system (NPDES)—
Concentrated animal feeding operations; guidelines and standards, 19747–19748
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19768–19769
Air programs:
State implementation plans; adequacy status for transportation conformity purposes—
Delaware, 19769–19770

Meetings:
Science Advisory Board, 19770–19773
Pesticide, food, and feed additive petitions:
Aventis CropScience, 19773–19779
Toxic and hazardous substances control:
New chemicals—
Receipt and status information, 19835–19841

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
JanAero Devices, 19718–19720
PROPOSED RULES
Airworthiness directives:
Dassault, 19727–19738

Federal Communications Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19779–19781
Common carrier services:
Wireless telecommunications services—
Phase II Enhanced 911; Public Safety Answering Point requests; clarification or declaratory ruling, 19781
Meetings; Sunshine Act, 19781–19782

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Arkansas, 19782
Massachusetts, 19782–19783
New Hampshire, 19783
Meetings:
National Fire Academy Board of Visitors, 19783–19784

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Boston Edison Co. et al, 19760–19763
Environmental statements; notice of intent:
Transwestern Pipeline Co., 19764–19765
Hydroelectric applications, 19765–19768
Applications, hearings, determinations, etc.:
Tennessee Gas Pipeline Co.; correction, 19834
Transcontinental Gas Pipe Line Corp., 19759–19760

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Hocking and Athens Counties, OH, 19831

Federal Reserve System
RULES
Privacy Act; implementation, 19717–19718
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 19784
Meetings; Sunshine Act, 19784
Privacy Act:
Systems of records, 19784–19786

Fish and Wildlife Service
NOTICES
Endangered and threatened species:
Incidental take permits—
Riverside County, CA; California gnatcatcher, Stephens' kangaroo rat, etc., 19791–19792
Environmental statements; availability, etc.:
Incidental take permits—
Union County, AR, et al.; red-cockaded woodpecker, 19792–19794

Food and Drug Administration
NOTICES
Agency information collection activities:
Reporting and recordkeeping requirements; correction, 19788–19789
Meetings:
Educational Workshop; current topics in regulatory affairs; correction, 19789

Food and Nutrition Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19752–19753

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
Retained water in raw meat and poultry products; poultry chilling requirements
Correction, 19713–19714

General Accounting Office
NOTICES
Committees; establishment, renewal, termination, etc.:
Commercial Activities Panel, 19786–19787

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration

Health Care Financing Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19789

Housing and Urban Development Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19789–19791

Immigration and Naturalization Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19797–19798

Interior Department
See Fish and Wildlife Service
See Land Management Bureau

Justice Department
See Drug Enforcement Administration
See Immigration and Naturalization Service

Land Management Bureau
NOTICES
Meetings:
Wild Horse and Burro Advisory Board, 19794–19795
Survey plat filings:
Colorado, 19795–19796
Idaho, 19796

Legal Services Corporation
NOTICES
Reports and guidance documents; availability, etc.:
Freedom of Information Act; grant application materials and exemption; policy, 19798–19800

Library of Congress
NOTICES
Grants and cooperative agreements; availability, etc.:
Russian Leadership Program, 19800–19801

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 19801

National Oceanic and Atmospheric Administration
PROPOSED RULES
Permits:
Exempted fishing, 19748

Natural Resources Conservation Service
NOTICES
Environmental statements; notice of intent:
Oklahoma; aging flood control dams rehabilitation, 19753

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 19755

Nuclear Regulatory Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19801
Meetings:
Nuclear fuel cycle facilities oversight program; revision, 19803–19804
Reactor Oversight Process Initial Implementation Evaluation Panel, 19804
Meetings; Sunshine Act, 19804–19805
Applications, hearings, determinations, etc.:
Energy Northwest, 19801–19803

Personnel Management Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19805–19806

Postal Service
PROPOSED RULES
Domestic Mail Manual:
First-class mail, standard mail, and bound printed matter flats; changes, 19740–19746

Presidential Documents
PROCLAMATIONS
Special observances:
Thomas Jefferson Day (Proc. 7426), 19843–19846

Public Debt Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19833

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration

Rural Housing Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19753–19754

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 19806–19807
Investment Company Act of 1940:
Exemption applications—
Equitable Life Assurance Society of the United States et al., 19809–19814
Joint industry plan:
American Stock Exchange LLC et al., 19814–19818
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 19818–19819
Chicago Board Options Exchange, Inc., 19819–19820
Depository Trust Co., 19820–19822
National Association of Securities Dealers, Inc., 19822–19825
National Association of Securities Dealers, Inc.; correction, 19834
New York Stock Exchange, Inc., 19825–19828
Applications, hearings, determinations, etc.:
Public utility holding company filings, 19807–19809

Small Business Administration
NOTICES
Intergovernment review of agency programs and activities, 19828–19829

Social Security Administration
NOTICES
Meetings:
Ticket to Work and Work Incentives Advisory Panel, 19829–19830

State Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 19830

Surface Transportation Board
NOTICES
Railroad services abandonment:
Grand Trunk Western Railroad Inc., 19831–19832

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 19830–19831

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Surface Transportation Board

Treasury Department
See Alcohol, Tobacco and Firearms Bureau

See Customs Service
See Engraving and Printing Bureau
See Public Debt Bureau

Separate Parts In This Issue

Part II
Environmental Protection Agency, 19835–19841

Part III
The President, 19843–19846

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations

7426.....19845

9 CFR

381.....19713
441.....19713

10 CFR

430 (2 documents) 19714
719.....19717
830.....19717

12 CFR

261a.....19717

14 CFR

39.....19718

Proposed Rules:

39.....19727

19 CFR

4.....19720

27 CFR

Proposed Rules:

4.....19738

39 CFR

Proposed Rules:

111.....19740

40 CFR

52 (3 documents) 19721, 19722, 19724

Proposed Rules:

52 (3 documents) 19746, 19747
122.....19747
412.....19747

48 CFR

931.....19717
970.....19717

50 CFR

Proposed Rules:

600.....19748

Rules and Regulations

Federal Register

Vol. 66, No. 74

Tuesday, April 17, 2001

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

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 381 and 441

[Docket No. 97–054FC]

RIN: 0583–AC26

Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food Safety and Inspection Service is correcting errors in a final rule, published in the **Federal Register** of January 9, 2001, limiting the amount of retained water in raw meat and poultry products and amending the poultry chilling requirements. The Agency made inadvertent paragraph designation and other errors in the amended regulatory text and in corresponding preamble references to the regulatory amendments. One such error affected the regulation preventing poultry with fecal contamination from entering the chiller. The Agency is also adding a cross-reference to a provision on the sources of ice and water used for chilling to ensure that the regulations on this subject are read consistently.

EFFECTIVE DATE: January 9, 2002.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington DC 20250–3700; (202)205–0699.

SUPPLEMENTARY INFORMATION: The January 9, 2001, final rule amends the FSIS regulations by limiting the amount of retained water in raw, single-ingredient, meat and poultry products to the amount that is unavoidable in achieving a food-safety purpose. The final rule requires that affected products bear labeling that shows the amount of such retained water. It also makes a number of technical changes in the poultry chilling regulations that are intended to improve consistency with the Pathogen Reduction/Hazard Analysis and Critical Control Point regulations, eliminate ''command-and-control'' features, and reflect current technological capabilities.

In making changes in the poultry definitions and in the general requirements for operations and procedures in poultry establishments (9 CFR 381.1(b), 381.65 and 381.66), FSIS inadvertently made some paragraph designation and other errors in the amended regulatory text. In the preamble, the Agency also made corresponding errors and incorrect references to the amended regulatory text. FSIS is now correcting these errors.

In the display of regulatory text, FSIS is correcting the designation for the definition of ''ready-to-cook'' poultry in § 381.1(b). The definition should not have been designated as paragraph (b)(44) because paragraph designations for individual definitions have been removed (64 FR 745; January 6, 1999). FSIS is making corresponding corrections to the preamble references to the revised text.

In the preamble, FSIS incorrectly described a change that was made in the poultry chilling requirements (9 CFR 381.66(c)(2)(i)). FSIS is therefore correcting the preamble text explaining the § 381.65 and § 381.66 revisions.

FSIS also is correcting the designation of the text of revised § 381.65(e), as it appears in the January 9 final rule, to paragraph (f) and leaving undisturbed the text of § 381.65(e) as it appears in the Code of Federal Regulations. This paragraph, the requirement to prevent poultry carcasses contaminated with fecal material from entering the chilling tank in a poultry establishment, was not a subject of the rulemaking on retained water.

Finally, FSIS is adding to § 381.66(c)(1), on the use of ice and water from potable sources, a cross-reference to the sanitation regulations governing water use and reuse requirements for official establishments (§ 416.2(g)). This change is being made to ensure that the two sections of the regulations are read in a consistent manner.

Additional Public Notification

Public awareness of all stages of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this final rule, FSIS will announce it and provide copies of this **Federal Register** publication of this final rule correction in the weekly FSIS Constituent Update. The FSIS Constituent Update is communicated via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *''http://www.fsis.usda.gov.''* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to the Agency's constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, readers of this document may fax their requests to the Congressional and Public Affairs Office, at (202) 720–5704.

Correction of Publication

Accordingly, the final rule published on January 9, 2001 (66 FR 1750) is corrected as follows:

1. On page 1762, in the first column, the term ''§ 381.1(b)(44)'' in the parentheses in the third sentence of the first ''Response'' is corrected to read ''§ 381.1(b).''

2. On page 1764, in the first column, in the second to last sentence in the first paragraph, the term ''9 CFR 381.1(b)(44)'' is corrected to read ''9 CFR 381.1(b).''

3. On page 1764, in the second column, in the fourth line of the first complete paragraph, the term ''paragraph (e)'' is corrected to read ''paragraph (f).''

4. On page 1764, in the second column, the last complete sentence in the column is corrected to read, ''New paragraph (c)(1) requires that potable water be used for ice, except that water and ice used for chilling may be reused in accordance with § 416.2(g), and new paragraph (c)(2)(i) requires that chilling equipment be operated in a manner consistent with applicable pathogen reduction performance standards and the establishment's HACCP plan.''

§ 381.1 [Corrected]

5. On page 1770, in the third column, in § 381.1, paragraph (b) is corrected by removing the paragraph designation ''(44)'' from the definition for ready-to-cook poultry.

§ 381.65 [Corrected]

6. On page 1771, in the first column, in § 381.65, paragraph (e) is corrected and paragraph (f) is added, to read as follows:

* * * * *

(e) Poultry carcasses contaminated with visible fecal material shall be prevented from entering the chilling tank.

(f) Detached ova may be collected for human food and handled only in accordance with 9 CFR 590.44 and may leave the establishment only to be moved to an official egg product processing plant for processing. Ova from condemned carcasses must be condemned and treated as required in § 381.95.

§ 381.66 [Corrected]

7. On page 1771, in the second column, in § 381.66, the first sentence in paragraph (c)(1) is corrected to read as follows:

* * * * *

(c) * * *

(1) Only ice produced from potable water may be used for ice and water chilling, except that water and ice used for chilling may be reused in accordance with § 416.2(g). * * *

Done at Washington, DC: April 12, 2001.

Thomas J. Billy,

Administrator.

[FR Doc. 01–9495 Filed 4–16–01; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EE–RM–94–403]

RIN 1940–AB67

Office of Energy Efficiency and Renewable Energy; Energy Conservation Program for Consumer Products: Clothes Washer Energy Conservation Standards

AGENCY: Department of Energy (DOE).

ACTION: Final rule; denial of reconsideration and completion of regulatory review.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, (66 FR 7702) DOE temporarily delayed for 60 days (66 FR 8744, February 2, 2001) the effective date of appendix J to subpart B of 10 CFR part 430 in the final rule entitled ''Energy Conservation Program for Consumer Products: Clothes Washer Energy Conservation Standards'' published in the **Federal Register** on January 12, 2001 (66 FR 3314). By petition dated March 13, 2001, the Mercatus Center at George Mason University and the Competitive Enterprise Institute, on behalf of a variety of organizations purporting to represent consumer interests, petitioned for reconsideration of the final rule. DOE has considered the legal and policy arguments in the petition for reconsideration and has completed its review of the final rule. Having concluded that no further rulemaking action is warranted, DOE hereby denies the petition for reconsideration.

DATES: The April 13, 2001 effective date of the rule amending appendix J to subpart B of 10 CFR part 430 (66 FR 8744, February 2, 2001) is confirmed.

FOR FURTHER INFORMATION CONTACT: Jill Holtzman, Office of General Counsel, (202) 586–3410, *jill.holtzman@hq.doe.gov.* or Bryan Berringer, Office of Energy Efficiency and Renewable Energy, (202) 586–0371, *bryan.berringer@ee.doe.gov.* or Eugene Margolis, Office of General Counsel, (202) 586–9526, *eugene.margolis@hq.doe.gov.*

Issued in Washington, D.C. on April 12, 2001.

Spencer Abraham,

Secretary of Energy.

[FR Doc. 01–9568 Filed 4–13–01; 1:00 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket N. EE–RM–97–900]

RIN 1904–AA76

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Water Heaters

AGENCY: Department of Energy (DOE).

ACTION: Final rule; denial of reconsideration and completion of regulatory review.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, (66 FR 7702) DOE announced that it would be reviewing the rule entitled ''Energy Conservation Program for Consumer Products: Energy Conservation Standards for Water Heaters; Final Rule'' published in the **Federal Register** on January 17, 2001 (66 FR 4474) to determine whether further action is warranted. DOE has now completed its review of that regulation, and concludes that no further rulemaking action is required. The petitions for reconsideration filed by the Gas Appliance Manufacturers Association and the American Gas Association are denied.

DATES: The effective date of the rule remains January 20, 2004.

FOR FURTHER INFORMATION CONTACT: Jill Holtzman, (202) 586–3410, *jill.holtzman@hq.doe.gov* or Francine B. Pinto, (202) 586–7432, *francine.pinto@hq.doe.gov.*, Office of the General Counsel.

SUPPLEMENTARY INFORMATION: Pursuant to section 325 of the Energy Conservation and Policy Act (ECPA) (42 U.S.C. 6295), DOE published in the **Federal Register** a final amended energy conservation standard for residential water heaters. This final rule did not change the current efficiency levels for oil-fired and instantaneous gas and electric water heaters. The rule creates a new class for tabletop water heaters with no change in standards.

On February 2, 2001, in conformity with President Bush's Regulatory Review Plan, DOE announced that it would be reviewing the water heater rule to determine whether further action is warranted (66 FR 8745). Subsequently, the Gas Appliance Manufacturers Association (GAMA) and

the American Gas Association (AGA) filed petitions for reconsideration of the final rule. GAMA also petitioned the United States Court of Appeals for the Fourth Circuit for judicial review (42 U.S.C. 6306).

Further, a coalition of energy advocacy organizations, including utilities, regional and state agencies, environmental organizations, and organizations that develop and run energy-saving programs (hereinafter referred to as ''energy advocacy coalition''), submitted a letter on March 23, 2001, to the Secretary of Energy strongly opposing the GAMA petition for reconsideration and urging DOE to deny the GAMA petition. Two of the energy advocacy organizations, American Council for an Energy-Efficient Economy (ACEEE) and Natural Resources Defense Council (NRDC) intervened in the above-referenced court proceeding.

I. Introduction

The GAMA petition for reconsideration raised three major complaints on issues concerning venting problems, reduction of hot water/safety risk, and DOE's response to the Department of Justice's comment concerning the use of a sole source blowing agent. The AGA request for reconsideration only addressed venting and insulation issues.

The energy advocacy coalition gives several reasons why GAMA's petition should be rejected. They are: the issues have been fully discussed in the rulemaking proceeding and properly considered after opportunity for extensive comments; the record shows that GAMA's issues are overstated and have been adequately addressed; and there is no legal basis for reducing the standards. (Energy Advocacy Coalition Letter, at 6).

DOE today denies the GAMA and AGA petitions and concludes that no further rulemaking action is warranted. All of GAMA's and AGA's issues have been previously discussed in the record and fully resolved. This final rule is supported by the rulemaking record. The Technical Support Document (TSD) along with the preamble to the final rule describe the data and DOE's analysis of the data that supports the rule. The TSD is available for review at *http://www.eren.doe.gov/buildings/codes_standards/applbrf/waterheater.htm.*

This notice discusses the central issues raised by GAMA. The AGA petition raised the same issues.

II. Venting Problems

In its petition, GAMA claims that DOE's final rule will increase the recovery efficiency, increasing the risk of corrosion which reduces the margin of safety in either the vent connector or chimney. GAMA acknowledges that the risk can be avoided by installing a more expensive Type B vent connector. GAMA asserts that DOE has underestimated the number of households that will need a Type B vent connector. Furthermore, GAMA raises the concern that a significant number of consumers purchase residential gas-fired water heaters from the retail market without professional installation.

The standard does not specify the design or recovery efficiency of water heaters. It is a performance standard that requires a specific energy factor. However, for the purpose of our analysis, DOE assumed that the more efficient gas-fired water heaters would have a 78 percent recovery efficiency. In most applications, there is no safety problem with a 78 percent recovery efficiency (66 FR 4484; TSD, Chapter 3.4.3, pp. 17–20). In certain situations, a double wall, Type B vent connector is needed to prevent corrosion caused by condensation. The energy advocacy coalition states that the potential for condensation in water heating venting systems exists at efficiency levels higher than those set in the final rule (Energy Advocacy Coalition Letter, p. 2).

DOE analyzed the additional costs for Type B vent connectors to determine the economic impact on consumers. DOE estimated that a Type-B vent connector may be needed in 11 percent of the homes with 78 percent recovery efficiency based on estimates from a Gas Research Institute Study using AGA survey data, data from the Energy Information Administration's Residential Energy Conservation Survey, and data from high efficiency gas-fired water heaters installed in the Northwest. As discussed in the final rule, DOE assumed that vent connectors would be needed in climates exceeding 5,000 Heating Degree Days (HDD), where the water heater was installed in the conditioned space, since the combination of weather and design would increase the possibility of condensation of combustion gases occurring either in the vent or chimney. We used 5,000 HDD as a conservative approach since no incidence of vent system failure is associated with the installation of high efficiency gas-fired water heaters in the Northwest, even in climates as cold or colder than 7,000 HDD (66 FR 4485; TSD, Chapter 3.4.3.2, pg 19). Some commenters stated that DOE was overestimating the problem and should add no extra cost for Type B vent connectors. DOE's conclusion that the amended energy conservation standard for gas-fired water heaters is economically justified is not changed by the additional costs for Type B vent connectors.

In response to GAMA's concern regarding proper installation for gas-fired water heaters, we stated in the final rule that there is no safety risk if the venting system is correctly installed. We also stated that manufacturers should provide installation instructions for Type B vents, and installers should follow the National Fuel Gas Code requirements and local codes for safe installation of gas-fired water heaters (66 FR 4485). The energy advocacy coalition believes that if this is a significant problem, consumers should not be installing gas water heaters. This rule does not set standards for the installation of water heaters (Energy Advocacy Coalition Letter, p. 3).

In addressing venting safety in the final rule, DOE determined there are water heaters currently on the market that can meet the new standards without reducing the margin of safety. A review of the GAMA April 2000, *Consumer's Certified Directory of Certified Efficiency Ratings for Heating and Water Heating Equipment* shows a number of existing models with a recovery efficiency of 76 percent that meet the standard adopted by DOE (66 FR 4484). The energy advocacy coalition states that 24 percent of existing water heaters can meet the new standard at recovery efficiencies of 76 percent (today's norm).

In light of the above discussion on the cost, safety, and installation of higher recovery efficiency gas-fired water heaters, DOE concludes that GAMA has not presented a basis for further rulemaking action with regard to the venting issue.

III. Reduction of Available Hot Water/Safety Risk

In its petition for reconsideration, GAMA alleges that it did not have the opportunity to comment on DOE's solution addressing size constrained water heater applications. GAMA also claims that DOE's method for addressing size constrained water heaters will increase the risk of hot water scald injuries for some consumers and their families.

During the proceeding, DOE received comments that in many cases consumers will demand water heaters with the same capacity and that will fit in the same space. In order to fit in the

same space, some water heaters will have smaller tanks because of thicker insulation to meet the amended standard. Therefore, to compensate for the reduction in hot water, DOE sought comment in the preliminary workshops and in the proposed rule on alternative technologies that would reduce the effects of smaller water heaters (65 FR 25077, 25084).

In response to DOE's request for information in the proposed rule, Battelle submitted a comment suggesting an increased thermostat set point, the addition of a tempering valve, and the use of a smaller water heater to maintain the same energy content as the larger water heater it would replace (Battelle, No. 127, p. 12–16, Transcript, June 20, 2000, pp. 135–136). This solution is the least costly of several alternatives discussed in the Battelle report. GAMA, in its comment to the proposed rule, urged DOE to adopt Battelle's analysis that contained the solution used in the final rule (GAMA, No. 160, p. 4).

DOE accounted for additional costs for tempering valves in its life-cycle cost analysis (66 FR 4477 and TSD, Chapter 3, 3–21). These added costs for tempering valves did not change DOE's decision that the standard is economically justified. Moreover, since DOE's final rule adopted a solution for size constrained applications suggested during the proceeding that GAMA endorsed, there is no basis for GAMA's complaint that it did not have an opportunity to present its viewpoint on this issue.

With regard to GAMA's assertion that DOE's method for addressing size constrained applications will increase the risk of hot water scald injuries, DOE's final rule is a performance standard that does not mandate any action by manufacturers that would increase the risk of scalding. Tempering valves are used to address potential scalding problems. They are readily available in the market. If the replacement water heater is correctly installed with a tempering valve when the thermostat set point is above 140°F, there will be minimal risk of scalding injury (TSD, Chapter 3.4.4, pg 21). In DOE's view, the method for addressing size-constrained water heaters in the rule will not increase the risk of scalding to consumers and their families.

In light of the preceding discussion, DOE correctly used a solution presented in the record to address the issue of size constrained water heaters in the final rule.

IV. Alternative Insulation Blowing Agents

GAMA claims that DOE's analysis of insulation materials is deficient and unresponsive to Justice Department antitrust concerns. During the entirety of the rulemaking proceeding, there was significant discussion concerning which blowing agent would be available and could substitute for HFC–141b, the current blowing agent being used by the water heater industry that will be phased out by 2003. DOE's analysis in the proposed rule relied upon HFC–245fa, an alternative that is available from a single source. Manufacturers and the Justice Department were concerned that promulgating a standard based upon a blowing agent that is supplied by a sole source could adversely affect competition if it were the only blowing agent that could be used to meet the standard.

In response, DOE sought to determine whether there are alternative blowing agents available that manufacturers could use to meet the standard. We identified two alternatives, HFC-134a and pentane/cyclopentane. These had been previously discussed in the proposed rule. By determining through further analysis that at least two other blowing agents are available in the market with comparable performance and at approximately the same cost, DOE eliminated the concern that manufacturers must rely on a single blowing agent from a sole source supplier to meet the standard (TSD, Chapter 3.4, pg. 12).

The energy advocacy coalition notes that HFC–134a will be used by a major U.S. refrigerator manufacturer. They also state that pentane/cyclopentane is viable because many European factories have made the conversion and it is cheaper per water heater. They claim that these two alternative foam blowing agents will provide competitive pressure to the price of HFC-245fa (Energy Coalition Letter, pp. 4–5).

However, the industry asserts that DOE's analysis of alternative foam blowing agents is inadequate. Furthermore, GAMA alleges that DOE's final rule is not justified in claiming that water heaters using an HFC–134a insulation blowing agent can achieve the same energy factor as water heaters using HFC–245fa.

To the contrary, DOE believes its analysis is adequate to support DOE's finding that there are alternative blowing agents to HFC–245fa that are available to meet the new standard. DOE performed an engineering analysis which accounted for the energy efficiency performance, as well as manufacturers' costs and the retail prices and installation costs to consumers. This analysis shows that energy factors are the same for all three blowing agents and costs are within a few dollars of HFC–245fa. In the record supporting DOE's analysis, DOE show the cost/pound for several foam insulations, including HFC–245fa, HFC–134a, and pentane/cyclopentane. These costs were used in the analysis of the alternative blowing agents (TSD, Chapter 3.4, pg. 11–17 and TSD, Chapter 8.6, pp 83–85). The energy advocacy coalition states that it supports DOE's analysis of insulation cost and performance (Energy Advocacy Coalition Letter, p. 3–4).

GAMA believes that HFC–134a and HFC–245fa cannot achieve the same water heater performance at the same insulation thickness. As the final rule stated, although there is a 10 percent reduction in insulation effectiveness for HFC–134a, the energy factor of water heaters using HFC–134a is similar to those using HFC–245fa or pentane/cyclopentane as shown in our engineering analysis. This issue was discussed at a public workshop on November 10, 1998 (Transcript, No. 38, pp 14–15, 27–28). At that public workshop, the National Institute of Standards and Technology (NIST) presented the results of a study demonstrating that insulation has a small effect on water heater performance (energy factor). (Thermal Performance of Water Heaters Using Alternative Blowing Agents, Fanney and Zarr, November 10, 1998) NIST showed that even a large change in insulation effectiveness results in a small change in energy factor. In the presentation, NIST explained that when insulation effectiveness is reduced by 50 percent, the energy factor drops by .06 EF, a small reduction. Since HFC–134a is only 10 percent less effective than HFC–245fa, the resulting change in performance is minimal. In the engineering analysis, DOE accounts for the 10 percent reduction in insulation effectiveness which results in an energy factor of .90 EF for a 50 gallon electric water heater. (TSD, Chapter 8.6, p.83–84). The engineering analysis also shows that water heaters insulated with HFC–245fa and pentane/cyclopentane have a .90EF at the same insulation thickness. Therefore, DOE correctly concluded that HFC–134a performs comparably to HFC–245fa and pentane/cyclopentane.

Finally, GAMA claims that the extent of DOE's analysis of the alternative blowing agents was not equal to the analysis of HFC–245fa. DOE made its decision to only conduct additional

engineering and cost analyses because the results showed that the two blowing agent alternatives can be used to achieve similar performance for similar costs to HFC–245fa. DOE estimates are reasonable and address the concern of the Department of Justice to provide more than one choice of insulation blowing agent with comparable performance and at approximately the same cost.

Based on the analysis of the three different types of blowing agents, HFC–245fa-, pentane/cyclopentane- and HFC–134a, DOE concluded that water heater manufacturers will have several choices to reach the standard, including blends of these blowing agents, and therefore, will not have to rely on a sole source supplier.

V. Conclusion

After careful consideration of the GAMA and AGA petitions for reconsideration before the Secretary of Energy, a review of the letter from the coalition of energy advocacy organizations, and a detailed review of the record that supports this final rule, DOE hereby denies the petitions for reconsideration and concludes that no further action is warranted.

Issued in Washington, D.C. on April 12, 2001.

Spencer Abraham,

Secretary of Energy.

[FR Doc. 01–9569 Filed 4–13–01; 1:00 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 719

48 CFR Parts 931 and 970

RIN 1990–AA27

Contractor Legal Management Requirements; Department of Energy Acquisition Regulation

AGENCY: Department of Energy (DOE).

ACTION: Final rule; completion of regulatory review.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8746, February 2, 2001) the effective date of the rule entitled ''Contractor Legal Management Requirements; Department of Energy Acquisition Regulation'' published in the **Federal Register** on January 18, 2001 (66 FR 4616). DOE has now completed its review of that regulation and does not intend to initiate any further rulemaking action to modify its provisions and confirms the effective date of April 23, 2001.

DATES: The effective date of the rule published at 66 FR 8746, February 2, 2001, is confirmed as April 23, 2001.

FOR FURTHER INFORMATION CONTACT: Laura Fullerton, (202) 586–3420, *laura.fullerton@hq.doe.gov;* or Anne Broker, (202) 586–5060, *anne.broker@hq.doe.gov.*

Issued in Washington, DC.

Spencer Abraham,

Secretary of Energy.

[FR Doc. 01–9466 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 830

RIN 1901–AA34

Nuclear Safety Management

AGENCY: Department of Energy (DOE).

ACTION: Final rule; completion of regulatory review.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8746, February 2, 2001) the effective date of the rule entitled ''Nuclear Safety Management'' published in the **Federal Register** on January 10, 2001 (66 FR 1810). DOE has now completed its review of that regulation, and does not intend to initiate any further rulemaking action to modify its provisions and confirms the effective date of April 10, 2001.

DATES: The effective date of the rule published at 66 FR 8746, February 2, 2001, is confirmed as April 10, 2001.

FOR FURTHER INFORMATION CONTACT: Richard Black, Director, 301–903–3465, *Richard.Black@eh.doe.gov*

Issued in Washington, D.C.

Spencer Abraham,

Secretary of Energy.

[FR Doc. 01–9459 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 261a

[Docket No. R–1102]

Rules Regarding Access to Personal Information Under the Privacy Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In accordance with the Privacy Act, the Board of Governors of the Federal Reserve System (Board) is amending its Rules Regarding Access to Personal Information under the Privacy Act. Notice of this new system of records, entitled Protective Information System (BGFRS–31) is published in an adjacent notice. This rule also makes a technical correction to an earlier document.

EFFECTIVE DATE: May 21, 2001.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Managing Senior Counsel, Legal Division (202/452–2418), Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board's Protective Services Unit (PSU) was established to provide security for the Chairman and other members of the Board of Governors. To facilitate security procedures, the PSU intends to implement a software program that was developed for law enforcement entities to monitor activities of individuals under investigation. The PSU plans to use this system to monitor the correspondence and/or activities of individuals that are perceived to present a possible threat to the safety of Board members. Inclusion of individuals in this system will result primarily from correspondence received from such individuals that is perceived to be threatening to members of the Board. Information may also be received from law enforcement agencies that have information regarding a potential threat to members of the Board. The software that is being acquired for this system will allow the PSU to sort files by a variety of subjects, including such things as names, aliases, addresses, zip codes, etc. This will permit the PSU to obtain a better understanding of the threat, if any, that is presented by an individual or group of individuals. Because this information consists of investigatory material that is compiled for the law enforcement purpose of protecting members of the federal government, it is exempt from certain provisions of the Privacy Act, including

the access provisions, pursuant to section (k)(2), 5 U.S.C. 552a(k)(2).

The Board's Rules Regarding Access to Personal Information under the Privacy Act must be amended to include this system of records in the list of ''exempt'' systems of records. In addition, the Board is taking this opportunity to make a technical correction by moving the citation to the Multi-Rater Feedback Records from the list of systems in § 261a.13(b) that are exempted pursuant to (k)(2), to the list of systems in § 261a.13(c) that are exempted pursuant to (k)(5). The Multi-Rater Feedback Records had been incorrectly placed in the (k)(2) list by the Board's notice on May 30, 2000 (65 FR 34471).

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Administrative Procedure Act

This rule is exempt from the rule making provisions of the Administrative Procedure Act, 5 U.S.C. 553, and the Congressional Review Act, pursuant to 5 U.S.C. 804(3)(B) and (C), because it is a rule relating to agency management or personnel and a rule of agency procedure that does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 12 CFR part 261a

Federal Reserve System, Privacy.

For the reasons set forth in the preamble, the Board amends 12 CFR part 261a as follows:

PART 261a—RULES REGARDING ACCESS TO PERSONAL INFORMATION UNDER THE PRIVACY ACT OF 1974

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

Authority: 5 U.S.C. 552a.

2. In § 261a.13, revise paragraph (b)(9) and add paragraph (e)(11) to read as follows:

§ 261a.13 Exemptions.

(a) * * *

(9) BGFRS–31 Protective Information System.

* * * * *

(c) * * *

(11) BGFRS–25 Multi-rater Feedback Records.

* * * * *

By order of the Board of Governors of the Federal Reserve System, April 11, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9432 Filed 4–16–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–CE–02–AD; Amendment 39–12178; AD 2001–08–01]

RIN 2120–AA64

Airworthiness Directives; JanAero Devices 14D11 and 23D04 Series Fuel Regulator and Shutoff Valves

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain JanAero Devices (JanAero) fuel regulator and shutoff valves used with JanAero combustion heaters that are installed on airplanes. This AD requires you to visually inspect and pressure test for leaks, and, if leaks are found, replace the fuel regulator and shutoff valve used with JanAero combustion heaters. This AD is the result of numerous reports of fuel regulator and shutoff valves leaking fuel. The actions specified by this AD are intended to prevent fuel leakage in airplanes with these combustion heaters with a consequent hazardous fire.

DATES: This AD becomes effective on May 10, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of May 10, 2001.

The Federal Aviation Administration (FAA) must receive any comments on this rule by May 31, 2001.

ADDRESSES: Send three copies of comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–CE–02–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in this AD from JanAero Devices, P.O. Box 273, Fort Deposit, Alabama 36032; telephone: (334) 227–8306; facsimile: (334) 227–8596. You may read this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–CE–02–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: Linda M. Haynes, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6091; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD

The FAA has received reports of numerous occurrences of JanAero fuel regulator and shutoff valves leaking. These fuel leakages were observed during routine inspections of the airplanes. The manufacturer has determined that the fuel leakages can occur in valves manufactured before November 2000. These leakages are caused by a quality control problem with the manufacture of these JanAero valves.

The affected fuel regulator and shutoff valves are part of the JanAero B1500, B2030, B2500, B3040, B3500, B4050, or B4500 combustion heater configuration.

What Are the Consequences If the Condition Is Not Corrected

This condition, if not corrected, could result in fuel leakage with a consequent hazardous fire.

Is There Service Information That Applies to This Subject

JanAero has issued Service Bulletin No. A–107, dated January 8, 2001. This service bulletin includes procedures for:

—Visually inspecting the fuel regulator and shutoff valve for fuel leakage;

—Doing a pressure test for fuel leakage on the fuel regulator and shutoff valve; and

—Replacing the fuel regulator and shutoff valve, if fuel leakage is found.

The FAA's Determination and an Explanation of the Provisions of This AD

What Has FAA Decided

The FAA has reviewed all available information, including the service information referenced above; and determined that:

—The unsafe condition referenced in this document exists or could develop on airplanes equipped with either a JanAero B1500, B2030, B2500, B3040, B3500, B4050, or B4500 combustion heater;

—Any airplane with one of these combustion heater units should have the actions specified in the above service bulletin incorporated; and

—The FAA should take AD action to correct this unsafe condition.

What Does This AD Require

This AD requires you to accomplish the actions previously specified following JanAero Devices Service Bulletin No. A–107, dated January 8, 2001.

Could the Affected Fuel Regulator and Shutoff Valves Be Installed on Other Manufacturers' Combustion Heaters

It is possible that the affected regulator and shutoff valves are installed on other manufacturers' combustion heaters. However, all of the reports of failed fuel regulator and shutoff valves are on airplanes equipped with a JanAero B-Series combustion heater. The FAA may consider other rulemaking if additional information prompts such action.

Will I Have the Opportunity To Comment Prior to the Issuance of the Rule

Because the unsafe condition described in this document could result in a hazardous fire, FAA finds that notice and opportunity for public prior comment are impracticable. Therefore, good cause exists for making this amendment effective in less than 30 days.

Comments Invited

How Do I Comment on This AD

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, we invite your comments on the rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and send three copies of your comments to the address specified under the caption **ADDRESSES.** We will consider all comments received by the closing date specified above. We may change this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of the AD I Should Pay Attention to

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. You may read all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this AD.

We are reviewing the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clear, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov.*

How Can I Be Sure FAA Receives My Comment

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2001–CE–02–AD.'' We will date stamp and mail the postcard back to you.

Regulatory Impact

Does This AD Impact Various Entities

These regulations 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, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action

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

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 airworthiness directive (AD) to read as follows:

2001–08–01 JanAero Devices: Amendment 39–12178; Docket No. 2001–CE–02–AD.

(a) *What airplanes are affected by this AD?* This AD applies to airplanes equipped with JanAero Series 14D11 or 23D04 fuel regulator and shutoff valves installed with the following B-Series combustion heaters.

(1) Affected B-Series combustion heater models: B1500, B2030, B2500, B3040, B3500, B4050, B4500.

(2) The following is a list of airplanes where the B-Series combustion heater could be installed. This is not a comprehensive list and airplanes not on this list that have the heater installed through field approval or other methods are still affected by this AD:

Manufacturer	Airplane model
Beech	95–B55 Series, 58, 58TC, 58P, 60, A60, and 76.
Canadair	CL–215, CL–215T, and CLT–415.
Cessna	208, 303, 310F, 310G, 310H, 310I, 310J, 310K, 310L, 310M, 310N, 310O, 310P, 3210C, 320D, 320E, 320F, 337 Series, 340, 340A, 414, 414A, 421, 421A, 421B, and 421C.
Piper	PA–23, PA–30, PA–31 Series, PA–34, and PA–44.

(b) *Who must comply with this AD?* Anyone who wishes to operate any airplane that is equipped with one of the above referenced JanAero combustion heaters must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent fuel leakage into the combustion heater, which could result in a hazardous fire.

(d) *What must I do to address this problem?* To address this problem, unless already done, you must do the following actions:

Action	Compliance time	Procedures
(1) Visually inspect the installed fuel regulator and shutoff valve used with JanAero Devices Combustion Heaters, Models B1500–B4500, for fuel leaks.	Within the next 25 hours time-in-service (TIS) after May 10, 2001 (the effective date of this AD).	Do this following INSTALLATION INSPECTION and ALTERNATIVE VISUAL INSPECTION procedures in JanAero Devices Service Bulletin No. A–107, dated January 8, 2001.
(2) Pressure test the fuel regulator and shutoff valve for leakage.	Within the next 25 hours time-in-service (TIS) after May 10, 2001 (the effective date of this AD) and after the inspection in paragraph (d)(1) of this AD.	Do the following PRESSURE TEST FOR LEAKAGE procedures in JanAero Devices Service Bulletin No. A–107, dated January 8, 2001.
(3) If fuel leaks are found, replace with a new valve with a manufacture date code of 11/00 or later.	Before further flight after the inspection in paragraph (d)(1) and the pressure test in paragraph (d)(2) of this AD.	Do the following ALTERNATIVE VISUAL INSPECTION procedures in JanAero Devices Service Bulletin No. A–107, dated January 8, 2001.
(4) Do not install any fuel regulator and shutoff valve with a manufacture date code before 11/00.	Not Applicable	Not Applicable.

(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, Atlanta Aircraft Certification Office approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note: 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, specify actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Linda M. Haynes, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6091; facsimile: (770) 703–6097.

(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 following JanAero Devices Service Bulletin No. A–107, dated January 8, 2001. 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 JanAero Devices, P.O. Box 273, Fort Deposit, Alabama 36032. You can look at copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on May 10, 2001.

Issued in Kansas City, Missouri, on April 5, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9073 Filed 4–16–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Vessel Repair and Penalties Public Meeting

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: This document announces that Customs will hold a public meeting to discuss the final rule amending the Customs Regulations concerning vessel repair. Certain vessel-related penalty matters will also be discussed at the meeting. This document invites interested members of the public to attend.

DATES: The meeting will be held on Thursday May 10, 2001, from 9:00 a.m. until 12:00 p.m. Seating requests should be made no later than close of business, Monday April 30, 2001.

ADDRESSES: The meeting will be held in New Orleans, Louisiana, at the historic Customhouse located at 423 Canal Street, room number 246.

FOR FURTHER INFORMATION CONTACT: Glenn Seale, Chief of the Vessel Repair Unit, Port of New Orleans, at (504) 670–2137 or, to reserve seating, via e-mail at *Glenn.Seale@Customs.Treas.gov.*

SUPPLEMENTARY INFORMATION: The final rule amending the Customs Regulations by which Customs administers the vessel repair statute (19 U.S.C. 1466) was published in the **Federal Register** on March 26, 2001 (66 FR 16392). The amendments, which appear at § 4.14 of the Customs Regulations (19 CFR 4.14), go into effect on April 25, 2001, with respect to American vessels arriving in the United States directly from foreign ports.

Customs has determined that it is appropriate to hold a public meeting in order to discuss the changes resulting from the amendments to the vessel repair regulations. Additionally, the meeting will provide a forum for the discussion of vessel-related penalties. Representatives from Customs Headquarters Office of Regulations and Rulings, as well as knowledgeable personnel from the Port of New Orleans, will preside over the meeting.

To ensure adequate seating, it is requested that interested persons submit notice of intent to attend the meeting via e-mail to *Glenn.Seale@Customs.Treas.gov* by close of business, Monday April 30, 2001. The notice should provide the company name, the name and title of the attendee(s), and a named point of contact, including telephone number and e-mail address, in the event Customs needs to notify an attendee of any changes to the program.

Dated: April 10, 2001.

Larry L. Burton,

Chief, Entry Procedures and Carriers Branch.

[FR Doc. 01–9341 Filed 4–16–01; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH139–1a; FRL–6960–1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On July 6, 2000, the State of Ohio submitted a site-specific State Implementation Plan (SIP) revision revising Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements for Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting VOC emissions from coating lines at its pressure sensitive tape and label manufacturing plant in Stow. This rulemaking action approves, using the direct final process, the Ohio SIP revision request.

DATES: This rule is effective on June 18, 2001, unless EPA receives adverse written comments by May 17, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the revision request for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Steven Rosenthal at (312) 886–6052 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal at (312) 886–6052.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

Table of Contents

I. What Action is EPA Taking?
II. What Were Morgan Adhesives' Previous SIP Requirements?
III. What Are the Pollution Control Requirements that Morgan Adhesives will now be Subject to as a Result of this Action?
IV. What is the Effect and Basis for Approval of this SIP Revision.
V. Final Rulemaking Action.
VI. Administrative Requirements.

I. What Action is EPA Taking?

EPA is approving a revision to Ohio's SIP which changes the VOC control requirements for Morgan Adhesives.

II. What Were Morgan Adhesives' Previous SIP Requirements?

Morgan's paper coating lines were previously subject to a limit of 2.9 pounds of VOC per gallon of coating, or 4.8 pounds of VOC per gallon of solids. Alternatively, a paper coating line could employ a pollution control system to meet an overall 81% VOC reduction and a 90% control equipment destruction efficiency.

III. What Are the Pollution Control Requirements that Morgan Adhesives will now be Subject to as a Result of this Action?

Morgan Adhesives is subject to VOC RACT [1] requirements under section 182(b)(2) of the Clean Air Act (Act). This SIP revision changes RACT as it applies to Morgan Adhesives by establishing an alternative control strategy for its coating lines KOO3 through KOO9. This alternative strategy allows Morgan to average its coating lines together to determine its daily allowable VOC emissions. However, in exchange for this inrease in operating flexibility, the allowable emissions for these coating lines is only 67% of what it would be if the allowable emissions for each line were determined separately. Morgan is required to keep daily records of its coating use and to monitor the performance of its pollution control equipment. It is also required to report any records that demonstrate a failure to comply with its daily allowable VOC emission limitation.

IV. What is the Effect and Basis for Approval of this SIP Revision?

The effect that this SIP revision has is that the coating lines at Morgan are all averaged together for purposes of determining compliance. This allows one or more lines to exceed the VOC coating limits that would otherwise apply. However, these excess emissions must be compensated for by reductions below the otherwise allowable limits for the remaining coating lines and the combined daily allowable emissions is only 67% of what they would be if the allowable emissions were determined individually for each line.

[1] A definition of RACT is cited in a General Preamble-Supplement published at 44 FR at 53761 (September 17, 1979). RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.

This alternative RACT limit is allowed under an April 7, 1989, EPA policy memorandum titled ''Baseline for Cross-Line Averaging'' by John Calcagni, former Director of the Air Quality Management Division. This memorandum clarifies EPA policy for cross line averaging used by coating lines. Cross-line averaging refers to the averaging of emissions from two or more operations or sources to achieve compliance with the emission limits of a rule. The combined daily allowable emission limit is based upon the lower of actual or allowable emission rates from each line and current production. The cross-line averaging proposed by Morgan is consistent with EPA RACT policy as set forth in this April 7, 1989 memorandum.

V. Final Rulemaking Action.

In this rulemaking action, we are approving the July 6, 2000, Ohio SIP revision submittal of an alternative RACT VOC limit for the Morgan Adhesives Company in Stow, Ohio. The specific control requirements for Morgan Adhesives are contained in the Director's Final Findings and Orders, specifically the ''Orders'' part of the document, signed by Ohio EPA on July 5, 2000. We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless we receive relevant adverse written comment by May 17, 2001. Should we receive such comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on June 18, 2001.

VI. Administrative Requirements.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-

existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. section 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and record keeping, Volatile organic compounds.

Dated: March 15, 2001.

Norman R. Niedergang,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(123) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(123) On July 6, 2000, the State of Ohio submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Compound control requirements at Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting volatile organic compound emissions from coating lines at its pressure sensitive tape and manufacturing plant in Stow.

(i) Incorporation by reference.

July 5, 2000, Director's Final Findings and Orders of the Ohio Environmental Protection Agency in the matter of: Morgan Adhesives Company, effective on July 5, 2000.

[FR Doc. 01–9355 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID–01–01; FRL–6962–1]

Approval and Promulgation of State Implementation Plans: Idaho

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves revisions to Idaho's State Implementation Plan (SIP) relating to permit requirements for new major facilities or major modifications in the former PM–10 Northern Ada County nonattainment area. These revisions were submitted to EPA on February 9, 2001, by the Director of the Idaho Department of Environmental Quality (DEQ).

DATES: This direct final rule is effective on June 18, 2001 without further notice, unless EPA receives adverse comment by May 17, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Ms. Donna Deneen (OAQ–107), Office of Air Quality, EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be

examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Idaho Department of Environmental Quality, 1420 North Hilton, Boise, Idaho 83706–1255.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Deneen (OAQ–107), Office of Air Quality, EPA, Seattle, Washington 98101, (206) 553–6706.

SUPPLEMENTARY INFORMATION:

I. Background

Northern Ada County was designated as a nonattainment area for PM–10 in the Clean Air Act Amendments of 1990. However, in March of 1999, EPA determined that the nonattainment designation and PM–10 National Ambient Air Quality Standards would no longer apply for this area. 64 FR 12257. As a result of this action, the Clean Air Act requirements for Title I, Part D (nonattainment area) new source review (NSR) rules no longer applied to new and modified major stationary sources of PM–10 in Northern Ada County. EPA was subsequently sued for determining that the nonattainment designation and the PM–10 standards for Northern Ada County would no longer apply (*Clean Air Force et al.* v. *EPA et al.,* nos. 99–70289 and 70576 (9th Cir.)). This lawsuit resulted in a settlement which, among other things, required DEQ to submit a negotiated rule to EPA as a SIP revision to ensure that Federally enforceable Part D NSR rules for PM–10 apply to Northern Ada County until the area either is designated as attainment or again becomes nonattainment. On February 9, 2001, DEQ submitted IDAPA 58.01.01.204 to EPA in fulfillment of this requirement.

II. Discussion of Rule

IDAPA 58.01.01.204 contains rule language that EPA believes would ensure that Part D NSR rules for PM–10 apply to new major facilities and major modifications in the former PM–10 Northern Ada County nonattainment area. Approval of this rule as a SIP revision would assure maintenance of acceptable air quality in the area, while DEQ works to complete a PM–10 maintenance plan for Northern Ada County and submit a request that the area be redesignated to attainment. Failure to approve this rule would likely result in a restoration of the PM–10 standards and nonattainment designation for Northern Ada County. That result would also reinstate the federally-approved NSR requirements that apply to new major facilities or major modifications in Northern Ada County.

EPA approves IDAPA 58.01.01.204 as it relates to the former PM–10 Northern Ada County nonattainment area because it establishes new source permitting requirements beyond what would otherwise be federally required for Northern Ada County now that it is no longer designated nonattainment for PM–10, and because it strengthens the PM–10 emissions-related requirements in the Idaho SIP. In addition, IDAPA 58.01.01.204 as it relates to the former PM–10 Northern Ada County nonattainment area reflects an agreement with stakeholders, representing environmental, state, and local interests, who have indicated broad support for these revisions.

It is important to note that the Idaho permitting provisions for preventing significant deterioration (PSD) will also apply to PM–10 emissions from new major facilities or major modifications in the Northern Ada County area. Under the Clean Air Act and EPA's regulations (40 CFR 51.166(i)(5)), a PSD source can only be exempted from the PSD requirements for a particular pollutant if it is located in a area that is designated nonattainment for that pollutant. Since the Northern Ada County area is not currently designated as nonattainment under section 107 of the Act, PSD requirements continue to apply to new and modified major stationary sources of PM–10 and, after today's action, will continue to apply along with the newly-approved Part D NSR rules.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register.** A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective June 18, 2001 unless EPA receives adverse written comments by May 17, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 26, 2001.

Charles E. Findley,

Acting Regional Administrator, Region 10.

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

PART 52—[AMENDED]

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

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

Subpart N—Idaho

2. Section 52.670 is amended by adding paragraphs (c)(34) to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(34) On February 9, 2001, the Idaho Department of Environmental Quality submitted amendments to State of Idaho's Rules and Regulations for the Control of Air Pollution in Idaho as revisions to the Idaho state implementation plan as follows: Section 58.01.01.204.

(i) Incorporation by Reference.

(A) IDAPA 58.01.01.204 Permit Requirements for New Major Facilities or Major Modifications in Nonattainment Areas and in the Former PM–10 Northern Ada County Nonattainment Area (as Defined in Section 582), state adopted January 26, 2001.

[FR Doc. 01–9353 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA160–4107a; FRL–6962–3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements for Allegheny County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Allegheny County portion of the Commonwealth of Pennsylvania State Implementation Plan (SIP). These revisions were submitted on March 23, 2000 by the Pennsylvania Department of Environmental Protection (PADEP) on behalf of the Allegheny County Health Department (ACHD). These revisions amend Allegheny County's general rules for use of cleaner gasoline and codify changes to its gasoline volatility regulations to be consistent with the Commonwealth's SIP-approved regulations which currently apply throughout the Pittsburgh-Beaver Valley ozone nonattainment area, including in Allegheny County. The revisions consist of the establishment of a Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold in Allegheny County, Pennsylvania. EPA is approving these revisions to the Allegheny County portion of the Commonwealth of Pennsylvania SIP in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on June 18, 2001 without further notice, unless EPA receives adverse written comment by May 17, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Send written comments to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, mail code 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. You may inspect copies of the documents relevant to this action during normal business hours at the following locations: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, at the EPA Region III address above, or by e-mail at *webster.jill@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Description of the SIP Revision and EPA's Action

The information in this section is organized as follows:

A. What Action Is EPA Taking Today?
B. Why Is EPA Taking This Action?
C. Why Did Allegheny County Make These Changes?
D. How Did EPA Review Allegheny County's Submittal?
E. Why Is the Request Approvable?
F. What Is the Process for EPA Approval of This Action?
II. Final Action
III. What Are the Administrative Requirements?

What Action Is EPA Taking Today?

EPA is approving revisions to the Allegheny County portion of the Commonwealth of Pennsylvania SIP which were submitted on March 23, 2000 by PADEP on behalf of the ACHD. These revisions will amend the ACHD's Rules and Regulations, Article XXI, Revision 40, sections 2101.20, 2105.90, and 2107.15, regarding gasoline volatility regulations and Revision 42 which codifies changes to the gasoline volatility regulations, to make them consistent with the Commonwealth's gasoline volatility regulations. On June 8, 1998 (63 FR 31116), EPA approved the Commonwealth's SIP revision requiring a summertime gasoline Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline sold throughout the Pittsburgh-Beaver Valley ozone nonattainment area, including Allegheny County. Under the revisions, gasoline distributed in Allegheny County must meet a RVP limit of 7.8 psi per gallon between May 1 and September 15 of each calendar year for all refiners, distributors, resellers, carriers, and wholesalers. The restrictions on fuel are effective between June 1 and September

15 of each year for all wholesale purchaser consumers and retailers of gasoline.

Why Is EPA Taking This Action?

EPA is approving these SIP revisions to the Allegheny County portion of the Commonwealth's SIP at the request of the Commonwealth of Pennsylvania. The ACHD revised Allegheny County's Rules and Regulations, Article XXI, Revision 40, sections 2101.20, 2105.90, and 2107.15, regarding gasoline volatility regulations and Revision 42 which codifies changes to the gasoline volatility regulations, to make those County regulations consistent with the Commonwealth's SIP-approved gasoline volatility regulations. As stated above, EPA approved the Commonwealth's gasoline volatility regulations as a SIP revision for the entire Pittsburgh-Beaver Valley ozone nonattainment area on June 8, 1998 (63 FR 31116). The rationale for EPA's action to approve the Commonwealth's gasoline volatility regulations for the Pittsburgh Beaver-Valley ozone nonattainment area were presented in that rulemaking and shall not be restated here. Interested parties may request copies of that rulemaking and its associated technical support document (TSD) from the EPA Regional Office listed in the **ADDRESSES** section of this document.

Why Did Allegheny County Make These Changes?

The ACHD made revisions to Allegheny County's gasoline volatility regulations to make them consistent with the Commonwealth's approved SIP regulations. Since EPA's June 8, 1998 approval of the Commonwealth's gasoline volatility requirements for the Pittsburgh-Beaver Valley ozone nonattainment area, all refiners, distributors, resellers, carriers, and wholesalers of gasoline in Allegheny County have been directly subject to those Commonwealth regulations under the approved SIP. The intended effect of this action is to approve Allegheny County's revised gasoline regulations such that all refiners, distributors, resellers, carriers, and wholesalers of gasoline in Allegheny County are subject to County regulations and the ACHD has the authority to implement the federally-approved SIP. Both PADEP and ACHD adopted the low RVP gasoline volatility requirements as an emissions reduction strategy necessary for attainment in the Pittsburgh-Beaver Valley ozone nonattainment area.

How Did EPA Review Allegheny County's Submittal?

Allegheny County's SIP revisions were submitted by PADEP on behalf of ACHD on March 23, 2000. EPA evaluated the County's revised gasoline volatility regulations to verify that the revisions were consistent with the Commonwealth's federally approved regulations for the Pittsburgh-Beaver Valley ozone nonattainment area.

Why Is the Request Approvable?

Because EPA previously approved the Commonwealth's low RVP requirements for the Pittsburgh-Beaver Valley ozone nonattainment area, including Allegheny County, the County's revised regulations need only be consistent with the Commonwealth's Federally approved regulations. EPA has determined that ACHD's regulations for gasoline volatility requirements are sufficiently consistent with the Commonwealth's Federally approved regulations to warrant approval of the Commonwealth's request that the Allegheny County portion of the Pennsylvania SIP be revised to include the County's amended regulations such that the ACHD has the authority to implement the federally-approved SIP.

What Is the Process for EPA Approval of This Action?

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective on June 18, 2001 without further notice unless EPA receives adverse comment by May 17, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

II. Final Action

EPA is approving revisions to the Allegheny County portion of the Commonwealth of Pennsylvania SIP which were submitted on March 23, 2000 by PADEP on behalf of the ACHD. These revisions will amend the ACHD's Rules and Regulations, Article XXI, Revision 40, sections 2101.20, 2105.90, and 2107.15, regarding gasoline volatility regulations and Revision 42 which codifies changes to the gasoline volatility regulations.

III. What Are the Administrative Requirements?

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by

section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 18, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the RVP requirements for gasoline sold in Allegheny County, Pennsylvania may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 19, 2001.

William C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(151) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(151) Revisions to the Allegheny County Air Pollution Control Regulations governing gasoline volatility requirements submitted on March 23, 2000 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of March 23, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to the low RVP gasoline volatility requirements for Allegheny County, Pennsylvania.

(B) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective May 15, 1998.

(*1*) Regulation 2101.20—definitions of ''carrier,'' ''distributor,'' ''importer,'' ''low RVP gasoline,'' ''oxygenate,'' ''refiner,'' ''refinery,'' ''reseller,'' ''retail outlet,'' ''retailer,'' ''RFG,'' ''RVP,'' ''terminal,'' ''wholesale purchaser-consumer.''

(*2*) Regulation 2107.15—Gasoline Volatility and RFG Methods.

(*3*) Regulation 2105.90—Gasoline Volatility, Paragraphs a and b.

(C) The following revision to Article XXI, Rules and Regulations of the Allegheny County Health Department, effective September 1, 1999.

(*1*) Regulation 2101.20—definition of ''compliant fuel.''

(*2*) Regulation 2105.90—Gasoline Volatility, Paragraphs c, d, and e.

(ii) Remainder of the March 23, 2000 submittal pertaining to Article XXI, regulations 2101.20, 2105.09, and 2107.15 as described above.

[FR Doc. 01–9357 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 66, No. 74
Tuesday, April 17, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–10–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900EX Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900EX series airplanes. This proposal would require revising the Emergency Procedures and Abnormal Procedures sections of the airplane flight manual to advise the flightcrew to immediately don oxygen masks in the event of significant pressurization or oxygen level changes. This action is necessary to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in their inability to continue to control the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 17, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–10–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–10–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–NM–10–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–10–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On October 25, 1999, a business jet operating under part 135 of the Federal Aviation Regulations (14 CFR part 135) departed Orlando International Airport en route to Dallas, Texas. Air traffic control lost communication with the airplane near Gainesville, Florida. Air Force and National Guard airplanes intercepted the airplane. The flightcrews of those chase airplanes observed no damage to the airplane, but reported that its windows appeared frosted over, obscuring the view of the interior of the airplane. Subsequently, the airplane ran out of fuel and crashed in South Dakota. To date, the cause of the accident has not been determined. However, the failure of the flightcrew to respond to air traffic control suggests the possibility that the flightcrew was incapacitated and raises concerns about the pressurization and oxygen systems on the airplane.

Recognizing these concerns, the FAA initiated a special certification review (SCR) of the certification requirements for the pressurization and oxygen systems on that airplane. The SCR findings indicated that the most likely cause for incapacitation was hypoxia (lack of oxygen). The only other plausible cause of incapacitation is exposure to toxic substances; however, no evidence was found to support the existence of toxic substances.

The SCR team learned of several accidents and incidents that may have involved incapacitation of the flightcrews during flight. In one case, the flightcrew did not don oxygen masks or activate the pressurization system when the airplane flew at an altitude in excess of 35,000 feet. In another case, the flightcrew did not don oxygen masks when the cabin aural warning was activated.

The SCR team recommended a review of the airplane flight manuals (AFM) for all pressurized airplanes certified under parts 23 and 25 of the Federal Aviation Regulations (14 CFR part 23 and 14 CFR

part 25) for operation above altitudes of 25,000 feet. Specifically, the team recommended a review of the AFM's to determine the necessity of including procedures to immediately don oxygen masks in the event of significant pressurization or oxygen level changes. The AFM's of Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900EX series airplanes do not include this procedure in the Emergency Procedures or Abnormal Procedures sections. Time spent troubleshooting the pressurization system following changes in pressurization or oxygen levels may result in the flightcrew's incapacitation and consequent inability to continue to control the airplane before they are able to don oxygen masks.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revising the AFM to advise the flightcrew to immediately don oxygen masks under certain conditions. This procedure would be included in the Emergency Procedures section for Model Mystere-Falcon 50 and 900 series airplanes, to be implemented in the event of rapid cabin depressurization; and in the Abnormal Procedures section for all airplanes, to be implemented in the event of too high cabin altitude or slow cabin depressurization.

Differences Between Proposed AD and French Airworthiness Directive

This proposed AD would require that the Abnormal Procedures section of the AFM be revised to advise the flightcrew to immediately don oxygen masks in the event of too low cabin altitude or slow cabin depressurization. The parallel French airworthiness directive 2000–536–032(B), dated December 27, 2000, does not mandate such a revision. The FAA finds that revisions to flight procedures only during emergency conditions related to rapid depressurization may not provide the degree of safety assurance necessary for these airplanes during all possible flight conditions.

Further, the parallel French airworthiness directive does not specify a compliance time by which to revise the AFM. This proposed AD would require that the AFM be revised within 10 days.

Cost Impact

The FAA estimates that 137 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 1 work hour per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $8,220, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket 2001–NM–10–AD.

Applicability: All Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900EX series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew due to lack of oxygen, which could result in their inability to continue to control the airplane, accomplish the following:

Revision of Airplane Flight Manual (AFM) Emergency Procedures

(a) For Model Mystere-Falcon 50 having serial numbers (S/N's) 1 through 250 inclusive and 252, and Mystere-Falcon 900 series airplanes having S/N's 1 through 178 inclusive: Within 10 days after the effective date of this AD, revise the Emergency Procedures section of the FAA-approved AFM to include the procedures listed in Figure 1 of this AD. This revision may be done by inserting a copy of Figure 1 into the AFM, as follows:

BILLING CODE 4910–13–P

Figure 1

"In case of rapid cabin depressurization, apply the following procedure:

1. Crew oxygen masks ..... 100% - Donned
2. Microphone selector ..... MASK
3. FASTEN BELTS and no smoking light pushbuttons ..... On
4. Oxygen controller and passenger masks ..... OVERRIDE – Donned
5. Emergency descent ..... Initiated"

Revision of AFM Abnormal Procedures Section

(b) For Model Mystere-Falcon 50 series airplanes as identified in paragraph (a) of this AD: Within 10 days after the effective date of this AD, revise the Abnormal Procedures section of the AFM to include the procedures listed in Figure 2 of this AD. This revision may be done by inserting a copy of Figure 2 into the AFM.

Figure 2

"PRESSURIZATION – TOO HIGH CABIN ALTITUDE OR SLOW DEPRESSURIZATION

WARNING – CABIN light on and warning horn sounds.

– Cabin altitude higher than 10,000 ft.

– Crew oxygen masks ..... Donned – Normal

– Microphone selector ..... MASK and test

– Bleed air CREW, CABIN and PRV ..... ON or AUTO

– UP – DN control ..... Between 1 and 2 o'clock

– Cabin pressure selector switch ..... MAN (as required)

– UP – DN control ..... DN (as required)

———————— If necessary:

- ..... On
- Passenger oxygen masks ..... Donned – Checked
- NOSE ..... Closed

———————— If necessary:

- Execute an EMERGENCY DESCENT (see page 2.10.1) down to 14,000 ft or safe altitude."

(c) For Model Mystere-Falcon 900 series airplanes as identified in paragraph (a) of this AD: Within 10 days after the effective date of this AD, revise the Abnormal Procedures section of the AFM by including the procedures listed in Figure 3 of this AD. This revision may be done by inserting a copy of Figure 3 into the AFM.

Figure 3

"PRESSURIZATION – TOO HIGH CABIN ALTITUDE OR SLOW DEPRESSURIZATION

WARNING – [CABIN] light on and aural warning.
– Cabin altitude higher than 10,000 ft.

– Crew oxygen masks ..... Donned/Normal

– Microphone selector ..... MASK

– Bleed air CREW and PASSENGER switches ..... Checked

– PRV 2 and PRV 3 switches ..... Checked

– BAG switch ..... ISOL

- [BAG ISOL] light ..... On

– *NOSE control lever* ..... *CLOSED*

– UP – DN control ..... Between 1 and 2 o'clock

– AUTO/MAN pressure selector switch ..... MAN

– UP – DN control ..... DN (as required)

——————— If cabin pressure cannot be restored:

- Isolation valve knob ..... ISOLATION
  - [ISOL] light checked ..... On

——————— If cabin pressure is restored:

- Cycle bleed air CREW and/or PASSENGER switches alternatively to OFF and ON. Retain condition for which cabin pressure is maintained.

- COND control lever *or crossfeed valve* ..... TIED

——————— If cabin pressure is not restored:

- NORM/EMERG pressure selector switch ..... EMERG

Figure 3 continued

——————— If cabin pressure is restored:

- Continue flight at highest possible altitude.
- CREW temperature controller ..... As required

——————— If temperature gets too high during descent:

- Bleed air CREW switch ..... OFF

——————— If cabin pressure cannot be restored:

- ..... On
- Passenger oxygen masks ..... Donned

——————— If necessary:

- Execute an emergency descent down to the safe altitude or to 14,000 ft."

(d) For all Model Falcon 900EX series airplanes: Within 10 days after the effective date of this AD, revise the Abnormal Procedures section of the AFM by including the procedures listed in Figure 4 of this AD. This revision may be done by inserting a copy of Figure 4 into the AFM.

Figure 4

"PRESSURIZATION – TOO HIGH CABIN ALTITUDE

WARNING – [MASTER] with [CABIN] lights on and "CABIN" voice warning.

– Cabin altitude higher than 10,000 ft.

– Crew oxygen masks ..... Donned/Normal

– Microphone selector ..... MASK

– CREW and PASSENGER air conditioning valve switches ..... AUTO - Checked

– HP BLEED AIR switches ..... Auto - Checked

– BAG switch ..... ISOL

- [BAG ISOL] light ..... On - Checked

– UP – DN control knob ..... White range

– AUTO/MAN pressure selector switch ..... MAN

– UP – DN control knob ..... DN (as required)

——————— If cabin pressure cannot be restored:

- Isolation rotary switch.....ISOL
  - [ISOL] light..... On - Checked

——————— If cabin pressure is restored:

- Cycle PASSENGER and/or CREW air conditioning valve switches alternatively to OFF and ON. Retain condition for which cabin pressure is maintained.

——————— If cabin pressure is not restored:

- NORM/EMERG pressure selector switch .....EMERG

Figure 4 continued

——————— If cabin pressure is restored:

- Continue flight at highest possible altitude.
- CREW temperature controller ..... As required

——————— If temperature gets too high during descent:

- CREW air conditioning valve switch ..... OFF

——————— If cabin pressure cannot be restored:

- light pushbutton ..... On
- Passenger oxygen masks ..... OVERRIDE/Donned

——————— If necessary:

- Execute an emergency descent down to the safe altitude or to 14,000 ft."

(e) For Model Mystere-Falcon 900 series airplanes having serial numbers 179 and subsequent: Within 10 days after the effective date of this AD, revise the Abnormal Procedures section of the AFM by including the procedures listed in Figure 5 of this AD. This revision may be done by inserting a copy of Figure 5 into the AFM.

Figure 5

"PRESSURIZATION – TOO HIGH CABIN ALTITUDE OR SLOW DEPRESSURIZATION

WARNING – [MASTER] with [CABIN] lights on and "CABIN" voice warning.

– Cabin altitude higher than 10,000 ft.

– Crew oxygen masks ..... Donned/Normal

– Microphone selector ..... MASK

– CREW and PASSENGER air conditioning switches . AUTO - Checked

– PRV 2 and PRV 3 BLEED AIR switches ..... On - Checked

– BAG switch ..... ISOL

- [BAG ISOL] light ..... On - Checked

– UP – DN control ..... Between 1 and 2 o'clock

– AUTO/MAN pressure selector switch ..... MAN

– UP – DN control ..... DN (as required)

———— If cabin pressure cannot be restored:

- Isolation rotary switch ..... ISOLATION
  - [ISOL] light ..... On - Checked

———— If cabin pressure is restored:

- Cycle PASSENGER and/or CREW air conditioning valve switches alternatively to OFF and ON. Retain condition for which cabin pressure is maintained.
- Crossfeed valve *or COND control lever* ..... TIED

———— If cabin pressure is not restored:

- NORM/EMERG pressure selector switch ..... EMERG

Figure 5 continued

——————— If cabin pressure is restored:

- Continue flight at highest possible altitude.
- CREW temperature controller ..... As required

——————— If temperature gets too high during descent:

- CREW air conditioning valve switch ..... OFF

——————— If cabin pressure cannot be restored:

- ..... On
- Passenger oxygen masks..... OVERRIDE - Donned

——————— If necessary:

- Execute an emergency descent down to the safe altitude or to 14,000 ft."

(f) For Model Mystere-Falcon 50 series airplanes having serial numbers 251, 253, and subsequent: Within 10 days after the effective date of this AD, revise the Abnormal Procedures section of the AFM by including the procedures listed in Figure 6 of this AD. This revision may be done by inserting a copy of Figure 6 into the AFM.

Figure 6

"PRESSURIZATION – TOO HIGH CABIN ALTITUDE OR SLOW DEPRESSURIZATION

WARNING – MASTER light on + aural warning with CABIN light on.

– Cabin altitude higher than 10,000 ft.

– Crew oxygen masks ..... Donned – Normal

– Microphone selector ..... MASK and test

– HP 1, 2 and 3 BLEED AIR switches ..... AUTO – Checked

– BLEED AIR: CREW and CABIN switches ..... On

———————— If depressurization persists:

– UP – DN control ..... Between 1 and 2 o'clock

– Cabin pressure selector switch ..... MAN (as required)

– UP – DN control ..... DN (as required)

———————— If necessary:

- ..... On
- Passenger oxygen masks ..... Donned – Checked
- NOSE ..... Closed

———————— If necessary:

- Execute an EMERGENCY DESCENT (see page 2–120–1) down to 14,000 ft or safe altitude."

BILLING CODE 4910–13–C

Note 1: If the manufacturer publishes AFM temporary or general revisions that include the corresponding procedures required by paragraphs (a) through (f) of this AD, those revisions may be incorporated into the AFM, provided the information in the revisions is identical to that in the Figures of this AD; and those Figures may be removed from the AFM.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–536–032(B), dated December 27, 2000.

Issued in Renton, Washington, on April 9, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9191 Filed 4–16–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 915]

RIN: 1512–AC26

Proposed Addition of New Grape Variety Names for American Wines (2000R–307P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms has received petitions proposing to add two new names, ''Counoise'' and ''St. Laurent,'' to the list of prime grape variety names for use in designating American wines.

DATES: Written comments must be received by June 18, 2001.

ADDRESSES: Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 915).

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Bureau of Alcohol, Tobacco and Firearms, Regulations Division, 111 W. Huron Street, Room 219, Buffalo, NY 14202–2301; Telephone (716) 551–4048.

SUPPLEMENTARY INFORMATION:

1. Background

Under 27 CFR 4.23 (b), a wine bottler may use a grape variety name as the designation of a wine if not less than 75 percent of the wine (51 percent in circumstances detailed in § 4.23(c)) is derived from that grape variety. Under § 4.23(d), a bottler may use two or more grape variety names as the designation of a wine if:

- All grapes used to make the wine are the labeled varieties;
- The percentage of the wine derived from each grape variety is shown on the label; and
- If labeled with multiple appellations, the percentage of the wine derived from each varietal from each appellation is shown on the label.

Treasury Decision ATF–370 (61 FR 522), January 8, 1996, adopted a list of grape variety names that ATF has determined to be appropriate for use in designating American wines. The list of prime grape names and their synonyms appears at § 4.91, while additional alternative grape names temporarily authorized for use are listed at § 4.92.

ATF has received petitions proposing that new grape variety names be listed in § 4.91. Under § 4.93 any interested person may petition ATF to include additional grape varieties in the list of prime grape names. Information with a petition should provide evidence of the following:

- Acceptance of the new grape variety;
- The validity of the name for identifying the grape variety;
- That the variety is used or will be used in winemaking; and
- That the variety is grown and used in the United States.

For the approval of names of new grape varieties, the petition may include:

- A reference to the publication of the name of the variety in a scientific or professional journal of horticulture or a published report by a professional, scientific or winegrowers' organization;
- A reference to a plant patent, if patented; and
- Information about the commercial potential of the variety, such as the acreage planted and its location or market studies.

Section 4.93 also places certain eligibility restrictions on the approval of grape variety names. A grape variety name will not be approved:

- If the name has previously been used for a different grape variety;
- If the name contains a term or name found to be misleading under § 4.39; or
- If the name of a new grape variety contains the term ''Riesling.''

The Director reserves the authority to disapprove the name of a new grape variety developed in the United States if the name contains words of geographical significance, place names, or foreign words which are misleading under § 4.39. The Director will not approve the use of a grape variety name that is misleading.

2. Petitions

Counoise Petition

Tablas Creek Vineyard in Paso Robles, California, has petitioned ATF proposing the addition of the name ''Counoise'' to the list of prime grape variety names approved for the designation of American wines. Counoise is a red varietal originally from the Rhône region of France, where it has traditionally been a component of Châteauneuf-du-Pape.

The petitioner has submitted the following published references to Counoise to establish its acceptance as a grape and the validity of its name:

- Cépages et Vignobles de France, Volume II, by Pierre Galet, 1990, pp. 106–107.
- Catalogue of Selected Wine Grape Varieties and Clones Cultivated in France, published by the French Ministry of Agriculture, Fisheries and Food, 1997, pp. 67 & 216.
- Traité General de Viticulture Ampelographie, Volume II, by P. Viala and V. Vermoral, 1991, pp. 78–80.
- Guide to Wine Grapes, Oxford University Press, 1996, by Jancis Robinson, p. 61.

The first three references are scientific articles that discuss the grape's origin, cultivation, and ampelography (the study and classification of grapevines). The *Guide to Wine Grapes,* intended for the general reader, discusses the cultivation of Counoise in the Rhône region and notes that it is ''one of the more rarefied ingredients in red Châteauneuf-du-Pape.''

Tablas Creek Vineyard states that it imported the Counoise plant into the USDA station in Geneva, New York, in 1990. The plant was declared virus free

in 1993 and shipped bare-root to Tablas Creek Vineyard in Paso Robles, California in February 1993. The winery multiplied, grafted and started planting Counoise in 1996.

The petitioner states that the Counoise grape is currently grown and used in the United States in winemaking. It reports that in 1999 and 2000, it shipped several orders for Counoise grafted vines, own-root plants and budwood to vineyards in California, Washington, and Arizona. When ATF contacted some of these vineyards, they reported that the plants are doing well and that they plan to produce wine from the resulting grapes.

In addition, the petitioner states that Counoise has enormous commercial potential in California. The variety is easy to graft and moderately vigorous. It is well adapted to most California regions, ripening fairly late in the cycle, after Grenache but before Mourvèdre and Cabernet Sauvignon. Tablas Creek has had three crops off their 3.5 acre planting. The winery reports that the 1998 harvest had a brix of 23.6 with a pH of 3.4, while the 1999 harvest had a brix of 26.9 with a pH of 3.4. The petitioner further states that the wine is well-colored and rich, with excellent aromatics and spice.

St. Laurent Petition

Mr. Robin Partch of Northern Vineyards Winery in Stillwater, Minnesota, has petitioned ATF for the addition of the name ''St. Laurent'' to the list of prime grape variety names approved for the designation of American wines. St. Laurent is a red *Vitis vinifera* grape originally from France, but now grown mainly in central Europe, especially Austria.

The petitioner has submitted several published references to St. Laurent as evidence of its acceptance and name validity, including the following:

- The Oxford Companion to Wine, 1st edition, edited by Jancis Robinson, 1994, pp. 839–840.
- Production of Grapes and Wine in Cool Climates, by David Jackson and Danny Schuster, 1994, pp. 105–106.
- Vines, Grapes and Wines, by Jancis Robinson, 1986, p. 221.

According to these references, St. Laurent is a deeply colored grape with a thick skin, which makes it disease resistant. It buds early and is thus susceptible to spring frosts, but it also ripens early.

The petitioner has offered the following evidence that the St. Laurent grape is grown and used in the U.S. for winemaking. According to the petitioner, one commercial grower in Minnesota, a member of the Minnesota Winegrowers Cooperative, planted about ¼ an acre of St. Laurent in 1995. The petitioner has made wine from the 1999 crop and is pleased with the results. The grower reports that the grape's disease-resistance and tendency to ripen early make it suitable for cooler climates with a short growing season.

The petitioner reports that St. Laurent plants are also being grown in the collection of the University of Minnesota. This was confirmed by Peter Hemstad, a research viticulturist at the University's Horticulture Research Center, who reports that he has made a good quality red wine from the university's grapes. Mr. Hemstad states that he expects St. Laurent to become more widely planted in the U.S., especially in cooler climates. He further states that he would recommend St. Laurent to growers in cooler climate states such as Minnesota, Michigan, and New York.

Based on the evidence submitted by the petitioner, ATF proposes to add the grape variety ''St. Laurent'' to the list of prime grape names in § 4.91.

3. Public Participation

Who May Comment on This Notice?

ATF requests comments from all interested parties. We will carefully consider all comments we receive on or before the closing date. We will also carefully consider comments we receive after that date if it is practical to do so, but we cannot assure consideration for late comments. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand.

Can I Review Comments Received?

Copies of the petitions and written comments in response to this notice of proposed rulemaking will be available for public inspection during normal business hours at: ATF Reference Library, Office of Liaison and Public Information, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC 20226.

Will ATF Keep My Comments Confidential?

ATF cannot recognize any material in comments as confidential. All comments and materials may be disclosed to the public. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in the comments. We may also disclose the name of any person who submits a comment. A copy of this notice and all comments will be available for public inspection during normal business hours at: ATF Reference Library, Office of Liaison and Public Information, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226.

How Do I Send Facsimile Comments?

You may submit comments of not more than three pages by facsimile transmission to (202) 927–8525. Facsimile comments must:

- Be legible.
- Reference this notice number.
- Be 8½″ × 11″ in size.
- Contain a legible written signature.
- Be not more than three pages.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

How Do I Send Electronic Mail (E-mail) Comments?

You may submit comments by e-mail by sending the comments to nprm@atfhq.atf.treas.gov. You must follow these instructions. E-mail comments must:

- Contain your name, mailing address, and e-mail address.
- Reference this notice number.
- Be legible when printed on not more than three pages 8½″ × 11″ in size.

We will not acknowledge receipt of e-mail. We will treat e-mail as originals.

How Do I Send Comments to the ATF Internet Web Site?

You may also submit comments using the comment form provided with the online copy of the proposed rule on the ATF Internet web site at *http://www.atf.treas.gov/core/regulations/rules.htm.*

3. Regulatory Analyses and Notices

Does the Paperwork Reduction Act Apply to This Proposed Rule?

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

How Does the Regulatory Flexibility Act Apply to This Proposed Rule?

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. This proposed regulation would permit the use of the grape varietal names ''Counoise'' and ''St. Laurent.'' No negative impact on small entities is expected. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

This is not a significant regulatory action as defined by Executive Order 12866.

Therefore, a regulatory assessment is not required.

4. Drafting Information

The principal author of this document is Jennifer Berry, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, Wine.

Authority and Issuance

Accordingly, 27 CFR part 4, Labeling and Advertising of Wine, is amended as follows:

Paragraph 1. The authority citation for part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Para. 2. Section 4.91 is amended by republishing the introductory text and by adding the names ''Counoise'' and ''St. Laurent,'' in alphabetical order, to the list of prime grape names, to read as follows:

§ 4.91 List of approved prime names.

The following grape variety names have been approved by the Director for use as type designations for American wines. When more than one name may be used to identify a single variety of grape, the synonym is shown in parentheses following the prime name. Grape variety names may appear on labels of wine in upper or in lower case, and may be spelled with or without the hyphens or diacritic marks indicated in the following list.

* * * * *

Counoise

* * * * *

St. Laurent

Dated: March 16, 2001.

Bradley A. Buckles,

Director.

Approved: March 26, 2001.

Timothy E. Skud,

Deputy Assistant Secretary, (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 01–9479 Filed 4–16–01; 8:45 am]

BILLING CODE 4810–31–P

POSTAL SERVICE

39 CFR Part 111

Proposed Domestic Mail Manual Changes for First-Class Mail, Standard Mail, and Bound Printed Matter Flats

AGENCY: Postal Service.

ACTION: Proposed Rule; reopening of comment period.

SUMMARY: The Postal Service is seeking comments on the following proposed mail preparation changes to the Domestic Mail Manual (DMM): Packages of First-Class Mail Presorted rate flats and automation rate flats that are part of the same mailing job would be required to be co-trayed according to the standards in M910; packages of Standard Mail Presorted rate flats and automation rate flats that are part of the same mailing job would be required to be co-sacked according to the standards in M910; Standard Mail Enhanced Carrier Route and 5-digit flats would be required to be sacked or palletized using the labeling list L001 scheme sort (including the scheme sorts included in the optional preparation methods in M920, M930, and M940); and Bound Printed Matter Carrier Route and 5-digit flats would be required to be sacked or palletized using the labeling list L001 scheme sort.

DATES: Comments must be received on or before May 4, 2001.

ADDRESSES: Send written comments to the Manager, Mail Preparation and Standards, US Postal Service, 1735 N Lynn Street, Rm 3025, Arlington, VA 22209–6038. Written comments may be submitted via fax at 703–292–4058. Copies of all written comments are available via fax or mail by calling Anne Emmerth at the number listed below.

FOR FURTHER INFORMATION CONTACT: Anne Emmerth, 703–292–3641, aemmerth@email.usps.gov.

SUPPLEMENTARY INFORMATION: The Postal Service is extending the comment period on proposed changes to the Domestic Mail Manual (DMM) that would change mail preparation standards for flats. The changes themselves are outlined below by class of mail; the proposed DMM language follows at the end of this proposed rule. The proposed implementation date for these standards is September 1, 2001.

This proposed rule was published previously in the **Federal Register** on March 16, 2001 (66 FR 15206); the original comment period ended on April 13, 2001. As of that date, no comments were received. As a convenience, the entire text of the proposed rule is reproduced here.

Generally, the changes in this proposed rule are intended to align mail preparation more closely with the way that the Postal Service transports and processes flat-sized mail. The co-traying requirements for First-Class Mail flats and the co-sacking requirements for Standard Mail flats should result in fewer less-than-full trays and sacks and an overall reduction in the number of trays and sacks prepared by mailers and processed by the Postal Service. For Presorted rate Standard Mail, with sack-based rates, this may also result in lower postage rates for some mail that will move to a finer sack presort level. Requiring the use of labeling list L001 for sacked carrier route Standard Mail and Bound Printed Matter flats also will result in fewer sacks prepared by mailers. For mail on pallets, use of L001 should create more 5-digit level pallets, resulting in fewer package handlings for the Postal Service and better service for mailers.

The changes proposed are as follows:

1. First-Class Mail

Required Co-Traying

Currently, mailers have the option to use M910 to co-tray packages of Presorted rate flats and automation rate flats that are part of the same mailing job (current M130.1.6 and M820.1.9). This proposal would make the current option a requirement. If this proposal is adopted, any First-Class Mail mailing job that contains packages of Presorted rate flats and packages of automation rate flats must be co-trayed using M910.1.0.

2. Standard Mail

a. Scheme Sort

Currently, Standard Mail Enhanced Carrier Route flats are sorted to two required sack levels and one optional sort level (required carrier route, optional 5-digit scheme carrier routes, and required 5-digit carrier routes under M620.4.0). This proposal would make the optional 5-digit scheme carrier routes sort level (using labeling list L001) a required level. If this proposal is adopted, all Enhanced Carrier Route Standard Mail flats would be required to be sorted to all three sack levels.

Current M620.4.0 contains sack preparation requirements for Standard Mail Enhanced Carrier Route flats and irregular parcels. In order to apply the L001 scheme sort only to flats, the sacking requirements for flats have been separated into a different section. Therefore, the sack preparation requirements for irregular parcels are included in this proposed rule only to show renumbering and reorganization.

There are no mail preparation changes for Standard Mail Enhanced Carrier Route irregular parcels.

Currently, mailers have the option to use the L001 scheme sort for Standard Mail Enhanced Carrier Route flats on pallets (M045.3.2). This proposal would make the two optional sort levels (5-digit scheme carrier routes and 5-digit scheme using labeling list L001) required sort levels. If this proposal is adopted, all packages of Standard Mail carrier route rate flats on pallets would be required to be sorted to 5-digit scheme carrier routes pallets and 5-digit scheme pallets as the first two sort levels.

Under the advanced preparation options in current M920, M930, and M940, mailers have the option of sorting with or without using the L001 scheme sort. This proposal would eliminate the ''non-L001'' sort (current M920.2.4, M920.2.6, M930.2.4, and M940.2.4). If this proposal is adopted, mailers sorting Standard Mail flats under M920, M930, or M940 will be required to use the L001 scheme sort.

These proposed changes apply to regular and nonprofit Standard Mail flats.

b. Required Co-Sacking

Currently, mailers have the option to use M910 to co-sack packages of Presorted rate flats and packages of automation rate flats that are part of the same mailing job (current M610.1.5 and M820.1.9). This proposal would require mailers to co-sack those packages. If this proposal is adopted, any Standard Mail mailing job that contains packages of Presorted rate flats and packages of automation rate flats must be co-sacked using M910.3.0.

These proposed changes apply to regular and nonprofit Standard Mail flats.

3. Bound Printed Matter

Scheme Sort

Currently, Bound Printed Matter Carrier Route flats are sorted to two required sack levels and one optional sort level (required carrier route, optional 5-digit scheme carrier routes, and required 5-digit carrier routes under M723.2.3). This proposal would make the optional 5-digit scheme carrier routes sort level (using labeling list L001) a required level. If this proposal is adopted, all Bound Printed Matter Carrier Route flats would be required to be sorted to all three sack levels.

Currently, mailers have the option to use the L001 scheme sort for Bound Printed Matter packages of carrier route and 5-digit flats on pallets (M045.3.3). This proposal would make the two optional sort levels (5-digit scheme carrier routes and 5-digit scheme using labeling list L001) required sort levels. If this proposal is adopted, all packages of Bound Printed Matter carrier route rate flats on pallets would be required to be sorted to 5-digit scheme carrier routes pallets, and all 5-digit packages would be required to be sorted to 5-digit scheme pallets as the first sort level.

PAVE Certification

PAVE-certified software is not required to sort Standard Mail and Bound Printed Matter flats using labeling list L001. For mailings that are co-trayed or co-sacked under M910, documentation produced by PAVE-certified software or standardized documentation under P012 must be submitted with each mailing job. Use of PAVE-certified software is required for the advanced ''merging'' preparation options in M920, M930, and M940, which include the L001 scheme sort.

Proposed Implementation Date

The proposed implementation date for these changes is September 1, 2001. This date allows presort software vendors time to update and distribute software to their customers, and also includes time for installation and testing of the software. Commenters are welcome to comment on the proposed implementation date, and should include specific reasons why this date is or is not feasible.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

List of Subjects in 39 CFR part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual (DMM) as set forth below:

Domestic Mail Manual

M Mail Preparation and Sortation

M000 General Preparation Standards

M011 Basic Standards

1.0 TERMS AND CONDITIONS

1.3 Preparation Instructions

For the purposes of preparing mail:

* * * * *

[Amend 1.3j to show that the L001 scheme sort is required for Standard Mail Enhanced Carrier Route flats and Bound Printed Matter Carrier Route flats:]

j. A 5-digit/scheme carrier routes sort for carrier route rate Periodicals flats and irregular parcels, Enhanced Carrier Route rate Standard Mail flats, and Carrier Route Bound Printed Matter flats, prepared in sacks or as packages on pallets yields a 5-digit scheme carrier routes sack or pallet for those 5-digit ZIP Codes listed in L001 and 5-digit carrier routes sacks or pallets for other areas. The 5-digit ZIP Codes in each scheme are treated as a single presort destination subject to a single minimum sack or pallet volume, with no further separation by 5-digit ZIP Code required. Sacks or pallets prepared for a 5-digit scheme carrier routes destination that contain carrier route packages for only one of the schemed 5-digit areas are still considered 5-digit scheme carrier routes sorted and are labeled accordingly. The 5-digit/scheme carrier routes sort is required for carrier route packages of flat-size and irregular parcel Periodicals, for Enhanced Carrier Route Standard Mail flats, and for Carrier Route Bound Printed Matter flats. Preparation of 5-digit scheme carrier routes sacks or pallets must be done for all 5-digit scheme destinations.

[Amend 1.3k to show that the scheme sort is required for Standard Mail flats and Bound Printed Matter flats:]

k. A 5-digit/scheme sort for Periodicals flats and irregular parcels, Standard Mail flats, and Bound Printed Matter flats prepared as packages on pallets yields 5-digit scheme pallets containing automation rate and Presorted rate 5-digit packages for those 5-digit ZIP Codes listed in L001 and yields 5-digit pallets containing automation rate and Presorted rate 5-digit packages for other areas (automation rate packages are not applicable to Bound Printed Matter). The 5-digit ZIP Codes in each scheme are treated as a single presort destination subject to a single minimum pallet volume, with no further separation by 5-digit ZIP Code required. Pallets prepared for a 5-digit scheme

destination that contain 5-digit packages for only one of the schemed 5-digit areas are still considered 5-digit scheme sorted and are labeled accordingly. The 5-digit/scheme sort is required for flat-size and irregular parcel-size Periodicals, for Standard Mail flats, and for Bound Printed Matter flats. The 5-digit/scheme sort may not be used for other mail prepared on pallets, except for 5-digit packages of Standard Mail irregular parcels that are part of a mailing job that is prepared in part as palletized flats at automation rates. Preparation of 5-digit scheme pallets must be done for all 5-digit scheme destinations.

* * * * *

M040 Pallets

M041 General Standards

* * * * *

5.0 PREPARATION

5.2 Required Preparation

These standards apply to:

[Amend item a to show that the L001 scheme sort is required for Standard Mail.]

a. Periodicals, Standard Mail, and Package Services (except for Parcel Post mailed at BMC Presort, OBMC Presort, DSCF, and DDU rates). A pallet must be prepared to a required sortation level when there are 500 pounds of Periodicals, Standard Mail, or Package Services mail in packages or sacks, or 500 pounds of parcels, or six layers of Periodicals or Standard Mail letter trays. For packages of Periodicals flats and irregular parcels and packages of Standard Mail flats on pallets that are prepared under the standards for package reallocation to protect the SCF pallet (M045.4.0), not all mail for a 5-digit scheme carrier routes, 5-digit scheme, 5-digit carrier routes, or 5-digit pallet or for a merged 5-digit scheme, merged 5-digit, or 3-digit pallet is required to be on that corresponding pallet level. For packages of Standard Mail flats on pallets prepared under the standards for package reallocation to protect the BMC pallet (M045.5.0), not all mail for a required ASF pallet is required to be on an ASF pallet. Mixed ADC or mixed BMC pallets of sacks, trays, or machinable parcels, as appropriate, must be labeled to the BMC or ADC (as appropriate) serving the post office where mailings are entered into the mailstream. The processing and distribution manager of that facility may issue a written authorization to the mailer to label mixed BMC or mixed ADC pallets to the post office or processing and distribution center serving the post office where mailings are entered. These pallets contain all mail remaining after required and optional pallets are prepared to finer sortation levels under M045, as appropriate.

* * * * *

5.6 Mail on Pallets

These standards apply to mail on pallets:

* * * * *

[Amend item g to read as follows:]

g. For nonletter-size Periodicals, Standard Mail flats, and Bound Printed Matter flats, packages of carrier route rate mail must be prepared on separate 5-digit pallets from automation and Presorted rate mail. Exception: For Periodicals and Standard Mail, under the standards in M920, M930, and M940, carrier route rate, automation rate, and Presorted rate packages can be combined onto the same merged 5-digit scheme pallet and merged 5-digit pallet for applicable 5-digit ZIP Codes.

[Delete item h.]

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M045 Palletized Mailings

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3.0 PALLET PRESORT AND LABELING

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3.2 Standard Mail Packages, Sacks, or Trays on Pallets

[Amend the introduction to 3.2 and 3.2a through 3.2d to show that the scheme sort using L001 is required for packages of Standard Mail flats.]

Mailers must prepare pallets in the sequence listed below, except that mailings of sacks on pallets, trays on pallets, and irregular parcels must be prepared beginning with 3.2c (because L001 scheme sort is not permitted). Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031. At the mailer's option, Standard Mail flats prepared as packages on pallets may be palletized in accordance with the advanced presort options in M920, M930, or M940.

a. 5-Digit Scheme Carrier Routes. Required for packages of flats on pallets. Not permitted for sacks or trays on pallets, or for irregular parcels on pallets except under M011. May contain only carrier route rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 3.2c.

(1) Line 1: use L001, Column B.

(2) Line 2: ''STD FLTS''; followed by ''CARRIER ROUTES'' or ''CR-RTS''; followed by ''SCHEME'' or ''SCH.''

b. 5-Digit Scheme. Required for packages of flats on pallets. Not permitted for sacks or trays on pallets, or for irregular parcels on pallets except under M011. May contain only automation rate and/or Presorted rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 3.2d.

(1) Line 1: use L001, Column B.

(2) Line 2: ''STD FLTS 5D''; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail; followed by ''SCHEME'' or ''SCH.''

c. 5-Digit Carrier Routes. Required for sacks and packages; optional for trays. May contain only carrier route rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS'' or ''STD IRREG'' or, for trays on pallets only, ''STD LTRS'' as applicable; followed by ''CARRIER ROUTES'' or ''CR-RTS.''

d. 5-Digit. Required for sacks and packages; optional for trays. May contain only automation rate and/or Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''STD FLTS 5D'' or ''STD IRREG 5D'' or, for trays on pallets only, ''STD LTRS 5D'' as applicable; followed by ''BARCODED'' or ''BC'' if the pallet contains automation rate mail; followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted rate mail.

* * * * *

3.3 Bound Printed Matter Flats—Packages and Sacks on Pallets

[Amend the introduction to 3.3 and 3.3a through 3.3d to show that the scheme sort using L001 is required for packages of Bound Printed Matter flats.]

Mailers must prepare pallets in the sequence listed below, except that mailings of sacks on pallets must be prepared beginning with 3.3c (because L001 scheme sort is not permitted). Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031.

a. 5-Digit Scheme Carrier Routes. Required for packages of flats on pallets. Not permitted for sacks on pallets. May contain only Carrier Route rate packages

for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 3.3c.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PSVC FLTS,'' followed by ''CARRIER ROUTES'' or ''CR-RTS'' and ''SCHEME'' or ''SCH.''

b. 5-Digit Scheme. Required for packages of flats on pallets. Not permitted for sacks on pallets. May contain only Presorted rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 3.3d.

(1) Line 1: use L001, Column B.

(2) Line 2: ''PSVC FLTS 5D'' followed by ''SCHEME'' or ''SCH.''

c. 5-Digit Carrier Routes. Required for sacks and packages. May contain only Carrier Route rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PSVC FLTS'' followed by ''CARRIER ROUTES'' or ''CR-RTS.''

d. 5-Digit. Required for sacks and packages. May contain only Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: ''PSVC FLTS 5D.''

* * * * *

4.0 PACKAGE REALLOCATION TO PROTECT SCF PALLET FOR PERIODICALS FLATS AND IRREGULAR PARCELS AND STANDARD MAIL FLATS ON PALLETS

[Amend 4.1 to delete references to optional sort levels.]

4.1 Basic Standards

Package reallocation to protect the SCF pallet is an optional preparation method (if performed, package reallocation must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 4.2 through 4.4. The software will determine if mail for an SCF service area would fall beyond the SCF level if all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, merged 5-digit, 5-digit carrier routes, 5-digit, or 3-digit pallets are prepared. Reallocation is performed only when there is mail for the SCF service area that would fall beyond the SCF pallet level (e.g., to an ADC or BMC pallet). The amount of mail required to bring the mail that would fall beyond the SCF level back to an SCF-level pallet level is the minimum volume that will be reallocated, where possible.

* * * * *

M100 First-Class Mail (Nonautomation)

* * * * *

M130 Presorted First-Class Mail

1.0 BASIC STANDARDS

* * * * *

1.6 Co-Traying With Automation Rate Mail

Except for automation rate mailings prepared under the tray-based preparation option in M820.3.0, if a single mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be presorted under the co-traying standards in M910.

* * * * *

M600 Standard Mail (Nonautomation)

M610 Presorted Standard Mail

1.0 BASIC STANDARDS

1.1 All Mailings

In addition to the preparation standards in 2.0 through 5.0, the following basic standards must be met for all Presorted rate mailings:

* * * * *

[Amend item f to change the cross-reference from 1.3 to 1.4:]

f. Subject to 1.4, letter-size piece must be prepared in trays and, unless palletized, flat-size pieces must be prepared in sacks.

* * * * *

[Renumber current 1.2 through 1.6 as 1.3 through 1.7, respectively. Add new 1.2 to read as follows:]

1.2 Additional Standards for Sacked Flats Mailing Jobs Containing More Than One Mailing

The following standards apply:

a. If the mailing job contains a carrier route mailing, an automation rate mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: (1) The carrier route mailing must be prepared under E630 and M620 and the automation rate and Presorted rate mailings must be prepared under M910; or (2) all three mailings in the mailing job must be prepared under M920.

b. If the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

c. If the mailing job contains a carrier route mailing and a Presorted rate mailing, then it must be separately sacked under M610 and M620 or prepared using the merged sacking option under M920.

d. If the mailing job contains a carrier route mailing and an automation rate mailing, then it must be separately sacked under M620 and M820 or prepared using the merged sacking option under M920.

* * * * *

[Delete renumbered 1.6 (former 1.5), Co-Sacking with Automation Rate Mail, and renumber 1.7 as 1.6.]

[Amend 1.6 to read as follows:]

1.6 Merged Containerization of Flat-Size Carrier Route, Automation Rate, and Presorted Rate Mail

Under the optional preparation method in M920, 5-digit packages of Presorted flats must be co-sacked with packages of carrier route flats prepared under M620 and with 5-digit packages of automation flats prepared under M820 in merged 5-digit scheme sacks and merged 5-digit sacks. Under the optional preparation methods in M920, M930, or M940, 5-digit packages of Presorted flats must be copalletized with packages of carrier route rate flats prepared under M620 and with 5-digit packages of automation rate flats prepared under M820 on merged 5-digit scheme pallets and merged 5-digit pallets. See 1.2a for information on when preparation under M920 may be required.

* * * * *

M620 Enhanced Carrier Route Standard Mail

1.0 BASIC STANDARDS

* * * * *

[Amend 1.6 to read as follows:]

1.6 Merged Containerization of Flat-Size Carrier Route, Automation Rate, and Presorted Rate Mail

Under the optional preparation method in M920, packages of carrier route rate flats must be co-sacked with 5-digit packages of Presorted rate flats prepared under M610 and with 5-digit packages of automation rate flats prepared under M820 in merged 5-digit scheme sacks and merged 5-digit sacks. Under the optional preparation methods in M920, M930, or M940, packages of carrier route rate flats must be copalletized with 5-digit packages of Presorted flats prepared under M610 and with 5-digit packages of automation rate flats prepared under M820 on merged 5-digit scheme pallets and merged 5-digit pallets.

* * * * *

Note: The current DMM has the preparation standards for flats and irregulars combined into one section. Because the L001 scheme sort would be required for flats but not for irregulars, the current single section has been split into two sections: one for flats and one for irregulars. The standards for irregulars are included here because they have been renumbered and reorganized; however, there are no proposed changes to the mail preparation for irregular parcels.

[Amend 4.0 to add the required L001 scheme sort for flats to read as follows:]

4.0 SACK PREPARATION—FLATS

4.1 Required Sack Minimums

A sack must be prepared when the quantity of mail for a required presort destination reaches either 125 pieces or 15 pounds of pieces, whichever occurs first, subject to these conditions:

a. For identical-weight pieces, a single-piece weight of 1.92 ounces (0.12 pound) results in 125 pieces weighing 15 pounds. Identical-weight pieces weighing 1.92 ounces (0.12 pound) or less must be prepared using the 125-piece minimum; those that weigh more must be prepared using the 15-pound minimum.

b. For nonidentical-weight pieces, mailers must either use the minimum that applies to the average piece weight for the entire mailing (divide the net weight of the mailing by the number of pieces; the resulting average single-piece weight determines whether the 125-piece or 15-pound minimum applies) or sack by the actual piece count or mail weight for each sack, if documentation can be provided with the mailing that shows (specifically for each sack) the number of pieces and their total weight.

c. Mailers must note on the accompanying postage statement whether they applied the 125-piece (''PCS'') or 15-pound (''WT'') threshold or the method in 4.1b (''BOTH'').

4.2 Sack Preparation

Sack size, preparation sequence, and labeling:

a. Carrier route: required (minimum of 125 pieces/15 pounds, smaller volume not permitted).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: ''STD FLTS ECRWSS'' or ''STD FLTS ECRWSH'' or ''STD FLTS ECRLOT'' as applicable, followed by the route type and number.

b. 5-digit scheme carrier routes: required (no minimum).

(1) Line 1: use L001, column B.

(2) Line 2: ''STD FLTS CR-RTS SCH.''

c. 5-digit carrier routes: required (no minimum).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: ''STD FLTS CR-RTS.''

[Renumber current 5.0, Residual Pieces, as 6.0. Add new 5.0 to read as follows:]

5.0 SACK PREPARATION—IRREGULAR PARCELS

5.1 Required Sack Minimums

A sack must be prepared when the quantity of mail for a required presort destination reaches either 125 pieces or 15 pounds of pieces, whichever occurs first, subject to these conditions:

a. For identical-weight pieces, a single-piece weight of 1.92 ounces (0.12 pound) results in 125 pieces weighing 15 pounds. Identical-weight pieces weighing 1.92 ounces (0.12 pound) or less must be prepared using the 125-piece minimum, those that weigh more must be prepared using the 15-pound minimum.

b. For nonidentical-weight pieces, mailers must either use the minimum that applies to the average piece weight for the entire mailing (divide the net weight of the mailing by the number of pieces; the resulting average single-piece weight determines whether the 125-piece or 15-pound minimum applies) or sack by the actual piece count or mail weight for each sack, if documentation can be provided with the mailing that shows (specifically for each sack) the number of pieces and their total weight.

c. Mailers must note on the accompanying postage statement whether they applied the 125-piece (''PCS'') or 15-pound (''WT'') threshold or the method in 4.1b (''BOTH'').

5.2 Sack Preparation

Sack size, preparation sequence, and labeling:

a. Carrier route: required (minimum of 125 pieces/15 pounds, smaller volume not permitted).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: ''STD IRREG WSS'' or ''STD IRREG WSH'' or ''STD IRREG LOT'' as applicable, followed by the route type and number.

b. 5-digit carrier routes: required (no minimum).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: ''STD IRREG CR-RTS.''

* * * * *

M700 Package Services

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M720 Bound Printed Matter

* * * * *

M723 Carrier Route Bound Printed Matter

* * * * *

2.0 REQUIRED PREPARATION—FLATS

* * * * *

2.3 Sack Preparation

* * * * *

[Amend item b to show that the L001 scheme sort is required, not optional.]

b. 5-digit scheme carrier routes: required (no minimum); for Line 1, use L001, Column B.

* * * * *

M800 All Automation Mail

* * * * *

M820 Flats

1.0 BASIC STANDARDS

* * * * *

[Amend 1.9 to show that co-traying is required for First-Class Mail and co-sacking is required for Standard Mail.]

1.9 Required Co-Traying and Co-Sacking with Presorted Rate Mail

The following standards apply:

a. First-Class Mail: Except for mailings prepared under the tray-based preparation option in 3.0, if the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-traying standards in M910.

b. Periodicals:

(1) If the mailing job contains a carrier route mailing, an automation rate mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: (1) The carrier route mailing must be prepared under E230 and M220 and the automation rate and Presorted rate mailings must be prepared under M910; or (2) all three mailings in the mailing job must be prepared under M920.

(2) If the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

(3) If the mailing job contains a carrier route mailing and an automation rate mailing, then it must be separately sacked under M220 and M820 or prepared using the merged sack option under M920.

c. Standard Mail:

(1) If the mailing job contains a carrier route mailing, an automation rate

mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: (1) The carrier route mailing must be prepared under E630 and M620 and the automation rate and Presorted rate mailings must be prepared under M910; or (2) all three mailings in the mailing job must be prepared under M920.

(2) If the mailing job contains only an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

(3) If the mailing job contains only a carrier route mailing and an automation rate mailing, then it must be separately sacked under M620 and M820 or prepared using the merged sack option under M920.

[Amend 1.10 to read as follows:]

1.10 Optional Merged Containerization with Presorted and Carrier Route Flats

When the conditions and preparation standards in M920, M930, or M940 are met, 5-digit packages of Presorted, automation, and carrier route rate mail that are part of the same mailing job may be combined on merged 5-digit scheme sacks or pallets and merged 5-digit sacks or pallets. Packages co-sacked or copalletized must be part of the same mailing job and mail class.

* * * * *

M900 Advanced Preparation Options for Flats

M910 Co-Traying and Co-Sacking Packages of Automation and Presorted Mailings

1.0 FIRST-CLASS MAIL

1.1 Basic Standards

[Amend the introduction of 1.1 to show that co-traying is required:]

Packages of flat-size pieces in an automation rate mailing prepared under M820.2.0 must be co-trayed with packages of flat-size pieces in a Presorted rate mailing under the following conditions:

* * * * *

3.0 STANDARD MAIL

3.1 Basic Standards

[Amend the introduction of 3.1 to show that co-sacking is required:]

Packages of flats in an automation rate mailing must be co-sacked with packages of flats in a Presorted rate mailing under the following conditions:

* * * * *

M920 Merged Containerization of Packages Using the City State Product

* * * * *

2.0 STANDARD MAIL

2.1 Basic Standards

Carrier route packages of flats in a carrier route rate mailing may be placed in the same sack or on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

* * * * *

[Amend item f to delete references to the optional L001 scheme sort. This sort is now required.]

f. If sortation under this section is performed, merged 5-digit sacks or pallets must be prepared for all 5-digit ZIP Codes with an ''A'' or ''C'' indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare that sack or pallet.

* * * * *

[Amend item k to delete references to the optional L001 scheme sort. This sort is now required:]

k. The packages from each separate mailing must be sorted together into sacks (co-sacked) under 2.3 and 2.4 or on pallets (copalletized) under 2.5 using presort software that is PAVE-certified.

* * * * *

[Delete 2.4 and 2.6. Renumber 2.5 (sacking with scheme sort) as 2.4. Renumber 2.6 (palletizing with scheme sort) as 2.5. Amend the title and introduction of renumbered 2.4 to read as follows:]

2.4 Sack Preparation and Labeling with Scheme (L001) Sort

Mailers must prepare sacks in the following manner and sequence. All carrier route packages must be placed in sacks under 2.4a through 2.4e as described below. Mailers must prepare all merged 5-digit scheme sacks, 5-digit scheme carrier routes sacks, and merged 5-digit sacks that are possible in the mailing based on the volume of mail to the destination using L001 and the Carrier Route Indicators field in the City State Product. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032.

* * * * *

[Amend the title and introduction of renumbered 2.5 to read as follows:]

2.5 Pallet Preparation and Labeling with Scheme (L001) Sort

Mailers must prepare pallets in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

* * * * *

M930 Merged Palletization of Packages Using a 5% Threshold

* * * * *

2.0 STANDARD MAIL

2.1 Basic Standards

[Amend the introduction to read as follows:]

Carrier route packages of flats in a carrier route rate mailing may be placed on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

* * * * *

[Amend items d and e to delete references to the optional L001 scheme sort.]

d. Automation rate 5-digit packages and Presorted rate 5-digit packages may be copalletized with carrier route packages only when the pieces in the 5-digit packages do not exceed the 5% threshold described in 2.3. Pallets of mail sorted in this manner are called ''merged 5-digit scheme'' pallets.

e. If sortation under this section is performed, merged 5-digit scheme pallets must be prepared whenever there is enough volume of carrier route and 5-digit packages under M041 and 2.3 to prepare such pallets.

* * * * *

[Amend item h to delete references to the optional L001 scheme sort.]

h. The packages from each separate mailing must be sorted together on pallets (copalletized) using presort software that is PAVE-certified.

* * * * *

2.3 5% Threshold Standards

[Amend the introduction to 2.3 to show that the L001 scheme sort is the only allowable sort:]

Mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme and merged 5-digit pallet if all of the following conditions are met:

* * * * *

[Delete 2.4. Renumber 2.5 (palletizing with scheme sort) as 2.4. Amend the title and introduction of renumbered 2.4 to read as follows:

2.4 Pallet Preparation and Labeling with Scheme (L001) Sort

Mailers must prepare pallets of packages in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and the 5% threshold. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

* * * * *

M940 Merged Palletization of Packages Using the City State Product and a 5% Threshold

* * * * *

2.0 STANDARD MAIL

2.1 Basic Standards

[Amend the introduction to read as follows:]

Carrier route packages of flats in a carrier route rate mailing may be placed on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

* * * * *

[Amend item f to delete references to the optional L001 scheme sort.]

f. If sortation under this section is performed, then merged 5-digit scheme pallets must be prepared whenever there is enough volume of carrier route and 5-digit packages under M041 to prepare such pallets using the criteria in 2.1e and the sortation criteria in 2.4.

* * * * *

[Amend item j to delete references to the optional L001 scheme sort.]

j. The packages from each separate mailing must be sorted together on pallets (copalletized) using presort software that is PAVE-certified.

* * * * *

2.3 5% Threshold Standard

[Amend the introduction to 2.3 to show that the L001 scheme sort is the only allowable sort:]

For 5-digit ZIP Codes with a ''B'' or ''D'' indicator in the City State Product, mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme and merged 5-digit pallet if all of the following conditions are met:

* * * * *

[Delete 2.4. Renumber 2.5 (palletizing with scheme sort) as 2.4. Amend the title and introduction to read as follows:]

2.4 Pallet Preparation and Labeling with Scheme (L001) Sort

Mailers must prepare pallets of packages in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001, the City State Product, and the 5% threshold. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

* * * * *

An appropriate amendment to 39 CFR part 111 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–9510 Filed 4–16–01; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID–01–01; FRL–6962–2]

Approval and Promulgation of State Implementation Plans: Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve revisions to Idaho's State Implementation Plan (SIP) relating to permit requirements for new major facilities or major modifications in the former PM–10 Northern Ada County nonattainment area. These revisions were submitted to EPA on February 9, 2001, by the Director of the Idaho Department of Environmental Quality (DEQ).

In the Final Rules section of this **Federal Register**, the EPA is approving the State's State Implementation Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received in writing by May 17, 2001.

ADDRESSES: Send written comments to: Donna Deneen (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the State submittal are available at the following addresses for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101. The Idaho Department of Environmental Quality, 1420 North Hilton, Boise, Idaho 83706–1255.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Deneen (OAQ–107), Office of Air Quality, EPA, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–6706.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**.

Dated: March 26, 2001.

Charles E. Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 01–9354 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH139–1b; FRL–6960–2]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the July 6, 2000, Ohio site-specific State Implementation Plan (SIP) revision revising Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements for Morgan Adhesives Company in Stow, Ohio. The SIP revision establishes an alternative control strategy for limiting VOC emissions from coating lines at its pressure sensitive tape and label manufacturing plant in Stow.

In the final rules section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A

detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this action. Should the Agency receive such comment, it will publish a final rule informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before May 17, 2001.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: March 15, 2001.

Norman R. Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 01–9356 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA160–4107b; FRL–6962–4]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements for Allegheny County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Pennsylvania Department of Environmental Protection (PADEP) on behalf of the Allegheny County Health Department (ACHD). This action proposes to approve ACHD's revised general rules for the use of cleaner gasoline, and changes to the gasoline volatility regulations for Allegheny County, Pennsylvania. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 17, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, at the EPA Region III address above, or by e-mail at *webster.jill@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: March 19, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–9358 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 412

[FRL–6966–9]

RIN 2040–AD19

Extension of Comment Period on the Proposed National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations

AGENCY: Environmental Protection Agency.

ACTION: Notice of Extension of comment period on proposed rule.

SUMMARY: On January 12, 2001, EPA published a proposed rule that would revise the effluent limitations guidelines and standards and NPDES permitting regulations for concentrated animal feeding operations (66 FR 2960). In a subsequent document published on January 19, 2001 (66 FR 5524), a correction was issued that established May 14, 2001 as the deadline for the public to submit comments to EPA on the proposed rule. This document announces that EPA is extending the public comment period on this proposal. EPA will now accept comments on the proposed rule through July 30, 2001.

DATES: Comments must be received or postmarked on or before midnight July 30, 2001.

ADDRESSES: Send written comments to: Concentrated Animal Feeding Operations Proposed Rule, Office of Water, Engineering and Analysis Division (4303), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Hand deliveries should be submitted to the Concentrated Animal Feeding Operation Proposed Rule, USEPA, Waterside Mall, West Tower, Room 611, 401 M Street, SW., Washington, DC 20460. You may also submit comments electronically to *CAFOS.comments@epa.gov.* EPA requests an original and three copies of your comments and enclosures (including references). For additional information on how to submit comments, see **SUPPLEMENTARY**

INFORMATION, How May I Submit Comments?'' in the January 12, 2001 proposal.

FOR FURTHER INFORMATION CONTACT: Karen Metchis at (202) 564–0734 or Jan Goodwin at (202) 260–7152.

SUPPLEMENTARY INFORMATION: EPA continues to invite comments on all aspects of the January 12, 2001 proposal. If you already submitted comments to EPA in response to the proposal, and wish to submit additional comments per today's extension, EPA requests that the later set of comments clearly specify whether they supplement or supersede the earlier-filed comments.

All other requirements that were stipulated in the January 12, 2001 proposal for receipt of comments continue to apply.

Dated: April 6, 2001.

Diane C. Regas,

Acting Assistant Administrator for Water.

[FR Doc. 01–9483 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 032601C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has received a proposal to conduct experimental fishing and has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator is considering whether to issue an EFP that would allow a single vessel to conduct fishing operations otherwise restricted by regulations governing the fisheries of the Northeastern United States. The Massachusetts Division of Marine Fisheries (MDMF) submitted an application for an EFP that warrants further consideration. The experimental fishery to be conducted under the EFP would target various species of flatfish in order to investigate the cod bycatch of two designs of flatfish trawl nets. The goal of the research is to further the development of flatfish trawl net design in order to reduce cod bycatch by 75 to 90 percent. This notification is intended to provide interested parties the opportunity to comment on the proposed experimental fishery.

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

ADDRESSES: Comments should be sent to Patricia Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope ''Comments on Proposed Experimental Fishery.''

FOR FURTHER INFORMATION CONTACT: Tom Warren, Fishery Management Specialist, 978–281–9347.

SUPPLEMENTARY INFORMATION: The regulations that govern exempted experimental fishing, at 50 CFR 600.745, allow the Regional Administrator to authorize for certain purposes the targeting or incidental harvest of managed species that would otherwise be prohibited. An EFP to authorize such activity may be issued, provided there is adequate opportunity for the public to comment on the EFP application, and the conservation goals and objectives of the FMP are not compromised.

The MDMF submitted to NMFS on February 7, 2001, an application for an EFP to conduct gear research in the groundfish fishery in the Gulf of Maine. The research would target flatfish in statistical areas 123 and 124 during the months of April and May, with the objective of comparing two designs of modified flatfish trawl nets to a traditional flatfish net. The goal of the research is to further the design of a flatfish trawl net that could result in significant reductions in the bycatch of cod in the flatfish fishery.

A single vessel would conduct a maximum of four, 3-hr tows on each of 16 days during April and May 2001. A tow using a traditional flatfish net would be alternated with a tow using a modified flatfish net in the same geographic area. Yellowtail flounder is expected to be the predominant species of flatfish caught. The vessel would utilize Days-at-Sea and fish in compliance with the pertinent mesh size, fish size, and trip limit regulations. Legal catch would be kept and marketed in order to defray the costs of the research.

An EFP would be required to exempt the vessel from the restrictions of the Gulf of Maine Rolling Closures. The primary justification the applicant provided for conducting the experiment in Rolling Closure Areas I and II (statistical areas 123 and 124) is that historical data indicate the presence of adequate numbers of cod and flatfish in this area (during April and May) to statistically validate the study results.

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

Dated: April 11, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–9508 Filed 4–16–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 74
Tuesday, April 17, 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

Submission for OMB Review; Comment Request

April 12, 2001.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: CCC's Facility Guarantee Program (FGP).

OMB Control Number: 0551–0032.

Summary of Collection: Under the authority of 7 CFR Part 1493, Subpart C, the Facility Guarantee Program (FGP) offers credit guarantees to facilitate the financing of U.S. manufactured goods and services to improve or establish agriculture infrastructure in emerging markets. Sales under FGP are considered normal commercial sales. The FGP makes available export credit guarantees to encourage U.S. private sector financing of foreign purchase of U.S. goods and services on credit terms. FAS will collect information in a letter format via mail or facsimile.

Need and Use of the Information: FAS will collect information to determine eligibility for FGP benefits and to ensure CCC that all participants have a business office in the U.S. and are not debarred or suspended from participating in government programs. FAS will use the application to determine a project's eligibility for FGP coverage and to determine the impact on U.S. agricultural trade. The information requested will provide CCC with adequate information to meet statutory requirements. If the information were not collected CCC would be unable to determine if export sales under the FGP would be eligible for coverage or, if coverage conformed to program requirements.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 256.

Agricultural Marketing Service

Title: Seed Service Testing Programs.

OMB Control Number: 0581–0140.

Summary of Collection: The Agricultural Marketing Act (AMA) of 1946, as amended by 7 U.S.C. 1621, authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of services rendered. The purpose of the voluntary programs is to promote efficient, orderly marketing of seeds submitted to the Agricultural Marketing Service (AMS) and to ensure seeds are tested for factors such as purity and germination at the request of the applicant for the service. The Testing Section of the Seed Regulatory and Testing Branch of AMS, which tests the seed and issues the certificates, is the only Federal seed testing facility that can issue the Federal Seed Analysis Certificate.

Need and Use of the Information: Applicants generally are seed firms who use the seed analysis certificates to represent the quality of seed lots to foreign customers according to the terms specified in contracts of trade. The only information collected is information needed to provide the service requested by the applicant. Applicants must provide information such as the kind and quality of seed, tests to be performed, and seed treatment, if present, along with a sample of seeds in order for AMS to provide the service. Only authorized AMS employees use the information collected to track, test, and report test results to the applicant. If the information were not collected, AMS would not know which test to conduct or would not be able to relate the test results with a specific lot of seed. The information must be provided for each sample the applicant submits for test. Without the AMS program, applicants would have to obtain tests from state or commercial laboratories.

Description of Respondents: Business or other for-profit; farms; State, Local or Tribal Government.

Number of Respondents: 65.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 392.

Agricultural Marketing Service

Title: Marketing Order for Fruit Crops.

OMB Control Number: 0581–0189.

Summary of Collection: Industries enter into Marketing Order Programs under the Provisions of the Agricultural Marketing Agreement Act (AMAA) of 1937, as amended by U.S.C. 601–674. The intent of the Act is to provide the respondents the type of service they request, and to administer the marketing order programs. Marketing Order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in specified production areas, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Market Orders,

producers and handlers are nominated by their respective peers and serve as representatives on their respective committees/boards. This information collection will merge together the following separate collections #: OMB 0581–0094, Oranges, Grapefruit, Tangerines, and Tangelos grown in Florida, Marketing Order No. 905; OMB #0581–0080, Fresh Pears and Peaches Grown in CA., Marketing Order No. 917; OMB #0581–0095, Apricots Grown in Designated Counties in Washington, marketing Order No. 922; OMB #0581–0089, Winter Pears Grown in Oregon and Washington, Marketing Order No. 927; OMB #0581–0103, Cranberries Grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, Marketing Order No. 929; and OMB #0581–0092, Fresh Bartlett Pears Grown in Oregon and Washington, Marketing Order No. 931.

Need and Use of the Information: The information collected is used only by authorized committees, employees, and representatives of the USDA, which includes AMS', Fruit and Vegetable Programs' regional and headquarters staff. Authorized employees of the committee are the primary users of the information. AMS is the secondary user. Forms used to collect information require the minimum to effectively carry out the requirements of the orders, and their use is necessary to fulfill the intent of the AMAA as expressed in the orders.

Description of Respondents: Business or other for-profit; individuals or households; farms; Federal Government; not-for-profit institutions.

Number of Respondents: 21,273.

Frequency of Responses: Recordkeeping; Reporting: On occasion, quarterly; biennially; weekly; semi-annually; monthly; annually.

Total Burden Hours: 11,642.

Forest Service

Title: Volunteer Application for Natural Resource Agencies.

OMB Control Number: 0596–0080.

Summary of Collection: The Volunteer Act of 1972, (Pub. L. 92–300) as amended, authorizes the Forest Service (FS) to recruit and train volunteer workers to accomplish certain work such as building and maintaining trails, constructing campground facilities, improving wildlife habitat, assisting with interpretive services, assisting visitors, and other activities to help the agency meet it mission. Volunteers can be any age, as long as, they are capable of doing the work for which they volunteer. FS will collect information using the Volunteer Application.

Need and Use of the Information: FS will collect the names, addresses, and certain information of individuals who are interested in public service as volunteers. The information is used by Forest Managers for the purpose of contracting applicants and interviewing and screening them for volunteer positions. There could be no program without the information from the application.

Description of Respondents: Individuals or households.

Number of Respondents: 58,100.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 14,525.

Forest Service

Title: Public Information Survey for the Recreation Fee Demonstration Programs at Sedona, AZ on the Coconino National Forest and the Pacific Northwest Region.

OMB Control Number: 0596–0149.

Summary of Collection: The Recreation Fee Demonstration Program authorized by Congress in 1996 (Pub. L. 104–134, and succeeding amendments) allowed the Forest Service (FS) to experiment with new or increased fees at a specified number of sites. The program aims to bring additional resources to recreation lands by generating recreational fee revenues and spending most of the fee revenues at the sites where the fees are collected to increase the quality of a visitor's experience and to enhance protection of the site's resources. The FS is currently engaged in the Recreation Fee Demonstration Program at 65+ sites. A GAO report issued in Nov. 1998 reviewed the Recreation Fee Demonstration Program and pointed out several areas needing attention. The effects of fees on recreation participants and their experiences are unknown to a large extent and comprise an active area of research. FS will collect information using questionnaires in two case study fee demonstration projects.

Need and Use of the Information: FS will collect information to estimate the effects that user fees will have on the future number of visitors to National Forest System Lands and how fees will influence the recreational experiences individuals will choose. The data collected will also enable FS to design a method for payment of fees, which will supplement FS funding and help the agency meet the demands for recreational experiences in an environmentally and socially responsible manner.

Description of Respondents: Individuals or households.

Number of Respondents: 9,250.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 3,043.

Forest Service

Title: Public Perceptions of Land Use Change.

OMB Control Number: 0596–NEW.

Summary of Collection: Pressure on the urban-wildland interface in the Pacific Northwest (including rural open space and forest resource dependent communities) has intensified as multiple interests—recreation, tourism, housing, timber, wildlife, conservation—increasingly compete for use of these areas. Public land management agencies such as the Forest Service (FS) often find themselves in the middle of these competing interests as they strive to incorporate multiple uses and attend to disparate stakeholder groups. An array of laws and regulations address the importance of incorporating public input and other information about public concerns and attitudes into resource management and planning. The National Environmental Policy Act (NEPA) of 1969 mandates the inclusion of public participation in planning and decision-making efforts involving public lands. The National Forest Management Act (NFMA) of 1976 reaffirms this direction by requiring public input into agency decision making as a means of identifying important issues, concerns, and opportunities. FS will collect information using mail survey questionnaires.

Need and Use of the Information: FS will collect information (1) To identify the range of attitudes, concerns, and perceptions about land-use change along Washington's I–90 corridor; (2) to identify the corridor characteristics (e.g., specific places, community characteristics, activities) that people particularly value; (3) to assess similarities and differences in perceptions among the public and different groups of experts; and (4) to explore the utility (or lack of thereof) of traditional ''stakeholder group'' divisions in explaining people's perception and attitudes. The information will be used by FS to assist resources managers in planning for and managing forest resources in the forests studied. If the information is not collected, resource managers will have to make management decision on very limited, potentially biased or non-existent information.

Descrption of Respondents: Individuals or households; Federal

Government; State, Local or Tribal Government.

Number of Respondents: 892.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 446.

Forest Service

Title: Forest Stewardship and Stewardship Incentive Program Participant Demographics.

OMB Control Number: 0596–NEW.

Summary of Collection: The Cooperative Forestry Assistance Act (16 U.S.C., 2103B) authorizes the Forest Service (FS) to provide technical and financial assistance to non-industrial private forest (NIPF) owners under the Forest Stewardship and Stewardship Incentive Programs. The Forest Stewardship Program is the program that helps NIPF landowners prepare the forest stewardship plans for their land. Landowners need a completed forest stewardship plan to become eligible to receive cost-share dollars under the Stewardship Incentive Program. The Stewardship Incentive Program is the program that assists NIPFF owners with up to 75 percent of the funding on a cost-share basis to implement forest stewardship plan practices. FS will collect information using the Stewardship Program Participiant Demographics Form.

Need and Use of the Information: FS will collect annual information on race, ethnicity, gender, and disability status. The data will be used to help the FS evaluate the effectiveness of its outreach efforts to involve representative segments of society in Forest Stewardship Program and Stewardship Incentive Program. If the data were not collected FS would have no way of knowing whether the program was providing equitable access to all who qualify, regardless of race, ethnicity, gender, and disability status.

Description of Respondents: Individuals or households; farms; State, Local or Tribal Government.

Number of Respondents: 20,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,667.

Farm Service Agency

Title: Standards for Approval of Warehouses—7 CFR 1421, 1423, and 1427.

OMB Control Number: 0560–0052.

Summary of Collection: The Farm Service Agency (FSA), under Public Law 80–806, the Commodity Credit Corporation (CCC) Charter Act, is authorized to enter into storage contracts with commercial warehouse operators. Specifically, the Act permits FSA to enter into various types of contracts as are necessary in the conduct of its business and directs FSA to utilize the usual and customary channels, facilities and arrangements of trade and commerce in its functions of purchasing, warehousing, transporting, processing, or handling of agricultural commodities. FSA must collect information in order to develop and maintain a List of Approved Warehouses (Approved List) to store CCC-owned or loan commodities. The use of warehouses on the Approved List reduces the risk of loss faced by CCC by using only those facilities, which meet the financial, physical, and managerial requirements of CCC. The information will be collected by mail, which is necessary, because these agreements must be legal and binding.

Need and Use of the Information: The information collected on various forms is necessary to establish and maintain the Approved List. The forms will be reviewed by FSA contracting officers at the Kansas City Commodity Office (KCCO) in order to maintain an Approved List for the storage of CCC-owned or CCC-loan commodities.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3,800.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 484,410.

Economic Research Service

Title: Summer Food Service Program Implementation Study.

OMB Control Number: 0536–NEW.

Summary of Collection: The Economic Research Service (ERS) of the U.S. Department of Agriculture needs to obtain detailed information on the Summer Food Service Program (SFSP) operations and administration. ERS will conduct a study to learn more about the factors that contribute to the large gap in participation levels between the National School Lunch Program (NSLP) and the SFSP. The information collected will help determine whether future changes in SFSP policy are warranted.

Need and Use of the Information: ERS will collect information to assess whether the program is efficiently meeting its goal of hunger prevention, and to identify possible barriers to program participation by low-income children. Without the information it would be difficult to determine whether future changes in the SFSP policy are warranted.

Description of Respondents: State, Local or Tribal Government; Not-for-profit institutions; Federal Government.

Number of Respondents: 424.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,400.5.

Forest Service

Title: Timber Purchasers' Cost and Sales Data.

OMB Control Number: 0596–0017.

Summary of Collection: The Multiple-Use Sustained Yield Act of 1960, the Forest Rangeland Renewable Resources Planning Act of 1974, and the National Forest Management Act of 1976, authorizes the Forest (FS) to sell forest products and National Forest System timber. FS timber appraisers develop advertised timber sale prices using a transaction evidence method of appraisal. Transaction evidence appraisals begin with an average of past successful bids by timber purchasers for timber for which the stumpage rate has been adjusted for the timber sale and the market conditions at the time. FS will collect cost data through the review of submissions by the timber purchasers both locally and nationally. There are no forms required for the collection of costs and timber sale data.

Need and Use of the Information: FS will collect information to verify the minimum rates returned a fair value to the Government and that the transaction system is a reliable approach to valuing timber. The information is also used to assure the accuracy of the transaction evidence system and to develop minimum stumpage rates for small sales or for areas where there is no current sale activity to use for transaction evidence. If the information is not collected, FS does not have a means for determining if the value being received from timber sales really reflects the timber's true value.

Description of Respondents: Business or other for-profit.

Number of Respondents: 20.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 20.

Forest Service

Title: Annual Wildfire Summary Report.

OMB Control Number: 0596–0025.

Summary of Collection: The Cooperative Forestry Assistance Act of 1978 (U.S.C. 2101) requires the Forest Service (FS) to collect information about wildfire suppression efforts by State and local fire fighting agencies in order to support specific Congressional funding requests for the Forest Service State and Private Forestry Cooperative Fire Program. The program provides supplemental funding for State and local fire fighting agencies. FS will

collect information using form FS 3100–8.

Need and Use of the Information: FS will collect information to determine if the Cooperative Fire Program funds provided to the State and local fire fighting agencies have been used by State and local agencies to improve their fire suppression capabilities. The information collected will be shared with the public about the importance of the State and Private Cooperative Fire Program. Without the information the program could not be monitored for effectiveness and efficiency.

Description of Respondents: State, Local or Tribal Government

Number of Respondents: 50.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 25.

Agricultural Marketing Service

Title: Marketing Agreement No. 146, Regulating the Quality of Domestically Produced Peanuts (7 CFR part 998).

OMB Control Number: 0581–0067.

Summary of Collection: The Agricultural Marketing Service (AMS), through the authorities emanating from the Agricultural Marketing Agreement Act of 1937 and Marketing Agreement No. 146 (covering peanuts grown in the U.S.), regulates certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to producers. The required information relating to peanut supplies, shipments, inspection disposition, and other inventory information is collected through the use of standardized forms and written letters.

Need and Use of the Information: The Peanut Administrative Committee administers the program and has developed the necessary forms required to file information relating to peanut supplies, shipments, dispositions, and other information. The Committee periodically reviews reports and forms so only the minimum information necessary is collected to effectively carry out the requirements of the Agreement. Only authorized representatives of USDA and employees of the Committee use the information collected. Much of the information is compiled in aggregate and provided to the industry to assist in marketing decisions. If the information were collected less frequently, it would eliminate the data needed to keep the domestic peanut industry and Secretary abreast of changes at the State and local level.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 25.

Frequency of Responses: Recordkeeping; Reporting: On occasion, monthly, annually.

Total Burden Hours: 107.

Agricultural Marketing Service

Title: Reporting and Recordkeeping Requirements for 7 CFR, Part 29.

OMB Control Number: 0581–0056.

Summary of Collection: The Tobacco Inspection Act (U.S.C. 511) requires: (1) That all tobacco sold at designated auction markets in the U.S. be inspected and graded; (2) for the establishment and maintenance of tobacco standards for U.S. grown types; (3) for the collection and dissemination of market news; and (4) for provisions to be made for interested parties to request inspection and grading services on an ''as needed'' basis. The Dairy and Tobacco Adjustment Act, 1983 (Pub. L. 98–198) gives authorization to the Secretary to inspect all tobacco offered for importation into the United States for grade and quality except cigar and oriental tobacco which must be certified by the importer as to kind and type and in the case of cigar tobacco which will be used solely in the manufacture or production of cigars. Also, the Secretary has the authority to fix and collect fees from the importers to cover the cost of inspection.

Need and Use of the Information: Various forms are used for the inspection and certification processes. The primary sources of data used to complete the forms are used in all business transactions. If the information were collected less frequently, it would eliminate data needed to keep the tobacco industry and the Secretary abreast of changes.

Description of Respondents: Business or other for-profit.

Number of Respondents: 645.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 13,504.

Agricultural Marketing Service

Title: Export Fruit Regulations.

OMB Control Number: 0581–0143.

Summary of Collection: Fresh apples and grapes grown in the United States shipped to any foreign destination must meet minimum quality and other requirements established by regulations issued under the Export Apple Act (7 CFR Part 33) and the Export Grape and Plum Act (7 CFR Part 35). These Acts were designed to promote the foreign trade of the United States in apples, grapes and plums; to protect the reputation of these American-grown commodities; and to prevent deception or misrepresentation of the quality of such products moving in foreign commerce. The regulation issued under the Export Grape and Plum Act (7 CFR Part 35) cover fresh grapes grown in the United States and shipped to foreign destinations, except Canada and Mexico.

Need and Use of the Information: Persons who ship fresh apples and grapes grown in the U.S. to foreign destinations must have such shipments inspected and certified by Federal or Federal-State Inspection Service (FSIS) inspectors. The Agriculture Marketing Service administers the FSIS. Official FSIS inspection certificates and phytosanitary certificates issued by USDA's Animal and Plant Health Inspection Service provide the needed information for USDA. Export carriers are required to keep on file for three years copies of inspection certificates for apples and grapes.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 115.

Frequency of Responses: Recordkeeping; Reporting; On occasion; monthly; annually.

Total Burden Hours: 2204.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 01–9427 Filed 4–16–01; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection: Proposed Collection; Comment Request; FNS–250, Food Coupon Accountability Report

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection contained in form FNS–250, Food Coupon Accountability Report.

DATES: Written comments must be submitted on or before June 18, 2001.

ADDRESSES: Send comments and requests for copies of this information collection to: Jeffrey N. Cohen, Branch Chief, Electronic Benefit Transfer Branch, Benefit Redemption Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey N. Cohen, (703) 305–2523.

SUPPLEMENTARY INFORMATION:

Title: Food Coupon Accountability Report.

OMB Number: 0584–0009.

Form Number: FNS–250.

Expiration Date: 06/30/2001.

Type of Request: Revision of a currently approved collection.

Abstract: Section 7(d) of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2016(d)) and 7 CFR 274.4(b)(1) of the Food Stamp Program regulations require that State agencies report on the coupon inventories of coupon issuers, bulk storage points, and claims collection points. The reporting is done on Form FNS–250, Food Coupon Accountability Report. These reports must be submitted to the Food and Nutrition Service monthly. State agencies must review the reports for accuracy, completeness and reasonableness. Supporting documentation must be included when appropriate and the reports must reach FNS no later than 90 days following the end of each report month. The FNS–250 report reflects beginning inventories, end-of-month inventories, receipt of coupons, transfers of coupons, coupons returned to inventory, and credits.

Affected Public: State and local government employees or contractors.

Estimated Number of Respondents: 475.

Estimated Number of Responses per respondent: 12.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden: 17,100 hours annually.

Dated: April 10, 2001.

Alberta C. Frost,

Acting Administrator.

[FR Doc. 01–9501 Filed 4–16–01; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Rehabilitation of Aging Flood Control Dams, Oklahoma

AGENCY: Natural Resources Conservation Service.

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

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the rehabilitation of aging flood control dams in Oklahoma.

FOR FURTHER INFORMATION CONTACT: M. Darrel Dominick, State Conservationist, Natural Resources Conservation Service, 100 USDA Suite 206, Stillwater, Oklahoma 74074, (405) 742–1204.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, M. Darrel Dominick, State Conservationist has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns watershed protection and flood prevention. Alternatives under consideration to reach these objectives include rehabilitation, no action, nonstructural measures, and decommissioning.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Meetings will be held at 1:00 p.m. on May 1, 2, and 3, 2001, at the following locations: Tuesday, May 1, 2001, at the Fairgrounds Building in Clinton, Oklahoma; Wednesday, May 2, 2001, at the Fairgrounds Community Building in Stillwater, Oklahoma; and Thursday, May 3, 2001, at the Pontotoc Technology Center in Ada, Oklahoma, to determine the scope of the evaluation of the proposed action. Further information on the proposed action or the scoping meetings may be obtained from M. Darrel Dominick, State Conservationist, at the above address or telephone number.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Dated: March 26, 2001.

M. Darrel Dominick,

State Conservationist, Oklahoma.

[FR Doc. 01–9404 Filed 4–16–01; 8:45 am]

BILLING CODE 4310–16–U

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for 7 CFR, part 1951, subpart N, Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing.

DATES: Comments on this notice must be received by June 18, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: James E. Vollmer, Senior Loan Specialist, Rural Housing Service, USDA, STOP 0782, Room 1229, South Building, 1400 Independence Avenue, SW., Washington, DC 20250–0742, telephone (202) 720–1060.

Title: ''Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing''.

OMB Number: 0575–0104.

Expiration Date of Approval: July 31, 2001.

Type of Request: Intent to extend the currently approved information collection and record keeping requirements.

Abstract: The regulation promulgates the policies and procedures for actions to be taken in cases where unauthorized financial assistance in the form of a loan, grant, interest subsidy benefit created through use of an incorrect interest rate, interest credits, or rental

assistance has been extended to a Multiple Family Housing borrower or grantee by RHS.

Estimate of Burden: 1.14 hours per respondent.

Respondents: Individuals, state or local governments, and small businesses or organizations.

Estimated Number of Respondents: 450.

Estimated Number of Responses Per Respondent: 1.5.

Estimated Number of Responses: 700.

Estimated Total Annual Burden on Respondents: 800 hours.

Copies of this information collection can be obtained from Jean Mosley, Regulations and Paperwork Management Branch, at (202) 692–0041.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of Rural Housing Service, including whether the information will have practical utility; (b) the accuracy of Rural Housing Service's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jean Mosley, United States Department of Agriculture, Stop 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 5, 2001.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. 01–9476 Filed 4–16–01; 8:45 am]

BILLING CODE 3410–XV–U

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on May 2, 2001, at the Hotel Inter-Continental Miami, 100 Chopin Plaza, Miami, Florida 33131. The purpose of the meeting is to discuss: (1) The Governor's One Florida Plan, (2) affirmative action in Florida, (3) Voting 2000 in Florida, and (4) other civil rights issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 9, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–9493 Filed 4–16–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 11 a.m. and adjourn at 3:15 p.m. on Monday, May 7, 2001, at the Conference Room, National Spa and Pool Institute, 2111 Eisenhower Avenue, Alexandria, Virginia 22314. The purpose of the meeting is to: (1) Plan new projects, (2) obtain information from speakers representing the Census Bureau on recently released population and demographic statistics for Virginia, and (3) be briefed by local minority community members on their views on civil rights developments.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 10, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–9494 Filed 4–16–01; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB review; comment request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Form Number, and OMB Number: Air Force ROTC Scholarship Application; AF Form 113; OMB Number 0701–0101.

Type of Request: Extension.

Number of Respondents: 8,000.

Responses Per Respondent: 1.

Annual Responses: 8,000.

Average Burden Per Response: 30 minutes.

Annual Burden Hours: 4,000.

Needs and Uses: Respondents are high school students and recent graduates who apply for an Air Force ROTC college scholarship. A twelve-page scannable application will be provided to applicants by Air Force recruiting personnel or can be mailed directly to the applicant. Respondents will have the option of completing the application on the Air Force ROTC Internet homepage instead of returning the hardcopy survey form. Submitted data will be evaluated by Air Force ROTC College Scholarship Program selection boards to determine eligibility and to select individuals for the award of a college scholarship.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR,

1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: April 9, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9424 Filed 4–16–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 17–19 April 2001.

Time of Meeting: 0830–1545, 17 April 2001, 0830–1545, 18 April 2001.

Place: Presidential Towers, Arlington, VA.

Agenda: The Army Science Board's (ASB) panel will conduct an Ad Hoc Study on ''Adapting Future Wireless Communication'' to examine potential future commercial wireless capabilities and recommend which capabilities may have applicability for the Objective Force. The meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Mr. Jeff Ozimek, Army Science Board Staff Assistant, 732–532–5496 or Ms. Lisa Calabrese, Army Science Board Staff Assistant, 732–427–4646.

Wayne Joyner,

Program Support Specialist, Army Science Board.

Tentative Agenda, Army Science Board, 17–19 April 2001

Tuesday 17 April 2001

0800–0830 Internal ASB time
0830–0930 SIGCEN—Thomas Mims
0930–1030 Time Domain
1030–1045 Break
1045–1145 Harris
1145–1230 Lunch
1230–1330 Palm
1330–1430 Aether—Ken Whitehead
1430–1445 Break
1445–1545 Electric Fuel—Ron Putt
1545–1700 Internal ASB time

Wednesday 18 April 2001

0800–0830 Internal ASB time
0830–0930 Gilder Report—Nick Tredennick
0930–1030 Motorola
1030–1045 Break
1045–1145 Speedcom
1145–1230 Lunch
1230–1330 Global Star
1330–1430 Raytheon—Dr. Manfred Unkauf, Joseph Rodriguez
1430–1445 Break
1445–1545 Ellipso—Gerald Hellman, Jay Brosius, David Casteale, Jim Bailey
1545–1700 Internal ASB time

Thursday 19 April 2001

0800–0830 Internal ASB time
0830–1030 DARPA
1030–1045 Break
1045–1145 DARPA
1145–1230 Lunch
1230–1600 Wall Street Briefs
1600–1700 Internal ASB time

[FR Doc. 01–9434 Filed 4–16–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 17–19 April 2001.

Time of Meeting: 0800–1700, 19 April 2001.

Place: Presidential Towers, Arlington, VA.

Agenda: The Army Science Board's (ASB) Ad Hoc Study on ''Adapting Future Wireless Communication'' to examine potential future commercial wireless capabilities and recommend which capabilities may have applicability for the Objective Force. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically paragraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Mr. Jeff Ozimek, Army Science Board Staff Assistant, 732– 532–5496 or Ms. Lisa Calabrese, Army Science Board Staff Assistant Assistant, 732–427–4646.

Wayne Joyner,

Program Support Specialist, Army Science Board.

Tentative Agenda, Army Science Board, 17–19 April 2001

Tuesday 17 April 2001

0800–0830 Internal ASB time
0830–0930 SIGCEN—Thomas Mims
0930–1030 Time Domain
1030–1045 Break
1045–1145 Harris
1145–1230 Lunch
1230–1330 Palm
1330–1430 Aether—Ken Whitehead
1430–1445 Break
1445–1545 Electric Fuel—Ron Putt
1545–1700 Internal ASB time

Wednesday 18 April 2001

0800–0830 Internal ASB time
0830–0930 Gilder Report—Nick Tredennick
0930–1030 Motorola
1030–1045 Break
1045–1145 Speedcom
1145–1230 Lunch
1230–1330 Global Star
1330–1430 Raytheon—Dr. Manfred Unkauf, Joseph Rodriguez
1430–1445 Break
1445–1545 Ellipso—Gerald Hellman, Jay Brosius, David Casteale, Jim Bailey
1545–1700 Internal ASB time

Thursday 19 April 2001

0800–0830 Internal ASB time
0830–1030 DARPA
1030–1045 Break
1045–1145 DARPA
1145–1230 Lunch
1230–1600 Wall Street Briefs
1600–1700 Internal ASB time

[FR Doc. 01–9519 Filed 4–16–01; 8:45 am]

BILLING CODE 3770–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

The following patents are available for licensing:

U.S. Patent Number 6,129,134: SYNTHESIS OF METAL MATRIX COMPOSITE.//U.S. Patent Number 6,129,135: FABRICATION OF METAL-MATRIX COMPOSITIONS.

ADDRESSES: Requests for copies of the patents cited should be directed to: Naval Surface Warfare Center Carderock Division, Code 0117, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700, and must include the patent number.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director, Technology Transfer Office, Naval Surface Warfare Center Carderock Division, Code 0117, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700, telephone (301) 227–4299.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: April 5, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–9435 Filed 4–16–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting 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 June 18, 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 Acting Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 11, 2001.

Joseph Schubart,

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

Office of Bilingual Education and Minority Language Affairs

Type of Review: Reinstatement.

Title: Biennial Report Form for the Emergency Immigrant Education Program (EIEP).

Frequency: Weekly.

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

Reporting and Recordkeeping Hour Burden: Responses: 944.

Burden Hours: 5,620.

Abstract: This form is used by State Educational agencies to submit a bilingual report to the Secretary concerning expenditures of EIEP funds by their local educational agencies as well as national origin of immigrant children served under the Emergency Immigrant Education Act (Title VI of Pub. L. 98–511, 20 U.S.C. 4101–4108, as amended by Pub. L. 103–382, 20 U.S.C. 7549).

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 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. 01–9405 Filed 4–16–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting 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 June 18, 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 Acting Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 11, 2001.

Joseph Schubart,

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

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Annual Performance Report and Report to the Secretary Under the Infants and Toddlers with Disabilities Program (Part C, IDEA).

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 57.
Burden Hours: 855.

Abstract: The State Interagency Coordinating Committee is required under Section 641 of Part C of the Individuals with Disabilities Education Act (IDEA) to submit an annual report to the Secretary and the State's governor on the status of the early intervention program for infants and toddlers with disabilities. States are also required to submit a performance report to the Secretary under Section 80.40 of the Education Department General Administrative Regulations. This collection serves both of these functions.

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 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. 01–9447 Filed 4–16–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting 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 May 17, 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 Acting Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 12, 2001.

Joseph Schubart,

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

Office of Elementary and Secondary Education

Type of Review: New.

Title: Applications for Grants Under the Teaching American History Program.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden: Responses: 500—Burden Hours: 30,000.

Abstract: This application will be used to award grants to local educational agencies for the purpose of improving student achievement in American history by improving teachers' knowledge, understanding, and appreciation of the subject.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

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 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. 01–9547 Filed 4–16–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Office of Science; Advanced Scientific Computing Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, May 2, 2001, 8:30 a.m. to 5:00 p.m.; Thursday, May 3, 2001, 8:30 a.m. to 4:00 p.m.

ADDRESSES: Crowne Plaza Hotel, 14th and K Streets, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; U.S. Department of Energy; 19901 Germantown Road; Germantown, MD 20874–1290; Telephone (301) 903–7486 (Email: Melea.Baker@science.doe.gov).

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:* The purpose of this meeting is to provide advice and guidance with respect to the advanced scientific computing research program.

Tentative Agenda: Agenda will include discussions of the following:

Wednesday, May 2, 2001

Introduction
Remarks from the Director, Office of Science
Remarks from the Office of Advanced Scientific Computing Research

Overview Presentations of Facilities
Public Comment

Thursday, May 3, 2001

Discussion of Facilities
Computational Biology Presentation and Discussion
Advisory Committee Open Discussion of Issues
Review Calendar for CY2001
Public Comment

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Melea Baker via FAX at 301–903–4846 or via email (*Melea.Baker@science.doe.gov*). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days 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 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, DC on April 11, 2001.

Rachel M. Samuel,

Deputy Advisory Committee, Management Officer.

[FR Doc. 01–9460 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATE: Wednesday, May 9, 2001, 1:00 p.m.–5:00 p.m.

ADDRESSES: Bishop DeFalco Retreat Center, 2100 North Spring Street, Amarillo, Potter County, TX.

FOR FURTHER INFORMATION CONTACT: Jerry S. Johnson, Assistant Area Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120; phone (806) 477–3125; fax (806) 477–5896 or e-mail *jjohnson@pantex.gov.*

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, waste management and related activities.

Tentative Agenda

1:00—Agenda Review
1:15—Co-Chair Comments
1:30—Opening Remarks by Martha Crosland, Director of Intergovernmental & Public Accountability, DOE Headquarters
2:00—Discussion
2:15—Break
2:30—Presentation regarding Board Policies and Procedures by Martha Crosland
3:00—Discussion—Public Questions/Comments
5:00—Adjourn

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 Jerry Johnson's office at the address or telephone number listed above. Requests must be received five days prior to the meeting and every reasonable provision will be made to accommodate the request 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.

Minutes: Minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371–5400. Hours of operation are from 7:45 a.m. to 10:00 p.m. Monday through Thursday; 7:45 a.m. to 5:00 p.m. on Friday; 8:30 a.m. to 12:00 noon on Saturday; and 2:00 p.m. to 6:00 p.m. on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537–3742. Hours of operation are from 9:00 a.m. to 7:00 p.m. on Monday; 9:00 a.m. to 5:00 p.m. Tuesday through Friday; and closed Saturday and Sunday as well as Federal holidays. Minutes will also be available by writing or calling Jerry S. Johnson at the address or telephone number listed above.

Issued at Washington, DC on April 11, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–9461 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

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

DATES: Thursday, May 3, 2001; 6 p.m. to 9:30 p.m.

ADDRESSES: Rocky Flats Environmental Technology Site, Building 060 (Visitor Center), 10808 Highway 93, Golden, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

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, waste management, and related activities.

Tentative Agenda

1. The Board and other interested parties will attend a two-hour Rocky Flats site tour to view and hear reports on areas where environmental restoration and natural resource management will be necessary.
2. Representatives from Kaiser-Hill will present results of a recently released report discussing worker contamination in Building 771.
3. The Board's Environmental Restoration Committee will present a topic for discussion and review by the Board.
4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals

who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy 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.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303)420–7855. Hours of operations for the Public Reading Room are 9:00 a.m. to 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on April 11, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–9462 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; Methane Hydrate Advisory Committee

AGENCY: Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Methane Hydrate Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, May 17, 2001, 8:30 AM to 5:00 PM and Friday, May 18, 2001, 8:30 to Noon.

ADDRESSES: Dome Catering and Conference Center, 539 Woods Hole Road, Woods Hole, Massachusetts 02543.

FOR FURTHER INFORMATION CONTACT: Edith Allison, U.S. Department of Energy, Office of Natural Gas and Petroleum Technology, Washington, DC 20585. Phone: 202/586–1023.

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The purpose of the Methane Hydrate Advisory Committee is to provide advice on potential applications of methane hydrate to the Secretary of Energy; assist in developing recommendations and priorities for the Department of Energy methane hydrate research and development program; and, submit to Congress a report on the anticipated impact on global climate change from methane hydrate formation, methane hydrate degassing and consumption of natural gas produced from methane hydrates.

Tentative Agenda:

Thursday, May 17, 2001

- Call to order by Mr. Arthur Johnson and Mr. Robert S. Kripowicz, Co-Chairmen.
- Presentations on historic and current research by National Energy Technology Laboratory, Naval Research Laboratory and the National Lab Working Group on Hydrates.
- Presentations on research results in: Arctic hydrate characterization; Production feasibility; safety and seafloor stability for conventional petroleum operations in hdyrate areas; and Hydrates and global climate change.
- Roundtable discussion of Hydrates and Global Climate Change.
- Ten minutes will be allowed for questions and public comment after each presentation.

Friday, May 18, 2001

- Structured discussion of R&D Priorities and funding levels in: Resource Characterization; Production; Transport and storage of methane from hydrates; Education and training; Mitigating drilling risks; and Exploratory drilling.
- Structured discussion of Interagency and International Cooperation.
- Planning for May 2002 report.
- Public comment—each person will be allowed up to 5 minutes.
- Adjournment, about Noon.

Public Participation: The meeting is open to the public. The Chairmen of the Committee will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Edith Allison at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Transcripts will be available by request.

Issued in Washington, DC on April 11, 2001

Rachel M. Samuel,

Deputy Advisory Committee, Management Officer.

[FR Doc. 01–9463 Filed 4–16–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01–117–000, et al.]

Transcontinental Gas Pipe Line Corporation; Notice of Applications

April 11, 2001.

Take notice that on March 30, 2001, Transcontinental Gas Pipe Line Corporation (Applicant), One Williams Center, Suite 4100, Tulsa, Oklahoma, 74172, through its agent, Williams Energy Marketing & Trading Company [1] (Williams), tendered for filing, applications for certificates of public convenience and necessity pursuant to Section 7(b) of the Natural Gas Act (NGA) to abandon certain firm sales agreements under Applicant's Rate Schedule FS between Applicant and various customers pursuant to a Settlement Agreement approved by the Commission in Docket No. CP88–391, et al. on June 19, 1991, as amended by order issued December 17, 1991 [2], all as more fully set forth in the applications, which are on file and open to public inspection. The application may be viewed on the web at *www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance).

Applicant asserts that no abandonment of any facility is proposed. Applicant proposes to abandon twenty-three service agreements under its Rate Schedule FS. The information in the table below summarizes each individual abandonment application:

[1] Formerly Williams Energy Services Company.

[2] See orders at 55 FERC ¶ 61,466 (1991) and 57 FERC ¶ 61,345 (1991).

Docket Nos.	Customer name	Termination date of current service	Proposed effective date of abandonment
CP01–117–000	City of Lawrenceville, Georgia	March 31, 2002	March 31, 2002.
CP01–118–000	City of Madison, Georgia	March 31, 2002	March 31, 2002.
CP01–119–000	Maplesville Water and Gas Board	March 31, 2002	March 31, 2002.
CP01–120–000	City of Royston Georgia	March 31, 2002	March 31, 2002.
CP01–121–000	City of Social Circle, Georgia	March 31, 2002	March 31, 2002.
CP01–122–000	City of Monroe, Georgia, Water, Light & Gas Comm.	March 31, 2002	March 31, 2002.
CP01–123–000	Utilities Board City of Roanoke, Alabama	March 31, 2002	March 31, 2002.
CP01–124–000	Town of Rockford, Alabama	March 31, 2002	March 31, 2002.
CP01–125–000	City of Hartwell, Georgia	March 31, 2002	March 31, 2002.
CP01–126–000	City of Buford, Georgia	March 31, 2002	March 31, 2002.
CP01–127–000	City of Greenwood, South Carolina	March 31, 2002	March 31, 2002.
CP01–128–000	City of Elberton Georgia Natural Gas System	March 31, 2002	March 31, 2002.
CP01–129–000	Clinton-Newberry, Natural Gas Authority	March 31, 2002	March 31, 2002.
CP01–130–000	City of Bowman, Georgia	March 31, 2002	March 31, 2002.
CP00–131–000	City of Winder, Georgia	March 31, 2002	March 31, 2002.
CP01–132–000	City of Toccoa, Georgia	March 31, 2002	March 31, 2002.
CP01–133–000	Tri-County Natural Gas Company	March 31, 2002	March 31, 2002.
CP01–134–000	Town of Wedowee, Alabama	March 31, 2002	March 31, 2002.
CP01–135–000	City of Sugar Hill, Georgia	March 31, 2002	March 31, 2002.
CP01–136–000	East Central Alabama District	March 31, 2002	March 31, 2002.
CP01–137–000	Town of Wadley, Alabama	March 31, 2002	March 31, 2002.
CP01–138–000	City of Commerce, Georgia	March 31, 2002	March 31, 2002.
CP01–139–000	City of Covington, Georgia	March 31, 2002	March 31, 2002.

Any question regarding these applications may be directed to Mr. David A. Glenn, Esquire, Senior Counsel, Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Blvd., Houston Texas, 77056 at (713) 215–2341. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Any person desiring to be heard or to protest these filings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, by or before May 2, 2001, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 01–9423 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–890–002, et al.]

Boston Edison Company, et al.; Electric Rate and Corporate Regulation Filings

April 10, 2001.

Take notice that the following filings have been made with the Commission:

1. Boston Edison Company

[Docket No. ER01–890–002]

Take notice that on April 2, 2001, Boston Edison Company (Boston Edison) tendered for filing an unexecuted Interconnection Agreement between Boston Edison and Sithe Mystic Development LLC in compliance with the Commission's March 5, 2001 order in Docket No. ER01–890–000. The compliance filing contains appropriate designations as required by Order No. 614.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Maine Electric Power Company

[Docket No. ER01–1362–001]

Take notice that on April 5, 2001, Maine Electric Power Company (MEPCO) tendered for filing with the Federal Energy Regulatory Commission (Commission) two substitute pages that replace pages in the Chester SVC Partnership Basic Operating Agreement (Agreement) to correct certain inconsistencies in the Agreement's page numbering.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PJM Interconnection, L.L.C.

[Docket No. ER01–1621–001]

Take notice that on April 3, 2001, PJM Interconnection, L.L.C. amended its filing in the above-reference docket correcting Schedules 7 and 8 of the PJM Tariff and Exhibit 2 to the filing.

Copies of this filing have been served on all PJM Members and the state electric utility commissions within the PJM Control Area.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Entergy Services, Inc.

[Docket No. ER01–1720–000]

Take notice that on April 4, 2001, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), submitted for filing an Amendment to the Network Integration Transmission Service Agreement between Energy Services, as agent for the Entergy Operating Companies, and Louisiana Generating LLC.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Entergy Nuclear Indian Point 2, LLC

[Docket No. ER01–1721–000]

Take notice that on April 4, 2001, Entergy Nuclear Indian Point 2, LLC (ENIP2) tendered for filing an application for authorization to sell capacity, energy and ancillary services at market-based rates pursuant to section 205 of the Federal Power Act. ENIP2 also requests that the Commission accept for filing a long-term power purchase agreement for the sale of power from ENIP2 to Consolidated Edison Company of New York, Inc. as a stand-alone rate schedule to ENIP2's proposed market-based rate tariff.

Copies of the filing were served upon the Arkansas Public Service Commission, Louisiana Public Service Commission, Mississippi Public Service Commission, Council of the City of New Orleans, Texas Public Utility Commission, New York State Department of Public Service, and Consolidated Edison Company of New York, Inc.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Cinergy Services, Inc.

[Docket No. ER01–1722–000]

Take notice that on April 3, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Notice of Cancellation of NP Energy, Inc. for the Cost-Based Power Sales, Market-Based Power Sales, and the Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights. Cinergy respectfully requests waiver of any applicable regulation to the extent necessary to make the tariff changes effective as of the date of each of the listed name changes.

A copy of the filing has been served to NP Energy, Inc.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER01–1723–000]

Take notice that on April 3, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Market-Based Service Agreement under Cinergy's Market-Based Power Sales Standard Tariff-MB (the Tariff) entered into between Cinergy and Consumers Energy Company (Consumers Energy).

Cinergy and Consumers Energy are requesting an effective date of April 1, 2001.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Cinergy Services, Inc.

[Docket No. ER01–1724–000]

Take notice that on April 3, 2001, Cinergy Services, Inc. (Cinergy) and SE Holdings, L.L.C., now Strategic Energy, L.L.C. are requesting a cancellation of Service Agreement No. 122, under Cinergy Operating Companies, Resale of Transmission Rights and Ancillary Service Rights, FERC Electric Tariff Original Volume No. 8.

Cinergy requests an effective date of March 1, 2001.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER01–1725–000]

Take notice that on April 3, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Service Agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (the Tariff) entered into between Cinergy and OGE Energy Resources, Inc. (OGE Energy). This Service Agreement has been executed by both parties and is to replace the existing unexecuted Service Agreement.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER01–1726–000]

Take notice that on April 3, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Market-Based Service Agreement under Cinergy's Market-Based Power Sales Standard Tariff-MB (the Tariff) entered into between Cinergy and Oglethorpe Power Corporation (OPC).

Cinergy and OPC are requesting an effective date of March 7, 2001.

Comment date: April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Electric Energy, Inc.

[Docket No. ER01–1727–000]

Take notice that on April 5, 2001, Electric Energy, Inc. (EEInc.) tendered for filing an amendment to its open access transmission tariff (OATT). EEInc. claims that its proposed amendment (Attachment F to EEInc.'s OATT) sets forth the procedures that will be applicable when an operator of a new generation facility seeks to interconnect with EEInc.'s transmission facilities.

EEInc. claims further that its filing is consistent with generation interconnection tariffs of other utilities that have recently been approved by the Commission.

EEInc. states that it has served copies of this filing upon all of its firm transmission customers.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. California Independent System Operator Corporation

[Docket No. ER01–1728–000]

Take notice that the California Independent System Operator Corporation (ISO), on April 5, 2001, tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Viasyn, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on Viasyn, Inc. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of March 30, 2001.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Puget Sound Energy, Inc.

[Docket No. ER01–1729–000]

Take notice that on April 5, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with PacifiCorp, as Transmission Customer.

A copy of the filing was served upon PacifiCorp.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. PJM Interconnection, L.L.C.

[Docket No. ER01–1730–000]

Take notice that on April 5, 2001, PJM Interconnection, L.L.C. (PJM), on behalf of the PJM Reliability Committee, tendered for filing amendments to Schedules 5.2 of the Reliability Agreement Among Load Serving Entities in the PJM Control Area (RAA) to continue the current ALM credit treatment under the RAA.

PJM requests a waiver of the Commission's 60-day notice requirement to permit a June 1, 2001 effective date for the amendments.

Copies of this filing were served upon all parties to the RAA and each state electric utility regulatory commission in the PJM control area.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Company of New Mexico

[Docket No. ER01–1731–000]

Take notice that on April 4, 2001, Public Service Company of New Mexico (PNM) submitted for filing two executed service agreements with Axia Energy, L.P. (Axia), under the terms of PNM's Open Access Transmission Tariff. One agreement is for short-term firm point-to-point transmission service and one is for non-firm point-to-point transmission service. Both agreements are dated March 26, 2001. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to Axia and to the New Mexico Public Regulation commission.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Virginia Electric and Power Company

[Docket No. ER01–1732–000]

Take notice that on April 4, 2001, Virginia Electric and Power Company, doing business as Dominion Virginia Power (the Company), filed copies of a letter agreement between Virginia Municipal Electric Association No. 1 (VMEA) and the Company. The letter agreement, dated August 27, 1999, adds a new delivery point to the Agreement for the Purchase of Electricity for Resale between VMEA and the Company, First Revised Rate Schedule FERC No. 109.

The Company requests waiver of the Commission's notice of filing requirements to allow the letter agreement to become effective on May 15, 2001. The Company will begin service under the new delivery point on or after May 15, 2001.

Copies of the filing were served upon the VMEA, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

17. Idaho Power Company

[Docket No. ER01–1733–000]

Take notice that on April 4, 2001, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff No. 6, Market Rate Power Sales Tariff, between Idaho Power Company and Public Utility District No. 1 of Cowlitz County, Washington.

Idaho Power requests the Service Agreement become effective March 14, 2001.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Idaho Power Company

[Docket No. ER01–1734–000]

Take notice that on April 4, 2001, Idaho Power Company (Idaho Power) tendered for filing with the Federal Energy Regulatory Commission (Commission) a long-term service agreement under its open access transmission tariff.

Idaho Power requests that the Service Agreement be made effective on April 1, 2001.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Rochester Gas and Electric Corporation

[Docket No. ER01–1735–000]

Take notice that on April 5, 2001, Rochester Gas and Electric Corporation (RG&E) tendered for filing an Application in the above-referenced proceeding requesting that the Commission extend the authorization previously granted to RG&E to make sales to an affiliate in conjunction with the Retail Access Program.

RG&E also requests expedited treatment of its Application so that the Commission may issue an order by April 24, 2001.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. California Independent System Operator Corporation

[Docket No. ER01–1736–000]

Take notice that on April 5, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Scheduling Coordinator Agreement between the ISO and Viasyn, Inc. for acceptance by the Commission.

The ISO states that this filing has been served on Viasyn, Inc. and the California Public Utilities Commission

The ISO is requesting waiver of the 60-day notice requirement to allow the Scheduling Coordinator Agreement to be made effective as of March 30, 2001.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Trigen-Syracuse Energy Corp.

[Docket No. ER01–1737–000]

Take notice that on April 4, 2001, Trigen-Syracuse Energy Corp. (Trigen-Syracuse) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Notice of Partial Cancellation of Trigen-Syracuse First Revised Rate Schedule FERC No. 1, canceling an agreement for the sale of energy from Trigen-Syracuse to Sempra Energy Trading Corp., and Trigen-Syracuse Second Revised Rate Schedule FERC No. 1, reflecting the proposed cancellations.

Comment date: April 25, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Idaho Power Company

[Docket No. ER01–1738–000]

Take notice that on April 5, 2001, Idaho Power Company tendered for filing a Service Agreement for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Merchant Energy Company of the Americas under its open access transmission tariff in the above-captioned proceeding.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Puget Sound Energy, Inc.

[Docket No. ER01–1739–000]

Take notice that on April 5, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with BP Energy Company, as Transmission Customer. A copy of the filing was served upon BP Energy Company.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. New York Independent System Operator, Inc.

[Docket No. ER01–1740–000]

Take notice that on April 5, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for

filing revisions to its Market Administration and Control Area Services Tariff (Services Tariff) and Open-Access Transmission Tariff in order to implement an Incentivized Day-Ahead Economic Load Curtailment Program. The NYISO has requested an effective date of May 1, 2001 for the filing.

The NYISO has served a copy of this filing upon all parties that have executed Service Agreements under the NYISO's OATT and Services Tariff, as well as the New York State Public Service Commission.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. New England Power Pool

[Docket No. ER01–1741–000]

Take notice that on April 5, 2001, the New England Power Pool (NEPOOL) Participants Committee tendered for filing the NEPOOL Open Access Transmission Tariff Ancillary Service Schedule 16 (System Restoration and Planning Service from Generators) Implementation Rule (the Schedule 16 Implementation Rule), which provides additional details regarding the implementation of the Commission's requirements with respect to Schedule 16 of the Tariff set forth in the July 12, 2000 order in New England Power Pool, 92 FERC & 61,020 (2000).

NEPOOL has requested a June 1, 2001 effective date for the Schedule 16 Implementation Rule.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Northwestern Wisconsin Electric Company

[Docket No. ER01–1745–000]

Take notice that on April 5, 2001, Northwestern Wisconsin Electric Company, tendered for filing proposed changes in its Transmission Use Charge, Rate Schedule FERC No. 2. The proposed changes would increase revenues from jurisdictional sales by $6,449.91 based on the 12 month period ending April 30, 2001. Northwestern Wisconsin Electric Company is proposing this rate schedule change to more accurately reflect the actual cost of transmitting energy from one utility to another based on current cost data. The service agreement for which this rate is calculated calls for the Transmission Use Charge to be reviewed annually and revised on May 1.

Northwestern Wisconsin Electric Company requests this Rate Schedule Change become effective May 1, 2001.

Copies of this filing have been provided to the respective parties and to the Public Service Commission of Wisconsin.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. NESI Power Marketing, Inc.

[Docket No. ER01–1748–000]

Take notice that on April 5, 2001, NESI Power Marketing, Inc. (NESI) tendered for filing a Notice of Cancellation of its FERC Rate Schedule No. 1 (market-based rate authority) and Supplement No. 1 (code of conduct).

NESI states that, as it is not regulated by a state commission, has no long-term customers, and has no outstanding market-based rate transactions, it has not served copies of this filing upon any entity.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Northwestern Corporation

[Docket No. ES01–28–000]

Take notice that on April 5, 2001, Northwestern Corporation (Northwestern) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue (1) not more than 10 million shares of Northwestern's common stock, par value $1.75 per share, including related common stock purchase rights, and (2) not more than $300 million of Northwestern's mortgage bonds, notes, debentures, subordinated debentures, guarantees or other evidences of indebtedness, including so-called monthly income preferred securities, quarterly income preferred securities, trust originated preferred securities, trust preferred securities or variations thereof.

Northwestern also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Cambria CoGen Company

[Docket No. QF87–93–007]

Take notice that on March 30, 2001, Cambria CoGen Company, 7201 Hamilton Boulevard Allentown, Pennsylvania 18195, filed with the Federal Energy Regulatory Commission (the Commission) an Application for Recertification of the Cambria Project (the Facility) as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's regulations.

The Facility is a fluidized bed electric generating facility located near Ebensburg, Cambria Township, Pennsylvania, with a maximum net electric energy production capacity of approximately 89 MW. The primary energy source is bituminous coal refuse.

The Facility interconnects with, sells electric energy to, and purchases supplementary, standby, back-up and maintenance power from Pennsylvania Electric Company (doing business as GPU Energy).

Comment date: April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–9417 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–115–000]

Transwestern Pipeline Company; Notice of Intent to Prepare an Environmental Assessment for the Proposed Red Rock Mainline Expansion Project and Request for Comments on Environment Issues

April 11, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Red Rock Mainline Expansion Project involving abandonment, construction and operation of facilities by Transwestern Pipeline Company (Transwestern) in Mohave, Coconino, and Apache Counties, Arizona.[1] Transwestern proposes to install one new 41,500 horsepower (hp) compressor unit at each of four existing compressor stations. These units would replace the existing three compressor units, ranging from 4,000 to 4,500 hp each, of the four compressor stations. To facilitate the transition, Transwestern has also requested authorization to continue operating the existing units at the compressor stations for up to six months after installing the new units. After the transition period, Transwestern proposes to abandon the old compressor units in place. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Transwestern provided to landowners. This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.fed.us*).

Summary of the Proposed Project

Transwestern wants to expand the capacity of its facilities in Arizona to transport an additional 1,240,000 million cubic feet per day of natural gas to the California border. Transwestern seeks authority to:

Abandon in Place

- Three 4,000 hp compressor units and associated facilities at Station 1 in Mohave County, Arizona;
- Three 4,000 hp compressor units and associated facilities at Station 2 in Coconino County, Arizona;
- Three 4,500 hp compressor units and associated facilities at Station 3 in Coconino County, Arizona; and
- Three 4,000 hp compressor units and associated facilities at Station 4 in Apache County, Arizona.

Install

- One 41,500 hp compressor unit and associated facilities at Station 1 in Mohave County, Arizona.
- One 41,500 hp compressor unit and associated facilities at Station 2 in Coconino County, Arizona;
- One 41,500 hp compressor unit and associated facilities at Station 3 in Coconino County, Arizona; and
- One 41,500 hp compressor unit and associated facilities at Station 4 in Apache County, Arizona.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction at each of the compressor stations would be limited to about 5 acres within the fence line of the existing compressor station.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impact that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Public safety.
- Land use.
- Cultural resources.
- Air quality and noise.
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified two issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Transwestern. This preliminary list of issues may be changed based on your comments and our analysis. The two issues are:

- Effects of the increased compression on noise and air quality.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact.

[1] Transwestern's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to page 5 of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of Gas 2.

• Reference Docket No. CP01–115–000.

• Mail your comments so that they will be received in Washington, DC on or before May 10, 2001.

Comments may also 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* under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–9418 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–M

[4] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Amendment of Recreation Plan and Soliciting Comments, Motions to Intervene, and Protests

April 11, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request for amendment of the project's approved recreation plan.

b. *Project No.* 2506–070.

c. *Date Filed:* January 25, 2001.

d. *Licensee:* Upper Peninsula Power Company.

e. *Name of Project:* Escanaba Project.

f. *Location:* On the Escanaba River, near the township of Escanaba in Delta and Marquette Counties, Michigan. The project site does not involve federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Licensee Contact:* Mr. Shawn Puzen, Wisconsin Public Service Corporation, 700 Adams Street, P.O. Box 19002, Green Bay, Wisconsin 54307–9002. (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Jean Potvin, jean.potvin@ferc.fed.us, or (202) 219–0022.

j. *Deadline for filing comments and or motions:* May 18, 2001.

All documents (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/rfi/doorbell.htm.* Please reference the following number, P–2506–070, on any comments or motions filed.

k. *Description of Proposal:* The licensee proposes to amend the approved recreation plan of the project license by constructing a carry-in boat access on the south shore of the impoundment, west of the powerhouse of Dam #1 rather than off U.S. Highway 2 on the southeast shore of the impoundment. The facility will include a parking lot suitable for 5 vehicles, proper signage to inform the public that the area is open for public use, a picnic table, stairs to the river, a canoe slide, and a modified skid pier. This amendment was filed following to a public notice issued on December 20, 2000 soliciting comments, motions to intervene, and protests concerning the licensee's request to delete the requirement for a carry-in boat access from the approved recreation plan.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling 202–208–1371. The application may be viewed on-line at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in

all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–9419 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

April 11, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 5044–008.

c. *Date Filed:* April 2, 2001.

d. *Applicant:* Avondale Mills Inc.

e. *Name of Project:* Sibley Mills Project.

f. *Location:* On the Augusta Canal about 5 miles downstream of the Augusta Canal diversion dam, adjacent to the Savannah River, Richmond County, Augusta, GA. The project is one of three hydropower projects located in the Augusta Canal. The project does not affect Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r)

h. *Applicant Contact:* Mr. J. H. Vaughan III, Avonda Mills Inc., P.O. Box 128, Graniteville, SC 29829, (803) 663–2116.

i. *FERC Contact:* Monte TerHaar, (202) 219–2768 or *monte.terhaar@ferc.fed.us.*

j. *Deadline for filing additional study requests:* June 1, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, protests and interventions may be file 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.*

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time. We are not requesting intervenors to this project at this time.

l. The existing Sibley Mill Project consists of: (1) There is no dam or impoundment as water is withdrawn from the Augusta Canal; (2) a 50 foot long by 15 foot high intake equipped with 1-inch trashracks; (3) a concrete headrace 290 feet long, 42 feet wide, and 15 feet deep; (3) a brick powerhouse; (3) three vertical shaft Francis turbine/generator units with an installed capacity of 2.475 megawatts, and (9) appurtenant facilities. The applicant estimates that the total average annual generation would be 11,000 megawatthours. All generated power is utilized within the applicant's electric utility system, furnishing power for industrial manufacturing in the Sibley Mill. No new facilities are proposed.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. With this notice, we are initiating consultation with the *Georgia State Historic Preservation Officer (SHPO),* as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

o. Procedural schedule and final amendments: The application will be processed according to the following milestones, some of which may be combined to expedite processing:

Notice of application has been accepted for filing
Notice of NEPA Scoping
Notice of application is ready for environmental analysis
Notice soliciting final terms and conditions
Notice of the availability of the draft NEPA document (draft EA)
Notice of the availability of the final NEPA document (final EA)
Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environment analysis.

David P. Boergers,

Secretary.

[FR Doc. 01–9420 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License and Soliciting Comments, Protests, and Motions To Intervene

April 11, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No.:* 5062–037.

c. *Date Filed:* March 26, 2001.

d. *Applicants:* Quinebaug Partnership and Quinebaug Associates, LLC.

e. *Name and Location of Project:* The Quinebaug-Five Mile Pond Hydroelectric Project is located on the Quinebaug and Five Mile Rivers in Windham County, Connecticut. The project does not occupy federal or tribal land.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* Mr. William K. Allin, Water Street Ext, Lancaster, NH 03584 and Mr. Gregory S. Cloutier, 80 A Elm Street, Lancaster, NH 03584, (802) 892–1260.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* May 18, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426. Comments, protests, and motions to intervene 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.

Please include the project number (P–5062–037) on any comments or motions filed.

j. *Description of Proposal:* The applicants request after-the-fact approval of a transfer of the license for Project No. 5062, to reflect a January 1996 change in the licensee's organizational structure from a general partnership to a limited liability company. The applicants also state that the former members of Quinebaug Associates, LLC sold the shares of the LLC to the current members on December 22, 2000.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to the Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for ciling comments, it will be presumed to have no commments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–9421 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

April 11, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11909–000

c. *Date filed:* March 19, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Earthquake Lake Hydroelectric Project would be located on the Madison River in Madison County, Montana. The project would utilize the Gallatin National Forest's existing dam impounding Earthquake Lake.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Motions to intervene, protests, and comments 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.*

Please include the project number (P–11909–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the existing Earthquake Dam and Lake, would consist of: (1) A 1200-foot-long, 7-foot-diameter steel penstock; (2) a concrete powerhouse containing two generating units, each with an installed capacity of 7 megawatts; (3) a one-mile-long, 30-kV transmission line; and (4) appurtenant facilities. The project would have an average annual generation of 87.6 GWh.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely

notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–9422 Filed 4–16–01; 8:45 am]

BILLING CODE 6717–07–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6967–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Survey on Environmental Management of Asthma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Survey on Environmental Management of Asthma, EPA ICR Number 1996.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 18, 2001.

ADDRESSES: To obtain a copy of the ICR without charge, contact: Dr. Susan Conrath, Indoor Environments Division, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., (6609J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Conrath by phone at (202) 564–9389 or by e-mail at *conrath.susan@epa.gov.*

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities potentially affected by this action are all individuals throughout the United States with publicly listed residential telephone numbers.

Title: National Survey on Environmental Management of Asthma (EPA ICR No. 1996.01).

Abstract: EPA is working to integrate the management of environmental factors with the medical treatment of asthma, particularly among children and low-income populations. To evaluate the effectiveness of its current outreach efforts, EPA proposes to collect data from individual U.S. households through a telephone survey. This survey will be used to gain information regarding the number of individuals with asthma who have taken steps to improve the quality of their indoor environment as part of their approach to managing the disease, as well as any barriers they may have encountered while attempting to do so. EPA will compare the data gained from this survey to the Agency's established Government Performance and Results Act of 1993 (GPRA) goal. Specifically, EPA's goal is that 2.5 million people with asthma, including one million children and 200,000 low-income adults, will have taken steps to reduce their exposure to indoor environmental asthma triggers by 2005.

EPA intends to conduct its survey twice during the period for which this ICR is in effect—once in the first year and again in the third. Each survey cycle will be conducted in the same manner, using the same survey instrument and protocols and relying on the same statistical assumptions regarding response and precision. EPA will conduct each survey cycle in two phases. The first phase is intended to identify households where either an adult asthmatic or child with asthma resides. Individuals who participate in the first phase of EPA's survey will be chosen at random from U.S. households with publicly listed telephone numbers. EPA expects that 10 percent of individuals who participate in its screening survey will have asthma or live in a household with someone who does. After responding to several screening questions, adult asthmatics and parents of children with asthma will be invited to participate in a longer, more in-depth telephone survey. EPA intends to over sample in communities known to have a high percentage of low-income households to ensure that the Agency is able to evaluate the effectiveness of its outreach efforts to this target population.

The National Survey on Environmental Management of Asthma is voluntary. EPA does not expect to

receive confidential information from the individuals who voluntarily participate in the survey. However, if a respondent does consider the information submitted to be of a proprietary nature, EPA will assure its confidentiality based on the provisions of 40 CFR part 2, subpart B, ''Confidentiality of Business Information.''

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: EPA estimates the annual public reporting and record keeping burden for this collection of information to range from between 1.5 minutes and 16 minutes per response, depending on whether or not the survey respondent has asthma or lives with someone who has asthma. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to: Review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

This survey effort is expected to cost approximately $0.75 per respondent living in a non-asthmatic household; $1.75 per respondent living in an asthmatic household, but participating only in the screening survey; and $8.00 per respondent participating in both the screening survey and the survey itself. Respondents will incur no capital, start-up costs, or operation and maintenance costs as a result of this survey.

Dated: April 8, 2001.

Mary T. Smith,

Director, Indoor Environments Division.

[FR Doc. 01–9485 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6965–9]

Adequacy Status of Motor Vehicle Budgets in Submitted State Implementation Plans for Transportation Conformity Purposes; Delaware; ROP Plans for Delaware Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Kent and New Castle Counties)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy status.

SUMMARY: EPA is announcing that the motor vehicle emissions budgets (budgets) for Kent County and for New Castle County contained in the revised 2002 Rate of Progress Plan (ROP) and in the 2005 ROP Plan are adequate for transportation conformity purposes. These ROP plans were submitted to EPA by the Delaware Department of Natural Resources and Environmental Control (DNREC) as State Implementation Plan (SIP) revisions on December 22, 2000. EPA has found the ROP plans' budgets for these two counties, which comprise the Delaware portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area, are adequate for transportation conformity purposes.

DATES: The findings that the budgets are adequate were made in a letter dated April 5, 2001 from EPA Region III to the DNREC . These adequacy findings are effective on May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Martin Kotsch, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103 at (215) 814–3335 or by e-mail at: Kotsch.Martin@EPA.gov.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' '' us,'' or ''our'' refer to EPA. The word ''budgets'' refers to the motor vehicle emission budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_X). The word ''SIP'' in this document refers to the ROP Plans for the Delaware portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area submitted to EPA as SIP revisions on December 22, 2000.

On March 2, 1999, the DC Circuit Court ruled that budgets contained in submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. On December 22, 2000, the Delaware DNREC formally submitted SIP revisions to EPA consisting of a revised 2002 ROP Plan and the 2005 ROP Plan for the Delaware portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Kent and New Castle Counties). On January 17, 2001, we posted the availability of the ROP plans and the budgets for these two counties on our conformity website for the purpose of soliciting public comment on the adequacy of the budgets. The comment period closed on February 16, 2001. We did not receive any comments.

On April 5, 2001, EPA Region III sent a letter to DNREC which constituted final Agency actions on the adequacy of the budgets contained in the revised 2002 and the 2005 ROP plans submitted by DNREC for Kent and New Castle Counties. Those actions were EPA's findings that the ROP plans' budgets for Kent County and for New Castle County are adequate for transportation conformity purposes. As a result of our April 5, 2001 findings, the revised 2002 ROP plan budgets and the 2005 ROP plan budgets contained in Delaware's December 22, 2000 SIP submittals for Kent County and for New Castle County (the Delaware Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area) may be used for future conformity determinations.

This is an announcement of adequacy findings that we already made on April 6, 2001. The effective date of these findings is May 2, 2001. These findings will also be announced on EPA's website: http://www.epa.gov/oms/traq (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of Submissions for Conformity''). The website will contain a detailed analysis of our adequacy findings.

Transportation conformity is required by section 176 of the Clean Air Act. EPA's conformity rule requires that

transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do so. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The criteria by which we determine whether SIP's budgets are adequate for conformity purposes are outlined in 40 CFR 93.118 (e)(4).

Please note that an adequacy finding for budgets contained in a SIP is separate from EPA's completeness determination of the SIP submission, and separate from EPA's action to approve or disapprove the SIP. Even if we find budgets adequate, the SIP could later be disapproved. We describe our process for determining the adequacy of submitted SIP budgets in guidance memorandum dated May 14, 1999 and titled, ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision.'' We followed this guidance in making these adequacy findings of the budgets in the Delaware Rate of Progress Plans submitted on December 22, 2000. You may obtain a copy of this guidance from EPA's conformity web site: http://www.epa.gov/oms/traq (once there, click on the ''Conformity'' button) or by calling the contact name listed in **FOR FURTHER INFORMATION CONTACT** section of this notice.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 6, 2001.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 01–9484 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 6967–4]

EPA Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the US EPA Science Advisory Board (SAB) will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB office—information concerning availability of documents from the relevant Program Office is included below.

1. Executive Committee—May 15, 2001

The US EPA Science Advisory Board's (SAB's) Executive Committee (EC) will meet on Tuesday, May 15, 2001 from 8:30 to 5:00 pm. The meeting will convene in the Great Room, 3rd Floor, US Environmental Protection Agency, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20004.

Purpose of the Meeting—At this meeting, the Executive Committee will review the following draft report prepared by one of its subcommittees.

Dioxin Reassessment Review Subcommittee (DRRS) of the EPA Science Advisory Board (SAB) ''2,3,7,8-Tetrachlorodibenzo-Dioxin (TCDD) and Related Compounds: USEPA's draft Exposure and Human Health Reassessment—An SAB Report'' (see 65 FR 60190, dated October 10, 2000 for details).

Charge to the Executive Committee—The SAB benefitted from more than 40 public comments on the Agency's dioxin reassessment document during the course of the DRRS review meeting on November 1–2, 2000. The DRRS's consideration of those public comments, as well as consideration of the Agency's reassessment document per se, are reflected in the current SAB draft report. The focus of the May 15th review will be on the following questions:

(a) Does the draft report adequately respond to the questions posed in the Charge?

(b) Are the statements and/or responses in the draft report clear?

(c) Are there any errors of fact in the draft report?

In accord with the Federal Advisory Committee Act (FACA), the public and the Agency are invited to submit written comments on these three questions. Submissions should be received in the EPA Science Advisory Board Offices by May 8, 2001. Please address all correspondence to Ms. Diana Pozun, EPA Science Advisory Board, Mail Code 1400A, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460. (Telephone (202) 564–4544, FAX (202) 501–0582; or via e-mail at *pozun.diana@epa.gov*). Submission by e-mail is preferred and will maximize the time available for review by the Executive Committee.

Although not required by FACA, the SAB will have a brief period (a total of half an hour) available for all applicable oral public comments (maximum of five minutes per speaker). Given the broad public input received at the November 1–2, 2000 meeting, the focus of the Charge of this review, and the opportunity to address amply the Charge in writing, the Board does not anticipate extensive oral comments at the May 15th meeting. However, anyone wishing to make oral comments that focus on the three questions above, and that are not duplicative of their written comments or earlier oral comments, should discuss the matter with the Designated Federal Officer for the Executive Committee, Dr. Donald G. Barnes (see contact information below) no later than noon on May 8, 2001.

Availability of Materials—The draft meeting agenda and drafts of the report that will be reviewed at the meeting will be available to the public on the SAB website (*http://www.epa.gov/sab*) by close-of-business on April 30, 2001. Information concerning the draft report and other relevant links can be found under the ''New'' button.

For Further Information—Any member of the public wishing further information concerning this meeting should contact Dr. Donald G. Barnes, Designated Federal Officer (DFO) for the Executive Committee at US EPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone (202) 564–4533; fax (202) 501–0323; or via e-mail at *barnes.don@epa.gov.*

2—Environmental Economics Advisory Committee (EEAC)—May 25, 2001

The Environmental Economics Advisory Committee (EEAC) of the Science Advisory Board (SAB) will meet on May 25, 2001 at the Hilton Alexandria Old Town, 1767 King Street, Alexandria, Virginia, 22314; telephone (703) 837–0440. The meeting will begin at 9:00 am and end no later than 3:00 pm.

Purpose of the Meeting—The purpose of the Environmental Economics Advisory Committee meeting is to: (a) Consult with EPA representatives on the agency's planned activities to develop analytical approaches for the implementation of Executive Order 13141 entitled Environmental Reviews of Trade Agreements; (b) to discuss EPA's letter noting its intention to work across various Agency programs to determine whether it should request that EPA and the Science Advisory Board conduct a joint workshop on ways to estimate the benefits from premature mortality risk reductions that are predicted to result from environmental regulations; and (c) to receive a briefing by EPA representatives on the Agency's economic benefit recapture approach.

Background Information—(a) *Trade and the Environment:* The EEAC will engage in a Consultation with representatives of the US EPA National Center for Environmental Economics (EPA/NCEE) on trade and the environment. Executive Order 13141 (November 16, 1999), commits the U.S. government to assess the domestic environmental impacts of trade agreements at an early stage in their negotiations. The order also calls for an assessment of trans-boundary and global environmental impacts.

EPA/NCEE will be working with the U.S. Trade Representative (USTR) and the International Trade Commission (ITC) to comply with this order. Initially, they will analyze the Free Trade Area of the Americas (FTAA) which would expand the North American Free Trade Agreement (NAFTA) to include the rest of the Western Hemisphere. EPA/NCEE is also developing a Trade and Environment Assessment Model (TEAM) that will estimate the direct/proximate environmental impacts of the economic changes estimated by the ITC. EPA will pursue further analysis of changes in ambient concentrations, human health and welfare impacts as warranted.

EPA/NCEE is also pursuing related research, including an assessment of the relationship between economic growth and environmental quality, and the relationship between pre-existing distortions, trade liberalization, and environmental quality.

EPA/NCEE will brief the EEAC on: (1) EPA/NCEE's role in the FTAA analysis, (2) the TEAM structure and data sources, (3) their proposed methodologies (and the literature on trade and environment they have identified in support of these methods), (4) criteria for follow-on analyses, and (5) some related research areas.

A ''consultation'' is a means of conferring, as a group of knowledgeable individuals, in public session with the Agency on a technical matter, before the Agency has begun substantive work on that issue. The goal is to leaven EPA's thinking by brainstorming a variety of approaches to the problem very early in the development process. There is no attempt or intent to express an SAB consensus or to generate a formal SAB position. The Board, via a brief letter, simply notifies the Administrator that a Consultation has taken place.

The Subcommittee will not attempt to develop a consensus, however, the agency is interested in obtaining comments from individual members on whether NCEE is considering an analytically sound approach for assessing the domestic environmental impacts of trade agreements; the soundness of their modeling approach; and whether data sources proposed for emission factors are the best available. The Agency also is interested in individual's comments on whether NCEE is considering an appropriate program of research germane to the relationship between trade (and economic integration more generally) and the environment.

While no written report will be prepared of the Subcommittee's thoughts, individual members may provide their comments in writing to the DFO who will include these with the minutes of the meeting.

(b) *The Benefits of Premature Morality Risk Reduction:* In a December 20, 2000 letter to Dr. Robert Stavins, Chair of the EPA SAB Environmental Economics Advisory Committee, the EPA Assistant Administrator for Air and Radiation, noted his intention ''* * * to work with my partner offices in EPA to propose to the SAB Executive Committee the organization of a workshop on pollution-related premature mortality valuation styled after the successful joint EPA/SAB workshop series on hazardous air pollutant benefits estimation.'' The primary focus of key objectives of such a workshop would be to: (1) Develop research needs and priorities for improving valuation procedures for mortality risk reductions, (2) develop concrete, practical recommendations for best practice interpretations and applications of existing literature on this topic, and (3) develop recommendations regarding practical procedures to pursue regarding ongoing evaluation and assimilation of new and emerging literature on this topic.

Though the letter discussed above was not a firm commitment to conduct such a workshop, the research that might be identified by a workshop, nor the reevaluation of EPA's processes for premature mortality valuation, the letter did provide advance notice to the EEAC Chair of the Assistant Administrator's assignment of management oversight for that office's efforts to work within EPA to explore whether such a proposal should be made to the SAB Executive Committee.

The focus of this effort would be how one assigns a value to the decrease in the risk of premature mortality that might be gained from environmental regulations. The EPA Guidelines for Preparing Economic Analyses provide background information on development of a value of statistical life (VSL) to estimate this value. Other EPA analyses and papers contain background information on and develop estimates of the benefits to be gained in regard to fatal risk reduction actions. Though there is much in the technical and popular literature, as well as in regulatory dockets about the benefits estimated to be associated with reduced mortality risk, the topic remains one of significant uncertainty and controversy. Efforts to improve on the methods to develop such estimates and to identify critical knowledge gaps, thus research needs, for improved methods could be instrumental in moving the state-of-science forward in this area. The EEAC will be briefed by EPA representatives to clarify EPA's needs and to explore the EEAC members' concerns, expectations, and desires for interacting with EPA in such a workshop should that proposal be made by EPA.

(c) *Calculating Economic Benefits from Failure to Comply with Environmental Laws:* EPA representatives will brief the Committee on the approach it takes to calculate the economic benefit from noncompliance with environmental laws. The interaction at this meeting will not constitute a review of those procedures, rather, it will be for the purpose of introducing the issue to Committee members.

Since 1984, EPA's policy has been to recapture a violator's economic benefit from violating the law as part of a civil penalty. This policy recognizes three types of economic benefit: (1) Benefit from delaying pollution control expenditures; (2) benefit from avoiding pollution control expenditures; and (3) benefit that accrues from actions other than the simple delay and/or avoidance of pollution control expenditures, a category that is broadly termed, ''illegal competitive advantage.'' The Agency developed a computer model, BEN, to assist its enforcement personnel in calculating the first two types of benefits (delaying and avoiding pollution control expenditures) for settlement purposes. BEN essentially performs net present value adjustments. It does not calculate the benefit from an illegal competitive advantage.

The fundamental economic methodology underlying the BEN model was peer reviewed twice: Once in 1988 and again in 1991. The Agency made some fundamental changes to the model in 1992 in response to these peer reviews. Since that time, EPA has made some further changes to the model, but only to update some of the model's financial values and to move the model to the Windows operating environment. The Agency initiated an informal public comment process on the entire benefit recapture approach in the **Federal Register** (61 FR 53025–53030, October

9, 1996). The Agency response to the comments received, and its proposed revisions to the model, were published in a second **Federal Register** Notice (64 FR 32948–32972, June 18, 1999) that also requested comments on the proposed changes. The Senate Report that accompanied EPA's FY 2001 budget directed the Agency to peer review the BEN model, including the illegal competitive advantage benefit approach, prior to finalizing its revisions.

Availability of Materials—Copies of the background materials provided by the Agency for these discussions can be obtained from the following: (a) Trade and the Environment: Dr. Brett Snyder, US EPA NCEE, telephone number (202) 564–4558, *snyder.brett@epa.gov*; (b) The Benefits of Premature Mortality Risk Reduction: Mr. Thomas Miller, Designated Federal Officer, US EPA Science Advisory Board; telephone (202) 564–4558; fax (202) 501–0582; or via e-mail at *miller.tom@epa.gov*; and (c) Calculating Economic Benefits from Failure to Comply with environmental Laws: Mr. Jonathan Libber, US EPA Office of Enforcement and Compliance Assurance, (telephone (202) 564–6102; or via e-mail at *libber.jonathan@epa.gov.*

For Further Information—Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments (10 minutes or less) must contact Mr. Thomas Miller, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564–4558; fax (202) 501–0582; or via e-mail at *miller.tom@epa.gov.* Requests for oral comments must be in writing (e-mail, fax or mail) and received by Mr. Miller no later than noon Eastern Standard Time on Monday, May 21, 2001.

3—Drinking Water Committee (DWC) Meeting—June 12–13, 2001

The Drinking Water Committee of the US EPA Science Advisory Board (SAB), will meet on June 12–13, 2001 at the Governor's House Hotel, 1615 Rhode Island Ave., NW, Washington, DC, 20036. The meeting will begin at 8:30 a.m. on June 12 and adjourn no later than 5:00 p.m. on June 13, 2001.

A follow up teleconference meeting will be scheduled and announced (if necessary) at a later date to address any remaining issues that might arise as a result of the June 12–13, 2001 discussions. That meeting would be coordinated through a conference call connection in room 6013 Ariel Rios North (6th Floor), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC. Additional information about this conference call can be obtained by calling Ms. Wanda Fields at (202) 564–4539, or via e-mail at: *fields.wanda@epa.gov* following the June 12–13, 2001 meeting.

Purpose of the Meeting—The Drinking Water Committee will continue its review of EPA's draft research plan in support of the Safe Drinking Water Act's Contaminant Candidate Listing (CCL) program and engage in a Consultation with the Agency on its Microbiological Risk Assessment Framework.

Background—(a) *Research Plan for Candidate Contaminant Listing (CCL)*—The Safe Drinking Water Act (SDWA), as amended in 1996, requires the EPA to establish a list of unregulated microbiological and chemical contaminants to aid in priority setting for the Agency's drinking water program. A new list must be published every five years. The first Contaminant Candidate List (CCL1) was proposed by EPA in 1997 and was then finalized in 1998, following extensive consultation with stakeholders.

The Agency must select five or more contaminants from CCL1 and determine, by August 2001, whether they should be regulated. To support these decisions, the Agency will have to evaluate when and where these contaminants occur, the extent of exposure and risk to public health, and determine if cost effective control methods are available.

EPA has sorted CCL1 contaminants into categories depending upon whether they need additional research (Research or Occurrence Priorities categories) or have sufficient data for the evaluation of exposure and risk to public health, and therefore enough data to support a drinking water standard (Regulatory Determination Priorities category). The contaminants considered for selection and regulatory determination by August 2001 will be drawn from the Regulatory Determination category and are not duplicated under the Research or Occurrence Priorities categories.

A Research Plan has been prepared to describe the nature, timing and priority of research needed in order to meet the CCL1 information needs of the Agency. The plan focuses on contaminants that are on CCL1. Nevertheless, it is important for some research to be conducted on emerging pathogens and chemicals to ensure that any future CCL includes contaminants that are of potential public health concern. The SAB, through its DWC, has been asked to review the technical adequacy of the decision process used to develop the plan.

The DWC began its discussion of the CCL Research Plan at its meeting on August 8–9, 2000 (for further information, see 65 FR 44051–44053). The charge questions were discussed by panelists and as a result of the discussions the Committee prepared an Advisory to EPA noting its preliminary advice and the need for additional information (An SAB Advisory on EPA's Draft Contaminant Candidate List (CCL) Research Plan; EPA–SAB–DWC–ADV–00–007—copies are available at *www.epa.gov/sab* under the REPORTS heading). The discussion at the June 12–13, 2001 DWC meeting will focus on the revised Research Plan.

Charge to the Committee for the CCL Research Plan—EPA asks: (1) Whether the decision process, as described in Figure 2 of the CCL Research Plan, has a high probability for providing appropriate information for the Office of Water's regulatory determinations concerning CCL contaminants; and (2) whether the Science Advisory Board has any suggestions for improving the integrated planning of research on unregulated contaminants.

(b) *Microbiological Risk Assessment Framework*—The EPA developed a framework for microbial risk assessment in conjunction with the International Life Sciences Institute's Risk Science Institute (ILSI RSI) in a series of workshops held beginning in 1995. An initial workshop resulted in a conceptual framework for assessing human disease risk from exposure to waterborne pathogens. That framework was then tested by conducting two risk assessments by a group of contractors who worked in accordance with the framework's guidance. These assessments were discussed in a second workshop during May 1999 and the framework was revised according to a series of consensus-based recommendations that came from that workshop. The Agency now intends to move forward with the development of a formal Microbiological Risk Assessment Guidance document.

Prior to developing the above discussed guidance, EPA has asked the SAB to engage in a consultation with it to help it begin its original thinking on a number of issues. These issues are noted in the Charge below.

A ''consultation'' is a means of conferring, as a group of knowledgeable individuals, in public session with the Agency on a technical matter, before the Agency has begun substantive work on that issue. The goal is to leaven EPA's thinking by brainstorming a variety of approaches to the problem very early in the development process. There is no attempt or intent to express an SAB

consensus or to generate a formal SAB position. The Board, via a brief letter, simply notifies the Administrator that a Consultation has taken place. While no written report will be prepared of the Subcommittee's thoughts, individual members may provide their comments in writing to the DFO who will include these with the minutes of the meeting.

Charge to the Committee for the Microbial Risk Assessment Framework—EPA asks the SAB to consider and to discuss with it: (1) Whether the current framework includes all the essential components and a logical flow needed to allow microbial risk assessments to be conducted for all waterborne pathogens and water media (waste waters, drinking waters and ambient waters); (2) any apparent missing components that would be needed to properly conduct risk assessments, as well as why the additional components would be needed; (3) any tools and methods (e.g., dose response and susceptibility models dealing with uncertainty, and data gaps, etc.) that can be used in the risk analysis portion of the methodology which would assist risk assessors who would be using this guidance, and (4) suitability of the framework for establishment of formal guidelines for microbiological risk assessment.

Availability of Review Materials—(1) *CCL Research Plan:* Information on the Agency's CCL Research Plan can be obtained by contacting Dr. Robert Clark, US EPA, National Risk Management Research Laboratory, Cincinnati, OH by telephone at (513) 569–7201 or by e-mail at *clark.robertm@epa.gov.* (2) *Microbiological Risk Assessment Framework:* Additional information on the framework for microbial risk assessment can be obtained from Dr. Stephen Schaub, US EPA, Office of Water, Office of Science and Technology, Washington, DC by telephone at (202) 260–7591 or by e-mail at *schaup.stephen@epa.gov.*

For Further Information—Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments (10 minutes or less) must contact Thomas O. Miller, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–4558; FAX (202) 501–0582; or via e-mail at *miller.tom@epa.gov.* Requests for oral comments must be in writing (e-mail, fax or mail) and received by Mr. Miller no later than noon Eastern Time on Tuesday, June 5, 2001.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until two days after the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the appropriate DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: April 6, 2001.

John R. Fowle, III,

Acting Staff Director, Science Advisory Board.

[FR Doc. 01–9487 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PF–1015; FRL–6773–3]

Notice of Filing Pesticide Petitions to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1015, must be received on or before May 17, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1015 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis McNeilly, Insecticide/Rodenticide Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6742; e-mail address: mcneilly.dennis.@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

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

Categories	NAICS codes	Examples of potentially affected entities
	32532	Pesticide manufacturing

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

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulation and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PF–1015. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1015 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1015. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petitions. Additional data may be needed before EPA rules on the petitions.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 27, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

PP 6F4677 and 9E6013

The petitioner summary of the pesticide petitions is printed below as

required by section 408(d)(3) of the FFDCA. The summary of the petitions was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

EPA has received a pesticide petition (6F4677) from Aventis CropScience, P.O Box 12014, 2 T.W., Alexander Drive, Research Triangle Park, NC 27709 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of aldicarb and its metabolites aldicarb sulfoxide and aldicarb sulfone for the crop group #10 ''citrus fruits'' at 0.3 parts per million (ppm). This crop group includes: calamondin, citrus citron, citrus hybrids (includes chironja, tangelo, tangor), grapefruit, kumquat, lemon, lime, mandarin (tangerine), orange (sour), orange (sweet), pummelo, and Satsuma mandarin. There are currently aldicarb tolerances (40 CFR 180.269) for orange, lemon, lime, and grapefruit at 0.3 ppm.

EPA has also received a pesticide petition (9E6013) from Aventis CropScience, proposing, pursuant to section 408(d) of FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing an import tolerance for residues of aldicarb and its metabolites aldicarb sulfoxide and aldicarb sulfone in banana, pulp at 0.008 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition. This notice includes a summary of the petitions prepared by the petitioner, Aventis, CropScience.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of aldicarb in plants is adequately understood. Adequate data on the nature of the residues in plants, including identification of major metabolites and degradates of aldicarb in citrus and other crops are available.

2. *Analytical method*. There is an adequate method available for enforcement purposes to detect and measure levels of aldicarb, aldicarb sulfoxide and aldicarb sulfone in bananas with a limit of quantitation (LOQ) of 0.008 ppm. The high performance liquid chromotography (HPLC) method can detect residues at levels of detection (LOD) of 0.003 and 0.005 ppm for aldicarb and its primary metabolites, respectively. Residue studies to support tolerances of aldicarb and its primary degradates on oranges, lemons, lime and grapefruit were conducted between 1977 and 1993. Samples from earlier studies were analyzed via a gas chromotography (GC) method which converted aldicarb and aldicarb sulfoxide to aldicarb sulfone and reported total toxic residue. Later an HPLC method was developed which was capable of quantifying each of the three toxic residues. The LOQ for both methods was 0.02 ppm.

3. *Magnitude of residues*. No new citrus residue data are being filed with this petition. Aventis believes that adequate residue data have been provided to the EPA to support the proposed crop group tolerance for citrus at the current tolerance level of 0.3 ppm already established for oranges, lemons, limes and grapefruit. The EPA crop grouping #10 citrus requires that data be filed for representative commodities to include sweet orange, lemon and grapefruit. Aventis has submitted extensive data for these representative crops that serves as a strong basis for the proposed crop group tolerance.

Banana crop residue trials were conducted using a new application methodology that will be used to treat bananas. A total of 15 field sites in 7 Latin American countries were treated with 1 application at 0.8 grams of aldicarb per banana plant mat in a GLP RAC study. In addition, a GLP study to determine the magnitude of residues for processed banana fractions was conducted in Costa Rica at a 5X rate of 4.0 grams of aldicarb per plant mat. The application for each study was made using a new patented application method developed by Aventis, the aldicarb Banana In-Plant System®. The System utilizes a unique package or ''sachet'' to deliver an exact dose of granules containing 15% aldicarb into the already harvested ''mother'' banana plant. Within a short time after the fruit is harvested, the mother plant is cut into a stump, leaving a single selected sucker or offshoot plant (the ''daughter plant'') to produce the next crop. A ''plug'' is first removed from the stump with a special tool. The sachet is then placed into the hole and the plug is replaced. The fluids from the mother plant are slowly transferred to the daughter plant, taking with them the aldicarb from the granules in the sachet to provide nematode protection for the daughter plant's roots. Only one application is made per crop, compared to two applications that are required with typical soil applied nematicides. When TEMIK® brand 15G aldicarb was previously used in this region as a soil treatment, two applications of 2 grams active ingredient per mat were applied. Due to the necessity to apply the Banana In-Plant System® sachet soon after harvest of the previous crop, the minimum preharvest interval to obtain mature green fruit is approximately 190 days. No residues were detected in either composite or individual pulp or peel samples from the 15 RAC study sites. Likewise, no residues were detected in samples of processed fractions from the processing study.

B. Toxicological Profile

1. *Acute toxicity*. Aldicarb is highly acutely toxic. Signs of toxicity are those commonly associated with acetylcholinesterase inhibition (ChEI) caused by a carbamate pesticide; that is, cholinergic signs and symptoms. These symptoms are dose-dependent, and are rapidly reversible. Aldicarb is in acute toxicity category I by the oral, dermal and inhalation routes of exposure, is in toxicity category III for eye irritation and IV for dermal irritation. Aldicarb is not a sensitizer. Aldicarb has two metabolites of toxicological significance, aldicarb sulfoxide and aldicarb sulfone. The sulfoxide has comparable toxicity to parent aldicarb while the sulfone is approximately 20-fold less toxic.

There is a complete neurotoxicity data base consisting of acute, subchronic, and developmental neurotoxicity studies. In addition, there is a time to peak behavioral effects study of a single oral administration of aldicarb technical. Finally, there are acute neurotoxicity studies on both aldicarb sulfoxide and aldicarb sulfone. Effects on ChEI were always the most sensitive indicators of both exposure and toxicity in these studies. The aldicarb dose-effect relationship for ChEI was quite consistent across studies. A dose of 0.05 mg/kg gives the first indications of plasma and erythrocyte inhibition with no concomitant brain inhibition nor behavioral changes. At 0.2 mg/kg, marked plasma and erythrocyte ChEI is observed accompanied by measurable inhibition in the brain and moderate clinical signs. Higher dose levels result in nearly complete plasma ChEI, marked erythrocyte and brain ChEI and clinical signs, the magnitude of which increases with dose.

2. *Genotoxicity*. In a September 15, 1998 Hazard Identification Assessment Review Committee (HIARC) report, EPA reported that studies covering gene

mutations, chromosomal aberrations, unscheduled DNA synthesis, and dominant lethal effects were all negative. The Agency stated that there was no concern for mutagenicity for aldicarb. A limited battery of studies on the primary aldicarb metabolites, aldicarb sulfoxide and sulfone, were also negative.

3. *Reproductive and developmental toxicity*. There is a complete developmental and reproductive toxicity data base on aldicarb including a developmental neurotoxicity study; aldicarb did not cause developmental or reproductive effects in studies in the absence of maternal (or parental) toxicity.

i. *Rat*. In a developmental study, rats were given doses of 0, 0.125, 0.25 or 0.5 mg/kg/day. Maternal toxicity was indicated by maternal death and other effects (NOAEL of 0.125 mg/kg/day). Gestational parameters were not affected. No increased incidence of malformation was observed in the absence of clear maternal toxicity. The NOAEL for fetal toxicity was 0.25 mg/kg/day; fetal effects at the highest dose included dilated ventricles. In a 2-generation reproductive toxicity study, rats were fed a diet with 0, 2, 5, 10, or 20 ppm aldicarb (0, 0.1, 0.25, 5, or 10 mg/kg/day). Parental toxicity was indicated by ChEI and body weight changes (NOAEL 0.25 mg/kg/day). The reproductive NOAEL was 0.5 mg/kg/day based on decreased pup weight and reduced viability. There were no reproductive effects in the absence of parental toxicity. In a developmental neurotoxicity study in rats, the dose levels were 0, 0.05, 0.1, or 0.3 mg/kg/day. This study provides strong evidence that aldicarb does not cause permanent effects on the nervous system, and that the young are not more sensitive to the effects of aldicarb than mature animals. The maternal NOAEL was 0.05 mg/kg/day based on miosis at 0.1 mg/kg/day. The developmental NOAEL was 0.05 mg/kg/day based on post-weaning body weight decrement, reduced hindlimb grip strength, and foot splay in F_1 females on post-partum day 35. The dose of 0.05 mg/kg/day was a clear developmental NOAEL in the developmental neurotoxicity study. These results demonstrate the lack of increased sensitivity to developing animals relative to adults because there were no developmental effects even in the presence of maternal ChEI.

ii. *Rabbit*. In a rabbit developmental study with doses of 0, 0.1, 0.25 or 0.5 mg/kg/day, there were no fetal effects. Maternal toxicity was clearly established. The maternal NOAEL was 0.1 mg/kg/day based on body weight changes at 0.25 mg/kg/day.

4. *Subchronic toxicity.* In an oral study, rats were fed aldicarb in their diet for 93 days at dose levels of 0, 0.02, 0.1, or 0.5 mg/kg/day. The no observed adverse effect level (NOAEL) was 0.1 mg/kg/day, and the lowest observed adverse effect level (LOAEL) was 0.5 mg/kg/day. There were no consistent dose-related effects on ChEI except for plasma ChEI in both sexes after 30 days at the highest dose tested. In addition, mortality was increased and food consumption and body weight were decreased at the highest dose level. There were no compound-related effects noted in organs examined. There was no indication in the study as to how soon after feeding the ChE determinations were performed, which could account for sporadic ChEI results in the study.

In an oral study in dogs, animals were fed aldicarb in the diet at dose levels of 0, 0.2, 0.3, or 0.7 mg/kg/day for 100 days. There was no mortality in the study, and growth was comparable within all dose groups. A slight decrease in testes weight and a slight increase in adrenal weight were noted in males in the highest dose tested. Microscopic analyses did not reveal any abnormalities in these tissues. ChE values were unaffected by the presence of aldicarb in the diet. However, the animals were removed from aldicarb exposure for 24 to 48 hours prior to ChE analysis. Since ChEI caused by aldicarb is rapidly reversible, this procedure could well have influenced study results. The NOAEL was 0.3 mg/kg/day.

Another oral dog study was conducted to further investigate the ChEI dose-response curve of aldicarb. During the 5-week study, the dogs were fed diets mixed with aldicarb technical at levels of 0.35, 0.7, and 2 ppm (0.013, 0.023, and 0.069 kg/kg/day in males, and 0.012, 0.025, and 0.067 in females). There was also a control group. There was no mortality or any changes in body weight, food consumption or clinical observation data indicative of a compound effect. Plasma ChEI by more than 20% occurred in high dose males and females.

In a 21-day dermal toxicity study in rats, the effect of TEMIK® 15G (an aldicarb 15% granular product) on plasma, erythrocyte, and brain ChEI was evaluated. The dose levels were 0, 100, 250, and 500 mg/kg/day. Blood samples were taken 1 hour post-dosing on the first and fifth day of each week of the study. For both males and females, there were no effects on daily body weights, absolute and relative brain weights, and food consumption. There were no dose-related clinical signs of toxicity. The NOAEL for plasma ChEI was 100 mg/kg/day, for erythrocyte ChEI was 250 mg/kg/day, and for brain ChEI was at least 500 mg/kg/day.

5. *Chronic toxicity*. Aldicarb has been shown to have no oncogenic potential when administered to rats and mice in lifetime experiments. ChEI is the most sensitive indicator of exposure in chronic studies in rats and dogs. No other clear indicators of toxicity have been demonstrated. A chronic NOAEL of 0.05 mg/kg/day and 0.59 mg/kg/day based on plasma and erythrocyte ChEI has been determined for aldicarb in male and female rats, respectively. A chronic NOAEL of 0.027 mg/kg/day based on plasma ChEI and 0.054 mg/kg/day based on erythrocyte ChEI has been determined for aldicarb in dogs. In addition, there is a chronic NOAEL of 0.54 mg/kg/day for aldicarb sulfone based on plasma and erythrocyte ChEI in dogs.

i. *Rat*. In a 2-year study, rats were fed aldicarb at levels of 0, 1, 10, or 30 ppm in the diet. There were no compound-related effects on survival. The principal treatment-related clinical effect was limited use of the tail in high dose males and females. Body weights and body weight gains were reduced in high dose males and females. Atrophy of the iris also occurred in this dose group. There was no evidence of direct organ toxicity, and no evidence of oncogenic effects. The NOAEL was 0.05 mg/kg/day in males and 0.59 mg/kg/day in females based on plasma and erythrocyte ChEI.

In a National Cancer Institute (NCI) study, rats were fed aldicarb in the diet at concentrations of 0, 2 or 6 ppm. There was no mortality attributed to aldicarb and no effect on body weight was noted. It was concluded that aldicarb was not oncogenic.

In a third rat study, groups of rats were fed aldicarb at dose levels of 0 or 0.3 mg/kg/day. In addition, other groups were fed aldicarb sulfoxide at dose levels of 0, 0.3, or 0.6 mg/kg/day, aldicarb sulfone at dose levels of 0, 0.6, or 0.24 mg/kg/day, or a mixture of aldicarb sulfoxide and aldicarb sulfone at doses of 0, 0.5 or 1.2 mg/kg/day. Neither aldicarb nor its major metabolites was found to be oncogenic. There were slight increases in mortality and slight depressions in growth at certain stages for some of the test materials. ChE activity was measured at 6, 12 and 24 months during the study. Plasma, erythrocyte, and brain ChE activity were examined only at a time 24 hours after animals were removed from test diets; this may have influenced results. No ChEI was noted other than a slight inhibition with respect to plasma ChE.

ii. *Mouse*. There are three mouse oncogenicity studies. The first is an NCI study in which mice were fed 0, 2 or 6 ppm of aldicarb in the diet. It was concluded that aldicarb was not oncogenic. No effects on mortality or body weights were noted.

In a second study, mice were fed aldicarb at doses of 0, 0.1, 0.2, 0.4, or 0.7 mg/kg/day. Mortality was evident in males at the two highest dose levels, and in females at the three highest dose levels during the first few months of the study. Following this period, aldicarb was mixed in the diet in a different manner that appeared to eliminate the acutely toxic effects. Based on the mortality observed in this study, these data are not appropriate for the evaluation of an oncogenic response.

In a third study, conducted in an effort to verify the results of the previous mouse study, mice were fed aldicarb at dose levels of 0, 0.1, 0.3, or 0.7 mg/kg/day. There was no effect on mortality or growth. Inclusion of aldicarb in the diet did not result in an increased incidence of oncogenic response.

iii. *Dog*. In a 1 year study in dogs, groups of beagles were fed dietary concentrations of 0, 1, 2, 5, or 10 ppm daily for 52 weeks. The study was designed to produce maximum ChEI by limiting feeding time to 2 hours per day to mimic a bolus administration of aldicarb. Plasma and erythrocyte ChE activity was measured from blood samples approximately 2 hours after the feeding period. There were no observable effects other than ChEI. The NOAEL for plasma ChEI was 1 ppm or 0.027 mg/kg/day.

In another 1 year feeding study, aldicarb sulfone was administered at dietary concentrations of 0, 5, 25 or 100 ppm. ChE determinations were taken approximately 2 hours after feeding to measure maximum ChEI. No mortality or treatment-related clinical signs were seen. Some slight changes in spleen and thyroid/parathyroid weights were noted. Slight effects in the mandibular lymph nodes and adrenal cortex were observed. The NOAEL based on plasma and erythrocyte ChEI was 25 ppm, equal to 0.54 mg/kg/day.

6. *Animal metabolism*. The mode of biochemical conversion of aldicarb to a variety of metabolites has been evaluated in rats, dogs, dairy cows, goats and hens. The metabolic pathway for aldicarb appears to be the same in all animals studied. In animals, aldicarb is metabolized predominantly via biochemical oxidation, hydrolysis and elimination reactions. Aldicarb is oxidized to aldicarb sulfoxide; then a small portion of aldicarb sulfoxide is oxidized to aldicarb sulfone. Both products further undergo detoxification either through hydrolysis or elimination process to the corresponding oximes and nitriles, respectively. The oximes and nitriles, in turn, slowly degrade into the corresponding aldehydes, acids, and alcohols, none of which are toxicologically relevant.

The presence of aldicarb metabolites in tissues, urine and feces has been examined in several mammalian species following administration of radiolabelled aldicarb under a variety of treatment regimes. Similar results have been found in all species tested, regardless of sex, and under all treatment regimes. When aldicarb is given orally to mammals, it is absorbed readily and excreted rapidly.

When rats were administered single oral doses of radiolabelled aldicarb, most of the aldicarb metabolites were excreted within 24 hours; after 4 days, more than 95% of the administered dose had been excreted and no residues were detected in body tissues by the fifth day. Within the first 24 hours of the study, 80% of the administered dose of aldicarb was eliminated in the urine and 5% in the feces. Aldicarb given orally to rats as a single acute dose was excreted primarily as aldicarb sulfoxide (40%) and the sulfoxide oxime (30%); only trace amounts of aldicarb were found in the urine.

The principal metabolites found in milk following acute administration of aldicarb to cows were aldicarb sulfoxide oxime and nitrile. When dairy cows were given aldicarb for 14 days, however, the major metabolite in the milk was aldicarb sulfone and its nitrile derivative, with little aldicarb sulfoxide present. This suggests that more complete metabolism occurs with continuous dietary exposure to aldicarb. The major urinary metabolites in dogs and in dairy cows were the same as in rats.

In summary, aldicarb ingested by animals is rapidly absorbed and metabolized and is not stored in body tissues. Its metabolites are mostly excreted in the urine within 24 hours, and elimination is complete in about 5 days.

7. *Metabolite toxicology*. There have been a number of acute, subacute, and subchronic studies using aldicarb sulfoxide and aldicarb sulfone, which are the major metabolites of aldicarb, as, discussed in the metabolism section. The sulfoxide metabolite is of similar or lesser toxicity in comparison to aldicarb and the sulfone metabolite is much less toxic than aldicarb. In each case, ChEI is the indicator of exposure.

8. *Endocrine disruption*. The existing aldicarb toxicity data base, including reproduction and developmental toxicity studies, a dominant lethal study, chronic toxicity and oncogenicity studies, and a developmental neurotoxicity study all provide no indication that aldicarb is a potential endocrine disruptor.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Chronic risk*. The toxic effects of aldicarb are limited to rapidly reversible cholinesterase inhibition. EPA determined the chronic RfD is the same as the acute RfD based upon acute exposure symptoms from a study conducted with human volunteers with a NOAEL of 0.01 mg/kg body weight/day. Only acute risk is considered for dietary exposure. This NOAEL was established primarily on the basis of plasma cholinesterase inhibition. Although EPA also cites sweaty palms and red blood cells (RBC) inhibition at this dose, Aventis does not believe that these effects were statistically significant at this dose. Since review of this human study, EPA has revised their policy on endpoint selection for cholinesterase inhibition. According to current policy, inhibition of RBC cholinesterase is the appropriate toxicological endpoint. The European Union currently regulates aldicarb on the basis of RBC cholinesterase inhibition in this human study. Based on RBC cholinesterase inhibition, they have concluded that 0.025 mg/kg/day is the appropriate regulatory endpoint for the aldicarb human study. For purposes of this petition, the acute dietary risk assessment has been based on a RfD of 0.001 mg/kg/day as recommended by EPA in a 1998 and 1999 HIARC report.

The remainder of this notice will reference this EPA established RfD. However, as current EPA policy states, the correct RfD for aldicarb should be 0.0025 mg/kg/day based on RBC cholinesterase inhibition in the human study.

ii. *Acute risk*. Based upon all available data, EPA has established a reference dose (RfD) of 0.001 mg/kg/day using a 10 fold safety factor to account for intraspecies differences and a NOAEL of 0.01 mg/kg body weight/day based upon a human subject study. In September 1998, the EPA FQPA Safety Factor Committee recommended an additional 3X margin of safety be applied for all populations containing infants and children based solely upon an unpublished study. Aventis CropScience and independent reviewers have determined that the conduct of the study and related studies were seriously flawed; therefore, Aventis contends that

the additional 3X is inappropriate. An acute dietary risk assessment was prepared. The assessment included residue trial and monitoring data from treated fields, including individual commodity item residue data, from established and proposed uses of aldicarb, including bananas and citrus. USDA's 1989–91 Continuing Survey of Food Intake by Individuals (CSFII) consumption data, actual and anticipated market share, processing factors, and the 8-hour cholinesterase reversibility approach. The assessment assumes that the duration of exposure is 8 hours. However, data from the aldicarb human study confirm that at doses comparable to expected exposure levels, cholinesterase inhibition is reversed much faster thus shortening the actual exposure period. Thus 8 hours is a conservative assumption for the analysis. In previous assessments, children 1 to 6 years of age had the highest theoretical exposure; therefore, the analyses were conducted for children 1–6 years. The estimate of the 99.9th percentile of the per-capita 8–hour exposure distribution to aldicarb in food from all current and proposed uses for children 1–6 years old, is 0.000191 mg/kg body weight or 19.1% of the RfD.

iii. *Food*. The conservatively estimated exposure to aldicarb from use on bananas for children 1–6 years old is 0.000016 mg/kg body weight or 1.6% of the RfD. Including the entire citrus crop group in the risk assessment increased exposure estimates by less than 0.5%. While this analysis confirms the acceptability of the establishment of the proposed tolerances for the citrus crop group and bananas, Aventis is currently developing further state-of-the-art refinements to the acute dietary risk assessment.

iv. *Drinking water*. There currently are no known drinking water wells with aldicarb residues above guideline outside of Long Island, NY (NY guideline of 7 ppb); wells with residues above guideline on Long Island are fitted with maintained filters that mitigate exposure. The absence of contamination to drinking water in current use areas is attributable to label use restrictions that regulate use of the product based upon vulnerable soils and mandated minimum setbacks from drinking water wells. The potential for aldicarb to contaminate surface water is low since the product is soil incorporated. The proposed citrus hybrid and banana import tolerance uses are not expected to increase dietary risk from drinking water. For purposes of determining aggregate exposure from drinking water, a conservative assessment for all current and proposed uses was conducted. The assessment utilized data from sampled wells and conservatively assumed that those wells represent all private rural wells in regions where aldicarb is used, when in fact the monitoring program only obtained samples from susceptible areas. In addition, the assessment assumed that all private wells in states where aldicarb could be used are expected to contain aldicarb residues, and used a national estimate of the proportion of the population drinking from private wells, rather than state-specific proportions. This approach potentially overestimates the proportion of private wells that could contain aldicarb and conservatively omits consideration of the label use restrictions. Water consumption data for children 1 to 6 years old from USDA's 1989–91 CSFII were used in the assessment. The data refer to 24-hour intervals and represent all tap water and non-food based water consumption. This approach results in a conservative estimate of the potential exposure to aldicarb in water since cholinesterase inhibition from aldicarb exposure is rapidly reversible (8 hours or less). In previous assessments, children 1 to 6 years of age had the highest theoretical exposure, therefore the analyses were conducted for children 1–6 years. The estimate of the 99.9th percentile of the per capita 24-hour exposure distribution to aldicarb in water for that subpopulation is 0.000120 mg/kg body weight or 12.0% of the RfD. (It should be noted that the calculated exposures for food and drinking water cannot be added since the calculations for food are based upon 8–hour consumption data and the water calculations are based upon consumption data for a 24–hour period.) For obvious reasons, an import tolerance for the use of aldicarb on bananas will not contribute to increased exposure in drinking water in the U.S. Since the planned banana use is not soil applied, minimal risk to ground water exists in banana growing areas as well.

2. *Non-dietary exposure*. There are no residential, non-dietary uses for aldicarb.

D. Cumulative Effects

An aggregate assessment based upon common mechanisms of toxicity has not been conducted for aldicarb since EPA policies and consensus scientific methodology have not been established to conduct a cumulative assessment. Aldicarb, a carbamate, is a rapidly reversible cholinesterase inhibitor and therefore generally shares a common mechanism of toxicity with other carbamates; however, for aldicarb's food crop uses, the application of aldicarb generally precludes the use of other carbamates and therefore minimizes the potential for multiple carbamate residues to include aldicarb. At planting, and uses of aldicarb also replace the use of organophosphates at planting reduce the number of foliar applications of those products and as well as other carbamates. Since no residues result from the application of aldicarb to bananas with the Banana In-Plant System®, cumulative exposure with products sharing a common mechanism of toxicity is not a concern for that use.

E. Safety Determination

1. *U.S. population*. Aggregate acute dietary exposure assessments previously demonstrated that there is a reasonable certainty that no harm will occur to the U.S. population from aggregate exposure (food and drinking water) to aldicarb from current and pending uses.

2. *Infants and children*. Based upon all available data, EPA has established a reference dose (RfD) of 0.001 mg/kg/day using a 10 fold safety factor to account for intraspecies differences and a NOAEL of 0.01 mg/kg body weight/day based upon a study conducted with human volunteers. In September 1998, the EPA FQPA Safety Factor Committee recommended an additional 3X margin of safety be applied for all populations containing infants and children based solely upon an unpublished study. Aventis CropScience and independent reviewers have determined that the conduct of the study and related studies were seriously flawed; therefore Aventis contends that the additional 3X is inappropriate. In previous assessments, children 1 to 6 years of age had the highest theoretical exposure, therefore the analyses were conducted for children 1–6 years. The estimate of the 99.9th percentile of the per-capita 8-hour exposure distribution to aldicarb in food from all current and proposed uses, including citrus and banana, for children 1–6 years old, is 0.000191 mg/kg body weight or 19.1% of the RfD. The conservatively estimated exposure to aldicarb from use on bananas for children 1–6 years old is 0.000016 mg/kg body weight or 1.6% of the RfD. Including the entire citrus crop group in the risk assessment increased exposure estimates by less than 0.5%. The estimate of the 99.9th percentile of the per-capita 24-hour exposure distribution to aldicarb in water for children 1 to 6 years of age is 0.000120 mg/kg body weight or 12.0% of the RfD. Considering that the proposed import tolerance for the use of aldicarb on bananas is for use outside the U.S. and that the unique

application method for the use does not expose the product to the soil in the locations of use, the proposed use on bananas will not contribute to exposure in drinking water. There are no residential, non-dietary uses for aldicarb. Based on the above conservative estimates, Aventis CropScience does not expect the aggregate exposure to aldicarb for children ages 1 to 6 (the population subgroup with the highest theoretical exposure) to exceed one third of the RfD. Therefore, Aventis CropScience concludes that no harm will result to infants and children from aggregate exposure to aldicarb residues.

F. International Tolerances

Codex maximum residue levels are established for residues of aldicarb on barley, barley straw and fodder (dry), beans, Brussels sprouts, citrus fruits, coffee bean, cotton seed, cotton seed oil (edible), grape, maize, maize fodder, maize forage, meat, milk, onion (bulb), peanut, peanut oil (edible), pecan, potato, sorghum, sorghum straw and fodder (dry), soya bean (dry), sugar beet, sugar beet leaves or tops, sugarcane, sunflower seed, sweet potato, wheat, wheat straw and fodder (dry).

[FR Doc. 01–9489 Filed 4–16–01 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 6, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 18, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0360.

Title: Section 80.409(c) Public coast station logs.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit, individuals or households, non-profit institutions, state and local governments.

Number of Respondents: 316.

Estimated Time Per Response: 95 hour.

Total Annual Burden: 30,020 hours.

Total Annual Cost: 0.

Needs and Uses: The recordkeeping requirement contained in this rule section is necessary to document the operation and public correspondence service of public coast radio telegraph, public coast radiotelephone stations and Alaska-public fixed stations, including the logging of distress and safety calls where applicable. A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. If the information were not collected, documentation concerning the above stations would not be available.

OMB Approval Number: 3060–0364.

Title: Section 80.409(d) and (e) Ship radiotelegraph logs, Ship radiotelephone logs.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit, state, local or tribal government, not-for-profit institutions.

Number of Respondents: 10,950.

Estimated Time Per Response: 47.3 hours per response.

Total Annual Burden: 517,935 hours.

Needs and Uses: The recordkeeping requirement contained in these rule sections is necessary to document that compulsory radio equipped vessels and high seas vessels maintain listening watches and logs as required by statutes and treaties (including treaty requirements contained in appendix 11 of the international Radio Regulations, chapter IV, Regulation 19 of the International Convention for the Safety of Life at Sea, the Bridge-to-Bridge Radio telephone Act, the Great Lakes Agreement, and the Communications Act of 1934, as amended.) A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. If the information were not collected, documentation concerning station operations would not be available and treaty requirements would not be complied with.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9444 Filed 4–16–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 6, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's

burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 18, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1 A–804, 445 Twelfth Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0228.

Title: Section 80.59 Compulsory ship station.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit, individuals or households, non-profit institutions, state and local governments.

Number of Respondents: 200.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 400 hours.

Total Annual Cost: 0.

Needs and Uses: The requirement contained in this rule section is necessary to implement the provisions of section 362(b) of the Communications Act of 1934, as amended, which permits the Commission to waive the required annual inspection of certain oceangoing ships for up to 30 days beyond the expiration date of a vessel's radio safety certificate, upon a finding that the public interest would be served. The information is used by the Engineer in Charge of FCC Field Offices to determine the eligibility of a vessel for a waiver of the required annual radio station inspection.

OMB Approval Number: 3060–0265.

Title: Section 80.868 Card of instructions.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit, state, local or tribal government, not-for-profit institutions.

Number of Respondents: 3,000.

Estimated Time Per Response: .1 hours per response.

Total Annual Burden: 300 hours.

Needs and Uses: The recordkeeping requirement contained in this rule section is necessary to insure that radiotelephone distress procedures are readily available to the radio operator on board certain vessels (300–1600 gross tons) required by the Communications Act of 1934, as amended, or the International Convention for Safety of Life at Sea to be equipped with a radiotelephone station. The information is used by a vessel radio operator during an emergency situation, and is designed to assist the radio operator to utilize proper distress procedures during a time when he or she may be subject to considerable stress or confusion.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9445 Filed 4–16–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 10, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 17, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0850.

Title: Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator and General Mobile Radio Services.

Form No.: FCC Form 605.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, state, local or tribal government.

Number of Respondents: 170,000.

Estimated Time Per Response: .44 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 74,800 hours.

Total Annual Cost: $2,465,000.

Needs and Uses: FCC Form 605 is a multi-purpose form used to apply for an authorization to operate radio stations, amend pending applications, modify existing licenses, renew or renew/modify existing licenses, request cancellation of a license, withdraw a pending application, request a duplicate license or request an administrative update of an existing license (i.e., name change without change to corporate structure or control, change mailing address, change name of vessel, etc. in various services).

The information is used by the Commission to determine whether the applicant is legally, technically, and financially qualified to be licensed. It will also be used to update the database and provide for the proper use of the frequency spectrum, as well as for enforcement purposes.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9467 Filed 4–16–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 11, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 18, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0626.

Title: Regulatory Treatment of Mobile Services.

Form No.: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit.

Number of Respondents: 100 respondents; 540 responses.

Estimated Time Per Response: 0.5–2 hours.

Frequency of Response: Record-keeping requirement and on occasion reporting requirement.

Total Annual Burden: 5,825 hours.

Total Hour Burden: Not Applicable.

Needs and Uses: Rules reflect changes made to technical, operational and licensing rules for common carriers and private mobile radio services that were necessary to implement Sections 3(n) and 332 of the Act.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9468 Filed 4–16–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 94–102; DA 01–886]

Request for Clarification or Declaratory Ruling Concerning PSAP Requests for Phase II Enhanced 911, Comments Invited

AGENCY: Federal Communications Commission.

ACTION: Solicitation of comments.

SUMMARY: The Federal Communications Commission seeks comment on a petition filed April 5, 2001, by the City of Richardson, Texas (Richardson), in CC Docket No. 94–102, seeking clarification and/or a declaratory ruling concerning the process by which a Public Safety Answering Point (PSAP) requests Phase II enhanced 911 (E911) service from a wireless carrier. Specifically, Richardson seeks confirmation that a PSAP makes a valid request for Phase II E911 service by informing the carrier that the necessary equipment upgrades for Phase II service will be finalized prior to the delivery of the service by the carrier and by having an adequate cost recovery mechanism in place to bring its equipment to the level necessary to receive Phase II data. Richardson asserts that a carrier receiving such a request is required to deliver Phase II service within six months after receiving such a request or by October 1, 2001, whichever is later, so that the service is available to the PSAP when its equipment upgrades are completed. Parties interested in filing comments on Richardson's petition may do so on or before April 23, 2001. Reply Comments are due on or before May 3, 2001. All comments shall reference the docket number of this proceeding (CC Docket No. 94–102). Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.hmtl.* In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the docket number of this proceeding. Parties who choose to file by paper must file an original and four copies of each filing with the Commission's Secretary (Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554) and a diskette copy to the Commission's copy contractor (International Transcription Service, Inc., CY–B400, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554). In addition, parties should submit one copy to Wendy Austrie, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, same address. Filings and comments are available for inspection and copying in the Reference Information Center in Room CY–A257 at the Commission, or may be purchased from the International Transcription Service, Inc.

DATES: Comments are due on or before April 23, 2001, and reply comments are due on or before May 3, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Wendy Austrie, 202–418–1310.

Federal Communications Commission.

Janet Sievert,

Acting Chief, Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 01–9469 Filed 4–16–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting, Thursday, April 19, 2001

April 12, 2001.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 19, 2001, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, S.W., Washington, D.C.

Item No., Bureau, and Subject

1—Common Carrier—Title: Developing a Unified Intercarrier Compensation Regime. Summary: The Commission will consider a Notice of Proposed Rulemaking to explore ways of reforming existing intercarrier rules.

2—Mass Media—Title: Amendment of Section 73.658(g) of the Commission's Rules—The Dual Network Rule (MM Docket No. 00–108). Summary: The Commission will consider a Report and Order resolving the issues raised in the Notice of Proposed Rule Making.

3—Mass Media—Title: Status of the Digital Television Transition. Summary: The Commission will hear a presentation on the status of the transition from analog to digital television (DTV) broadcasting and the various actions and proceedings associated with the transition.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its_inc@ix.netcom. Their Internet address is http://www.itsdocs.com/.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.ferc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9630 Filed 4–13–01; 2:17 pm]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1363–DR]

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

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas, (FEMA–1363–DR), dated March 13, 2001, and related determinations.

EFFECTIVE DATE: April 4, 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 declaration 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 March 13, 2001:

Cleveland, Conway, Craighead, Dallas, Lafayette, Newton, Ouachita, and Polk 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. 01–9449 Filed 4–16–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1363–DR]

Arkansas; 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 declaration for the State of Arkansas, (FEMA–1363–DR), dated March 13, 2001, and related determinations.

EFFECTIVE DATE: April 9, 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 declaration for the State of Arkansas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 13, 2001:

Little River County 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. 01–9450 Filed 4–16–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3165–EM]

Massachusetts; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Commonwealth of Massachusetts (FEMA–3165-EM), dated March 28, 2001, and related determinations.

EFFECTIVE DATE: March 28, 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 March 28, 2001, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the emergency conditions in certain areas of Massachusetts, resulting from record/near record snow on

March 5–7, 2001, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (the Stafford Act). I, therefore, declare that such an emergency exists in the Commonwealth of Massachusetts.

You are authorized to provide emergency protective measures (Category B) under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for subgrantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

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.

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 David Rodham of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the Commonwealth of Massachusetts to have been affected adversely by this declared emergency:

Berkshire, Essex, Franklin, Hampshire, Middlesex, Norfolk, and Worcester Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–9451 Filed 4–16–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3166–EM]

New Hampshire; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New Hampshire (FEMA–3166-EM), dated March 28, 2001, and related determinations.

EFFECTIVE DATE: March 28, 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 March 28, 2001, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, as follows:

I have determined that the emergency conditions in certain areas of New Hampshire, resulting from record/near record snow on March 5–7, 2001, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121 (the Stafford Act). I, therefore, declare that such an emergency exists in the State of New Hampshire.

You are authorized to provide emergency protective measures (Category B) under the Public Assistance program to save lives, protect public health and safety, and property. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for subgrantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

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.

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 David Rodham of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New Hampshire to have been affected adversely by this declared emergency:

Cheshire, Coos, Grafton, Hillsborough, Merrimack, Rockingham, and Strafford Counties for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours.

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–9452 Filed 4–16–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Partially Open Meeting, Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of partially open meeting.

SUMMARY: In accordance with section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of Meeting: June 14–16, 2001.

Place: Building J, Room 103, National Emergency Training Center, Emmitsburg, Maryland.

Time: June 14, 2001, 8:30 a.m.–10:30 a.m. (Closed Meeting), June 14, 2001, 10:30 a.m.–5 p.m. (Open Meeting), June 15, 2001, 8:30 a.m.–9 p.m. (Open Meeting), June 16, 2001, 8:30 a.m.–12 noon (Open Meeting).

Proposed agenda: June 14, (Closed Meeting from 8:30 a.m. to 10:30 a.m., to review budget and procurement information.) June 14–16, Review National Fire Academy Program Activities and Prepare Fiscal Year 2001 Annual Report.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public (except as noted above) with seating available on a first-come, first-served basis. Members of the general public

who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1117, on or before June 8, 2001.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the Chief Operating Officer, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

Dated: April 12, 2001.

Kenneth O. Burris, Jr.,

Acting U.S. Fire Administrator.

[FR Doc. 01–9448 Filed 4–16–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 11, 2001.

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

1. FGB Bankshares, Inc., Hammond, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of First Guaranty Bank, Hammond, Louisiana.

2. Georgia Banking Company, Inc., Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Georgia Banking Company, Atlanta, Georgia (in organization).

In connection with this application, Applicant also has applied to acquire GBC Funding, Inc., Atlanta, Georgia, and thereby engage in making, acquiring, brokering, or servicing loans or other extensions of credit, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, April 11, 2001

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–9416 Filed 4–16–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, April 23, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 13, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–9607 Filed 4–13–01; 1:10 pm]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. R–1101]

Privacy Act of 1974; Notice of New System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the Privacy Act, the Board of Governors of the Federal Reserve System (Board) is publishing notice of one new system of records, entitled Protective Information System (BGFRS–31). We invite public comment on this new system of records.

DATES: Comment must be received on or before May 17, 2001.

ADDRESSES: Comments, which should refer to Docket No. R–1101, may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551 or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. weekdays and to the security control room outside of those hours. The mail room and the security control room are accessible from the Eccles Building courtyard entrance, located on 20th Street between Constitution Avenue and C Street, NW. Comments may be inspected in Room MP–500 between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Managing Senior Counsel, Legal Division (202/452–2418), Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board's Protective Services Unit (PSU) was established to provide security for the Chairman and other members of the Board of Governors. To facilitate security procedures, the PSU intends to install a software program that was developed for law enforcement entities to monitor activities of individuals under investigation. In the short run, the PSU plans to use this system to monitor the correspondence and/or activities of

individuals that are perceived to present a possible threat to the safety of Board members. At some time in the future, the PSU may expand protection coverage to other senior officials in the Federal Reserve System. Inclusion of individuals in this system will result primarily from correspondence received from such individuals. Information may also be received from law enforcement agencies that have received an indication of a potential threat to members of the Board. The software that is being acquired for this system will allow the PSU to sort files by a variety of subjects, including such things as names, aliases, addresses, zip codes, etc. This will permit the PSU to obtain a better understanding of the threat, if any, that is presented by an individual or group of individuals. Because the data base will contain information concerning an individual that is identified by the name of that individual, it is a ''system of records'' under the Privacy Act, and a notice must be published in the **Federal Register**.

In accordance with 5 U.S.C. 552a(r), a report of this new system of records is being filed with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Office of Management and Budget. This new system of records will become effective on May 21, 2001, without further notice, unless the Board publishes a notice to the contrary in the **Federal Register**.

BGFRS–31

SYSTEM NAME:

Protective Information System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, DC 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who are the subject of protective and background investigations by the Board's Protective Services Unit and/or law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Protective Services Unit, indicates a need for such investigations;

(b) Individuals who are the subject of investigative records and reports supplied to the Board's Protective Services Unit by Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, or private institutions and individuals; and

(c) Individuals who have attempted or solicited unauthorized entry into areas secured by the Board's Protective Services Unit; individuals who have sought unauthorized contact with persons protected by the Protective Services Unit; or individuals who have been involved in incidents or events which relate to the protective functions of the Protective Services Unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information supplied by Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, private institutions and persons concerning individuals who, because of their current activities, background, prior activities and/or behavior, may be of interest to the Board's Protective Services Unit;

(b) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Board's Protective Services Unit; and

(c) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance or service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Board's Protective Services Unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 USC 244 and 248(l).

PURPOSE(S):

These records are collected and maintained to assist the Board in providing a safe and secure environment for the Chairman, Board members and other Federal Reserve System staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Disclosure to the Department of Justice and other Federal, state, and local governmental agencies having a prosecutive function for the use by attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Protective Services Unit functions.

b. Disclosure to personnel of Federal, state and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the Board's Protective Services Unit in the performance of its protective functions.

c. Disclosure to personnel of Federal, state, and local governmental agencies, foreign or domestic, where such disclosures are considered reasonably necessary for the purpose of furthering efforts to investigate the activities of those persons considered to be of protective interest.

d. Disclosure to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign or domestic, where there is a showing of a reasonable need to accomplish a valid law enforcement purpose.

e. Disclosure to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Protective Service Unit efforts to evaluate the danger such individuals pose to persons protected by that Unit.

f. Records indicating a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

g. Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statue or particular program statue, or by regulation, rule or order issued pursuant thereto.

h. Disclosures and/or responses to Federal, state or local agencies maintaining civil, criminal or other relevant law enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency

decision concerning the hiring or retention of an employee, the issuance of a security clearance, the issuance of a contract, grant or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. By the National Archives and Records Administration in connection with records management inspections and its role as Archivist.

j. To disclose to contractors, grantees or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Board.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic format.

RETRIEVABILITY:

Electronically-stored information may be retrieved based on name, address, telephone numbers, and other identifying information.

SAFEGUARDS:

Only employees in the Protective Services Unit will be able to access the information, and only a limited number of those employees will be authorized to enter data into the automated system.

RETENTION AND DISPOSAL:

All judicial case records are retained for a period of 30 years. All other protective intelligence case records, including protective surveys and non-judicial protective intelligence cases are routinely retained for a period of five years.

SYSTEM MANAGER(S) AND ADDRESS:

Robert Agnew, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, DC 20551.

NOTIFICATION PROCEDURE:

Inquiries should be sent to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, DC 20551. The request should contain the individual's name, date of birth, Social Security number, identification number (if known), approximate date of record, and type of position.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

This information is exempt pursuant to 5 U.S.C. 552a(k)(2).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

By order of the Board of Governors of the Federal Reserve System, April 11, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9433 Filed 4–16–01; 8:45 am]

BILLING CODE 6210–01–P

GENERAL ACCOUNTING OFFICE

Commercial Activities Panel

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Section 832 of the National Defense Authorization Act for Fiscal Year 2001 requires the Comptroller General of the United States to convene a panel of experts to study the transfer of commercial activities currently performed by government employees to federal contractors, a procedure commonly known as ''contracting out'' or ''outsourcing.'' Selection of panel members has been completed and this notice announces the composition of the panel. The authorization act requires the Comptroller General to submit the panel's report to Congress by May 1, 2002.

FOR FURTHER INFORMATION CONTACT: William T. Woods, Project Director, (202) 512–8214; E-mail: *woodsw@gao.gov*.

SUPPLEMENTARY INFORMATION: Section 832 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106–398, Oct. 30, 2000, directs the Comptroller General of the United States to convene a panel of experts to study the policies and procedures governing the transfer of commercial activities for the federal government from government personnel to a federal contractor. The panel's study is to include a review of: (1) Procedures for determining whether functions should continue to be performed by government personnel; (2) procedures for comparing the costs of performing functions by government personnel with the costs of performing those functions by federal contractors; (3) implementation by the Department of Defense of the Federal Activities Inventory Reform Act of 1998 (Pub. L. 105–270, 112 Stat. 2382, 31 U.S.C. 501 note); and (4) procedures of the Department of Defense for public-private competitions under Office of Management and Budget Circular A–76. By May 1, 2002, the Comptroller General must submit to Congress a report of the panel on the results of the study, including recommended changes with regard to implementing policies and enactment of legislation.

The Act requires the Comptroller General or a person within GAO designated by him to serve as the panel's chairman. The Comptroller General must appoint highly qualified and knowledgeable persons to serve on the panel and must ensure that the following entities receive fair representation on the panel: (1) The Department of Defense, (2) persons in private industry, (3) federal labor organizations, and (4) the Office of Management and Budget.

During the initial stages of forming a panel to conduct this study, the General Accounting Office issued a **Federal Register** notice on December 1, 2000, 65 FR 75288, inviting the public to submit suggestions on the composition of the panel. In this notice, GAO invited interested parties to submit suggestions on who should serve on the panel, specific agencies and organizations that should be represented, and the qualifications of panel members. In response to the notice, the GAO received a variety of comments on the composition of the panel, as well as numerous nominations of individuals to serve on the panel. Specifically, the GAO received nominations of 44 individuals, including representatives from the private sector, federal labor organizations, industry groups, research organizations, interest groups, and contractors. The Comptroller General considered all of the comments and nominations and has appointed the following individuals to serve on the Commercial Activities Panel:

- David M. Walker, Chairman, Comptroller General of the United States
- Dr. Frank A. Camm, Senior Economist, RAND
- Mark Filteau, President, Johnson Controls World Services
- Stephen Goldsmith, former Mayor of Indianapolis, Indiana
- Bobby L. Harnage Sr., National President, American Federation of Government Employees
- Colleen M. Kelley, National President, National Treasury Employees Union

- Sean O'Keefe, Deputy Director, Office of Management and Budget
- Senator David Pryor (retired), Director, Institute of Politics, Harvard University
- Stan Z. Soloway, President, Professional Services Council
- Robert M. Tobias, Distinguished Adjunct Professor, and Director of the Institute for the Study of Public Policy Implementation, American University
- Director, Office of Personnel Management
- Department of Defense representative (to be designated at a later date)

During the course of its work, the panel will hold several public hearings. Interested parties are encouraged to attend these hearings to provide their perspective on outsourcing issues. The schedules for these hearings will be announced in a later **Federal Register** notice. In addition, the GAO issued a notice on March 23, 2001, 66 FR 16245, seeking submission of comments identifying significant sourcing issues, as well as references to or copies of written materials related to these issues. Although it would be most useful to receive responses by May 7, 2001, comments received at any time will be considered.

Dated: April 12, 2001.

David M. Walker,

Comptroller General of the United States.

[FR Doc. 01–9509 Filed 4–16–01; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–30]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Gonococcal Isolate Surveillance Project (GISP) (0920–0307)—Extension—The National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC) proposes to continue data collection for the Gonococcal Isolate Surveillance Project (OMB No. 0920–0307). This request is a three-year extension of clearance.

The purposes of the Gonococcal Isolate Surveillance Project (GISP) are (1) to monitor trends in antimicrobial susceptibility of strains of *Neisseria gonorrhoeae* in the United States and (2) to characterize resistant isolates. GISP provides critical surveillance for antimicrobial resistance, allowing for informed treatment recommendations. GISP was begun in 1986 as a voluntary surveillance project and now involves five regional laboratories and 26 publicly funded sexually transmitted disease (STD) clinics around the country. The STD clinics submit up to 25 gonococcal isolates per month to the regional laboratories, which measure susceptibility to a panel of antibiotics. Limited demographic and clinical information corresponding to the isolates are submitted directly by the clinics to CDC.

Data gathered through GISP are used to alert the public health community to changes in antimicrobial resistance in *Neisseria gonorrhoeae* which may impact treatment choices, and to guide recommendations made in CDC's STD Treatment Guidelines, which are published periodically.

Under the GISP protocol, clinics are asked to provide 25 isolates per month. However, due to low volume at some sites, clinics submit an average of 17 isolates per clinic per month, providing an average of 88 isolates per laboratory per month. The estimated time for clinic personnel to abstract data is 11 minutes per response. Based on previous laboratory experience in analyzing gonococcal isolates, we estimate 88 gonococcal isolates per laboratory each month. The estimated burden for each participating laboratory is one hour per response. Averaged over 88 isolates per laboratory per month, the estimated time for recording control strain data is 0.34 minutes per response. There is no cost to respondents.

Respondents	No. of respondents	No. of respondents/response	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Laboratory	5	1,056 (12×88)	1.006	5,312
Clinic	26	204 (12×17)	11/60	972
Total	31			6,284

Dated: April 11, 2001.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9453 Filed 4–16–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Tribal TANF (Temporary Assistance to Needy Families) Experience: Problems, Solutions, and Lessons Learned.

OMB Number: New collection.

Description: The proposed research has four objectives: (1) To develop national-level research-based information on tribal TANF that is responsive to the needs of the tribal governments in making decisions on initiating their own TANF programs, as well as the needs of policymakers at federal, state, and local levels; (2) to develop objective performance measures for tribal TANF programs; (3) to develop a decision-support system to help tribal officials assess the advantages, disadvantages, risks and opportunities associated with operating a TANF program; and (4) to develop a tribal TANF Handbook that incorporates the experiences, best practices, and lessons learned.

Support Services International, Incorporated (SSI), an Indian-owned consulting firm, shall develop the data collection instruments and conduct the study. Data will be collected through (1) telephone surveys with staff at all current tribal TANF programs (a total of 27), a sample of 10 non-TANF tribes, and relevant officials in 20 states; (2) in-depth interviews with program staff on site visits to 9 tribes (7 TANF tribes and 2 non-TANF tribes); and (3) focus groups of 6–9 TANF recipients at each of the 7 tribal TANF sites visited. Four respondents at each site will be included in the telephone survey, and four in each in-dept on-site interview. The non-TANF tribes included in the research samples are from a group of tribes that have considered the option of developing and operating their own tribal-specific TANF programs; but have declined to do so.

Respondents: Individuals.

Annual Burden Estimates:

Data collection instrument	Estimated number of respondents	Responses per respondent	Average burden hour per interview*	Total burden hrs
Telephone Interview Guide	228	1	0.50 hr (30 minutes)	114 hr (6840 min)
Personal Interview Guide	36	1	1.0 hr (60 minutes)	36 hr (2160 min)
Focus Group Notes	53	1	0.8 (50 minutes)	44 hr (2650 min)
Estimated Total Annual Burden Hours				194 Hours

There are no Capital Costs, Operating Costs and/or Maintenance Costs to report for this information collection.

Additional Information: You are invited to submit written comments or suggestions on one or more of the following points: (a) Whether the information collection activity 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.

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comments

The Office of Management and Budget (OMB) is required to make a decision concerning this information collection between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its best effect if OMB receives it within 30 days of this publication. Written comments and recommendations for the proposed information collection should be sent directly to the following address: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: April 11, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–9402 Filed 4–16–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1033]

Agency Information Collection Activities; Announcement of OMB Approval; Information Program on Clinical Trials for Serious and Life-Threatening Diseases; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice, correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of March 23, 2001 (66 FR 16251). The document announced that a collection of information entitled ''Information Program on Clinical Trials for Serious and Life-Threatening Diseases'' had been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The document was

published with an inadvertent error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In FR Doc. 01–7244, appearing on page 16251 in the **Federal Register** of Friday, March 23, 2001, the following correction is made:

On page 16251, in the first column, under **SUPPLEMENTARY INFORMATION**, the OMB control number ''0910–0116'' is corrected to read ''0910–0459''.

Dated: April 11, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–9458 Filed 4–16–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

The Fourth Annual Educational Workshop—Current Topics in Regulatory Affairs; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of March 28, 2001 (65 FR 16949). The notice announced the Fourth Annual Educational Workshop intended to give the drugs, devices, and biologics industries an opportunity to interact with FDA's reviewers and compliance officers from FDA's centers and district offices. The notice was published with an inadvertent error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Ramlah Oma, Food and Drug Administration, 19900 MacArthur Blvd., suite 300, Irvine, CA 92612, 949–798–7611.

SUPPLEMENTARY INFORMATION: In FR Doc. 01–7565, appearing on page 16949 in the **Federal Register** of Wednesday, March 28, 2001, the following correction is made:

1. On page 16949, in the second column, the ''*Transcripts*'' portion of the notice is removed.

Dated: April 11, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–9457 Filed 4–16–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–339]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare Provider Cost Report Reimbursement Questionnaire and Supporting Regulations in 42 CFR 413.20, 413.24, 415.50, 415.55, 415.60, 415.70, 415.150, 415.152, 415.160, and 415.162; *Form No.:* HCFA–339 (OMB# 0938–0301); *Use:* The Medicare Provider Cost Report Reimbursement Questionnaire must be completed by all providers to assist in preparing an acceptable cost report, to ensure proper Medicare reimbursement, and to minimize subsequent contact between the provider and its fiscal intermediary. It is designed to answer pertinent questions about key reimbursement concepts found in the cost report and to gather information necessary to support certain financial and statistical entries on the cost report. In addition, it provides an audit trail for the fiscal intermediary.; Frequency: Annually; Affected Public: Business or other for-profit, not-for-profit institutions, and State, local and tribal government; *Number of Respondents:* 33,144; *Total Annual Responses:* 33,144; *Total Annual Hours:* 1,342,332.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, HCFA–339, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 4, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9436 Filed 4–16–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–25]

Notice of Submission of Proposed Information Collection to OMB; Contract and Subcontract Activity

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 17, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0088) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of

Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Contract and Subcontract Activity.

OMB Approval Number: 2577–0088.

Form Numbers: HUD–2516.

Description of the Need for the Information and its Proposed Use: Executive orders have established the Department's responsibility for collecting data from Minority Businesses participating in HUD programs. Public and Indian Housing data collection is vital to program monitoring. The affected public includes Housing Agencies, contractors, and minority businesses.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting burden	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
	3,596		1		1		3,596

Total Estimated Burden House: 3,596.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 10, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–9406 Filed 4–16–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–26]

Notice of Submission of Proposed Information Collection to OMB; Consolidated Public Housing Certificate of Completion

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 17, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0021) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Consolidated Public Housing Certificate of Completion.

OMB Approval Number: 2577–0021.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: Public Housing Agencies (PHAs) are required to certify to HUD that contract requirements and standards have been satisfied in a specific project development and that HUD may authorize payment of funds due the contractor/developer.

Respondents: State, Local or Tribal Government, Business or other for-profit.

Frequency of Submission: On occasion.

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Reporting Burden	147		1		1		147

Total Estimated Burden Hours: 147.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 10, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–9426 Filed 4–16–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the El Sobrante Landfill Expansion Project in an Unincorporated Area of Riverside County, California.

AGENCY: Fish and Wildlife Service.

ACTION: Notice of Availability and Receipt of Application.

SUMMARY: USA Waste (Applicant) has applied to the Fish and Wildlife Service for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service proposes to issue an 80-year permit to the Applicant that would authorize take of the coastal California gnatcatcher (*Polioptila californica californica*), Stephens' Kangaroo Rat (*Dipodomys stephensi*), and 27 additional unlisted species incidental to otherwise lawful activities. Such take would occur during the construction of new phases of the El Sobrante Landfill, including landfill excavation and site preparation, operations, facilities, maintenance activities, fire management, and post-closure landfill activities. Project construction would be performed by the Applicant during the phased expansion and 30-year post-closure period of the landfill. This project would temporarily remove 450 acres of occupied Riversidean sage scrub habitat for the coastal California gnatcatcher and other sage scrub dependent covered species, and permanently remove 41 acres of occupied grassland habitat for the Stephens' kangaroo rat and other grassland dependent covered species. In addition, 3 acres of juniper woodland scrub would be permanently removed, and 5 acres of riparian habitat would be temporarily impacted.

We request comments from the public on the permit application and Environmental Assessment, which are available for review. The permit application includes the proposed Habitat Conservation Plan (HCP) and an accompanying Implementing Agreement (legal contract). The HCP describes the proposed project and the measures that the Applicant would undertake to minimize and mitigate take of the covered species.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

DATES: Written comments should be received on or before June 18, 2001.

ADDRESSES: Written comments should be addressed to Mr. Jim Bartel, Assistant Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may also be sent by facsimile to (760) 930–0846.

FOR FURTHER INFORMATION CONTACT: Daniel Brown, Fish and Wildlife Biologist, at the above address or call (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of these documents for review by contacting the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

Background

Section 9 of the Endangered Species Act and Federal regulation prohibit the ''take'' of fish or wildlife species listed as endangered or threatened, respectively. Take of listed fish or wildlife is defined under the Act to include kill, harm, or harass. The Service may, under limited circumstances, issue permits to authorize incidental take; i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing ITPs for threatened and endangered species are found in 50 CFR 17.32 and 17.22, respectively.

The Applicant has proposed an expansion of an existing landfill in an unincorporated area of western Riverside County, California. Land uses in the area surrounding the project site include a clay mine, a green-waste recycling facility, the Lake Mathews-Estelle Mountain Core Reserve, and undeveloped Riversidean sage scrub habitat in private holdings.

Biologists surveyed the project sites for special-status plants and wildlife in 1992, 1993, 1997, 1999, and 2000. Based on these surveys and previous knowledge of the area, the Service concluded that the project may result in the take of two federally listed species, the endangered Stephens' kangaroo rat and threatened coastal California gnatcatcher.

The Applicants propose to implement the following measures to minimize and mitigate take of the Stephens' kangaroo rat: (1) Conserve and provide for perpetual management of occupied grassland habitat within the Undisturbed Open Space and movement corridors across restored Riversidean sage scrub habitat; (2) locate staging areas outside of Undisturbed Open Space; (3) restore Riversidean sage scrub habitat to accommodate suitable burrow and forage sites; (4) maintain restored Riversidean sage scrub areas in such a manner as to avoid direct harm to individuals; (5) manage conserved habitat to control the spread of non-native weeds; (6) direct lighting in the active portions of the landfill away from natural areas; (7) limit activities in conserved habitat to those identified in the HCP; (8) and control access to deter poaching, off-road vehicle use, and other activities by trespassers.

The Applicants propose to implement the following measures to minimize and mitigate take of the coastal California gnatcatcher: (1) no direct harm to nesting birds, nests, eggs, and young would be permitted; (2) impacts and restoration would be phased so that there would always be a minimum of approximately 700 acres of Riversidean sage scrub habitat in the Plan Area; (3) the mix of plant types in the restored Riversidean sage scrub would be based on reference sites in the Plan Area; (4) the Undisturbed Open Space would provide a source population for the restored habitat; (5) restored habitat would be monitored for presence of the

species, and contingency measures would be implemented if the species is not found in restored Riversidean sage scrub habitat; and (6) all restored and existing habitat in the Plan Area would be managed for the benefit of this species. The species will benefit from the connectivity with the existing Lake Mathews-Estelle Mountain Core Reserve. Based on previous efforts to restore Riversidean sage scrub habitat in the region, the species is expected to re-colonize the restored habitat.

The HCP and the Environmental Assessment consider four alternatives to the Proposed Action: (1) The Reduced Capacity alternative, (2) the Conserved Final Phase alternative, (3) the Offsite Mitigation alternative, and (4) the No Action alternative.

The Reduced Capacity alternative would also require approval of a HCP and the issuance of an ITP. This alternative would eliminate impacts to habitat and species on 115 acres associated with Phase XV of the landfill expansion. The excluded lands would not be covered by the ITP and would not be covered or managed by the HCP. Otherwise, the conservation measures are essentially the same as those under the Proposed Action.

The Conserved Final Phase alternative would also require approval of a HCP and the issuance of an ITP. This alternative would provide conservation and management of undisturbed habitat and species on 115 acres and eliminate Phase XV of the landfill expansion. More existing habitat would be conserved under this alternative than under the Proposed Action.

The Offsite Mitigation alternative would also require approval of a HCP and the issuance of an ITP. This alternative would provide conservation and management of undisturbed habitat and species at a location approved by the Fish and Wildlife Service within western Riverside County. No restoration of Riversidean sage scrub would be provided under this alternative.

Under the No Action Alternative, the Fish and Wildlife Service would not issue a permit, the existing conditions would continue, listed and unlisted species would remain or become protected under the Endangered Species Act or California Fish and Game Code, unlisted species would be indirectly protected where they occur in habitat occupied by listed species or subject to wetland regulations, and another disposal site would be needed to accommodate the region's municipal solid waste. All four alternatives would result in less conserved habitat managed for the covered species than mitigation proposed under the Proposed Action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that those requirements are met, then we will issue a permit to the Applicants for the incidental take of the Stephens' kangaroo rat, coastal California gnatcatcher, and 27 unlisted species if those species were to become listed during the life of the permit. Our final permit decision will be made no sooner than 60 days from the date of this notice.

Mary Ellen Mueller,

Deputy Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California

[FR Doc. 01–9518 Filed 4–16–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Combined Environmental Assessment and Habitat Conservation Plan, Preliminary Finding of No Significant Impact, and Notice of Receipt of an Application for an Incidental Take Permit by Plum Creek Timber Company for Forest Management and Timber Harvest on Plum Creek Lands in Arkansas and Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Plum Creek Timber Company, Inc. and its associated companies (Plum Creek or Applicant) seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed take would be incidental to otherwise lawful activities, including forest management and related activities on private land owned by Plum Creek. The proposed action would involve approval of the Applicant's Habitat Conservation Plan (HCP), as required by section 10(a)(2)(B) of the Act, to minimize and mitigate for the incidental take of the Federally endangered red-cockaded woodpecker (*Picoides borealis*). The subject permit would authorize take of RCWs on approximately 261,000 acres of the Applicant's lands in Union County, Arkansas, and Union and Ouachita Parishes, Louisiana. The minimization and mitigation measures outlined in the Applicant's HCP to address effects of the proposed action to protected species are described further in the **SUPPLEMENTARY INFORMATION** section below.

A more detailed description of the mitigation and minimization measures to address the effects of the Project to the red-cockaded woodpecker is provided in the Applicant's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of a combined draft Environmental Assessment (EA) and Habitat Conservation Plan/Application for Incidental Take. The permit application incorporates the Applicant's HCP as the proposed action for evaluation in the Service's EA. Copies of the draft EA and HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft EA and HCP. The final determination will be made no sooner than 60 days from the date of this notice. This notice is provided pursuant to section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE034255–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via

the internet to ''david_dell@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before June 18, 2001.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 646 Cajundome Boulevard, Suite 400, Lafayette, Louisiana 70506. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE034255–0 in requests for the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Ms. Deborah Fuller, Fish and Wildlife Biologist, Lafayette Field Office, Louisiana (see **ADDRESSES** above), telephone: 337/291–3100.

SUPPLEMENTARY INFORMATION: The red-cockaded woodpecker is a territorial, non-migratory species once common in the southern Coastal Plain from east Texas to Florida and north to Maryland, Missouri, and Kentucky. Red-cockaded woodpeckers roost and nest in cavities excavated in large, living pine trees 60 years old or older. The Red-cockaded woodpecker is a cooperative breeder that lives in family groups of one to nine birds, with each bird nesting in a separate cavity; the aggregate of cavity trees used by a group is called a cluster. Red-cockaded woodpeckers prefer mature longleaf pine forests, but also inhabit loblolly, pond, slash, shortleaf, and Virginia pine stands. Without periodic fire to control hardwoods, Red-cockaded woodpeckers abandon clusters as other cavity competitors and predators typical of hardwood habitats move in. The decline of the Red-cockaded woodpecker is due primarily to loss of the old-growth, fire-maintained southern pine ecosystem as a result of logging, fire suppression, and conversion to non-forest land uses.

Recovery activities for the Red-cockaded woodpecker are focused on Federal lands. Private lands are also important in the Service's recovery strategy to supplement habitat where the Federal land base is insufficient to support recovery, to establish and maintain connectivity with populations on public lands, and to provide a donor source of juvenile Red-cockaded woodpeckers for translocation into designated recovery populations. Red-cockaded woodpeckers on private lands have generally declined owing to the reluctance of landowners to manage their lands as Red-cockaded woodpecker habitat, given the Act's take restrictions on timber harvesting and development where the species is present. The Service considers that Red-cockaded woodpeckers geographically isolated on private lands will eventually cease to exist unless private landowners are encouraged to manage their lands for the species.

The Applicant, by implementing the HCP, proposes to sustain Red-cockaded woodpeckers on Plum Creek lands through the designation and management of a 3,069-acre Conservation Area (CA) in four sub-units on Plum Creek property. The geographic scope of the HCP is Plum Creek landholdings in Union County, Arkansas, and Union and Ouachita Parishes, Louisiana. Approximately 40 percent of those landholdings are located in Arkansas, and most of the Red-cockaded woodpeckers on Plum Creek lands are in Arkansas. Three CA sub-units are located in Union County, Arkansas, adjacent to Felsenthal National Wildlife Refuge (NWR), and one sub-unit is located in Ouachita Parish, Louisiana, adjacent to D'Arbonne NWR. The Applicant will manage the CA as high-quality Red-cockaded woodpecker habitat to support up to 30 Red-cockaded woodpecker groups over the 30-year ITP duration. Currently, there exist 15 active Red-cockaded woodpecker clusters in the CA and 11 active clusters outside the CA, for a total of 26 known active Red-cockaded woodpecker clusters on Plum Creek lands. The Applicant proposes to consolidate those clusters by translocating juvenile Red-cockaded woodpeckers into the CA to replace groups taken incidental to timber harvest outside the CA, and by intensively managing habitat within the CA to further increase the Red-cockaded woodpecker population there. Under the HCP, the Applicant proposes 22 conservation commitments addressing mitigation of incidental take (by population consolidation, habitat management, and demographic support within the CA), mitigation banking, monitoring, changed circumstances, adaptive management, and administration and training. The Applicant and the Service believe the biological goal of the HCP to consolidate a more stable Red-cockaded woodpecker population within the CA would benefit the species on Plum Creek lands, and on Felsenthal NWR and D'Arbonne NWR by providing demographic support.

The duration of the ITP is for 30 years and would authorize take of up to 11 Red-cockaded woodpecker groups outside the CA incidental to timber management activities, plus incidental take of any clusters in excess of conservation obligation within the CA. Maintenance of habitat and establishment of Red-cockaded woodpecker groups in excess of that required to mitigate for take under this ITP will provide the Applicant the ability to sell mitigation credits to third parties. Among the minimization and mitigation measures proposed by the Applicant are no take of Red-cockaded woodpeckers during the breeding season, consolidation of isolated groups to areas within the CA, and intensive management of the CA to provide current and potential Red-cockaded woodpecker habitat.

The Service evaluated the environmental consequences of three alternatives to the proposed action in the combined draft EA/HCP. The no-

action alternative would likely result in the natural extirpation of all Red-cockaded woodpecker groups within 20 years because of habitat fragmentation, geographic isolation, and lack of intensive management (especially prescribed fire or other hardwood control actions). A second alternative involves the Applicant's implementation of the Service's ''Draft Red-cockaded Woodpecker Procedures Manual for Private Lands'' (Private Lands Manual), without creation of a Conservation Area. This would delay, but is not enough to prevent, the eventual extirpation of Red-cockaded woodpeckers on the Applicant's lands. This would occur because maintenance of habitat will retain woodpecker groups (unlike the no-action alternative), but those groups would not persist due to their small size (often comprising a single bird) and demographic isolation from potential mates in other groups. The third alternative to the proposed action involves mitigation efforts on lands recently sold by the Applicant to The Nature Conservancy (TNC) for eventual transfer to the Service as part of Upper Ouachita NWR. Mitigation on the TNC tract would result in a greater contribution to Red-cockaded woodpecker persistence in the affected environment than either the no-action alternative or the Private Lands Manual alternative, but less than the proposed alternative. Moreover, the applicant does not own the property, and once it is transferred to the Upper Ouachita NWR, the applicant would no longer retain the option of managing for excess woodpecker groups to sell as mitigation credits to third parties. The Applicant's HCP was developed in an adaptive management framework to allow changes in the program based on new scientific information including, but not limited to, biological needs and management actions proven to benefit the species or its habitat.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the incidental take permit application.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: March 26, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–9454 Filed 4–16–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–1060–00–24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The advisory board will meet Tuesday, May 1, 2001, from 8 a.m., to 5 p.m., local time, and on Wednesday, May 2, 2001, from 8 a.m., to 12 noon local time. Submit written comments pertaining to the Advisory Board meeting no later than close of business May 15, 2001.

ADDRESSES: The Advisory Board will meet at the Sheraton Tulsa Hotel, 10918 E. 41st Street, Tulsa, Oklahoma.

Send written comments pertaining to the Advisory Board meeting to: Bureau of Land Management, National Wild Horse and Burro Program, WO 260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, Nevada 89502–7147.

FOR FURTHER INFORMATION CONTACT: Janet Nordin, Wild Horse and Burro Public Outreach Specialist, 775–861–6583. Individuals who use a telecommunications device for the deaf (TDD) may reach Ms. Nordin at any time by calling the Federal Information Relay Service at 1–800–877–8339.

Electronic Access and Filing Address: Speakers may transmit comments electronically via the Internet to: *Janet_Nordin@blm.gov*. Please include identifier ''WH&B'' in the subject of your message and your name and address in the body of the message.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief, Forest Service, on matters pertaining to management and protection of wild free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Tuesday, May 2, 2001

- Introduction
- Approval of February Board Minutes
- Research Updates
- Marketing Implementation Update
- Lunch
- Progress Report on Strategy Implementation
- Report on February Board Recommendations
- Public Comment
- Adjourn
- Public Roundtable

Wednesday, May 2, 2001

- New Issues
- Program Reports

—BLM

—Forest Service

- Close Out/Recommendations/Next Meeting
- Adjourn
- Lunch
- Board Tour of Long-Term Holding Facility

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as interpreting service, assistive listening device, or materials in alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal advisory committee management regulations (41 CFR 101–6.1015(b)), require the BLM to publish in the **Federal Register** notice of a meeting 15 days prior to the meeting date.

II. Public Comment Procedures

Members of the public may make oral statements to the Advisory Board on

May 1, 2001, at the appropriate point in the agenda. This opportunity is anticipated to occur at 4 p.m., local time. Persons wishing to make statements should register with the BLM by noon on May 1, 2001, at the meeting location. Depending on the number of speakers, the Advisory Board may limit the length of presentations. At previous meetings, presentations have been limited to three minutes in length. Speakers should address the specific wild horse and burro-related topic listed on the agenda. Speakers must submit a written copy of their statement to the address listed in the **ADDRESSES** section or bring a written copy to the meeting.

Participation in the Advisory Board meeting is not a prerequisite for submission orwritten comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on management and protection of wild horses and burros are those that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, speakers should submit two copies of their written comments where feasible. The comment period ends May 15, 2001. Comments must be postmarked on or before that date.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, the BLM will make them available in their entirety, including your name and address (or your e-mail address if you file electronically). However, if you do not want the BLM to release your name and address (or e-mail address) in response to a FOIA request, you must state this prominently at the beginning of your comment. The BLM will honor your request to the extent allowed by law. The BLM will release all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, in their entirety, including names and addresses (or e-mail addresses).

Dated: April 11, 2001.

Elena Daly,

Deputy Assistant Director, Renewable Resources and Planning, Bureau of Land Management.

[FR Doc. 01–9563 Filed 4–13–01; 10:37 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–956–1420–BJ–0000–241A]

Colorado: Filing of Plats of Survey

April 4, 2001.

The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 am., April 4, 2001. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

The plat representing the dependent resurvey of the subdivision of certain sections, T 33 N., R. 10 W., New Mexico Principal Meridian, Group 1064, Colorado, was accepted January 22, 2001.

This survey was requested by the Bureau of Indian Affairs for administrative purposes.

The plat (in two sheets) representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of certain sections, and an informative traverse of the center line of a road in Mesa County, Colorado, by the Bureau of Land Management, and referred to as Case No. COC–59085, T. 12 S., R. 98 W., Sixth Principal Meridian, Group 1256, Colorado, was accepted January 22, 2001.

The plat representing the dependent resurvey of a portion of the east and north boundaries and subdivisional lines, and the subdivision of certain sections, and an informative traverse of the center line of a road in Mesa County, Colorado, by the Bureau of Land Management, and referred to as Case No. COC–59085, T. 2 S., R. 2 E., Ute Meridian, Group 1256, Colorado, was accepted January 22, 2001.

The supplemental plat canceling lot 2 in the NE¼ of section 8, lots 5, 6, 7, and 8 in the SW¼ of section 8, and lot 1 in the SE¼SW¼ of section 16, T. 33 N., R. 1 E., New Mexico Principal Meridian, Colorado, that were erroneously created on the plat approved December 28, 1993, under Group 942, Colorado, was accepted February 1, 2001.

The plat representing the dependent resurvey of a portion of the Twelfth Guide Meridian West (east boundary), north boundary, subdivisional lines, and a portion of the metes-and-bounds survey of certain claim lines, and the subdivision of certain sections, T. 3 N., R. 101 W., Sixth Principal Meridian, Group 1211 Colorado, was accepted February 7, 2001.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 34 and 35, T. 4 N., R. 101 W., Sixth Principal Meridian, Group 1211, Colorado, was accepted February 7, 2001.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 7, T. 4 S., R. 100 W., Sixth Principal Meridian, Group 1257, Colorado, was accepted February 13, 2001.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of certain sections, T. 16 S., R. 70 W., Sixth Principal Meridian, Group 1039, Colorado, was accepted February 21, 2001.

The supplemental plat creating new lots 97 and 98 in section 5 of T. 1 N., R. 71 W., Sixth Principal Meridian, Colorado, was accepted February 27, 2001. This plat is based upon the survey plat approved July 24, 1875, the dependent resurvey plat approved November 16, 1942, and the supplemental plats approved December 13, 1938, October 15, 1997, and the official records of the following mineral claims: MS 16550, Ibach placer, approved May 31, 1904, MS 18083, Ethel A., approved December 20, 1906, and MS 18702, Red Rock, approved December 31, 1908.

The plat (in two sheets) representing the dependent resurvey of portions of certain mineral claims, T. 44 N., R. 4 W., and suspended T. 44 N., R. 5 W., New Mexico Principal Meridian, Group 1238, Colorado, was accepted March 15, 2001.

The plat (in two sheets) representing the dependent resurvey of certain mineral claims, or portions thereof, suspended T. 43 N., R. 6 W., New Mexico Principal Meridian, Group 1238, Colorado, was accepted March 15, 2001.

The supplemental plat creating new lots in sections 8 and 9 of T. 1 N., R. 71 W., Sixth Principal Meridian, Colorado, was accepted March 8, 2001. This plat is based upon the dependent resurvey plat approved November 16, 1942, and the supplemental plats approved December 31, 1931 and May 8, 1933, and the official records of the following mineral claims: MS 12460, Blackbird, approved April 26, 1898, MS 14836, Queen of the West, approved July 27, 1901, MS 15211, Minnie Bell, Minnie Bell No. 2, and Monitor, approved January 30, 1902, MS 16100, New and Gold Leaf, amended plat September 12, 1902, MS 18693, Ella C. and Norma Belle, approved December 22, 1908, and MS 20375, Orphan, approved September 29, 1928.

These surveys were requested by the Bureau of Land Management for administrative purposes.

Darryl A. Wilson,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 01–9440 Filed 4–16–01; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–957–1020–BJ]

Idaho: Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of the following described lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., on the dates specified: The supplemental plat was prepared to correct certain erroneously depicted areas, bearings, lines, and distances of the plat accepted April 20, 2000, T. 35 N., R. 4 W., Boise Meridian, Idaho, was accepted February 9, 2001. This plat was prepared to meet certain administrative needs of the Bureau of Indian Affairs, Northern Idaho Agency.

The plat representing the dependent resurvey of the subdivisional line between sections 13 and 14, T. 16 S., R. 21 E., Boise Meridian, Idaho, Group Number 1067, was accepted March 13, 2001. The plat was prepared to meet certain administrative needs of the Bureau of Land Management. The supplemental plat was necessary to correct certain inadvertently depicted distances on the line between corners 1 and 2 of the SBMS–2 millsite, as noted on the plat accepted March 4, 1992, T. 13 N., R. 15 E., Boise Meridian, Idaho, was accepted March 19, 2001. The plat was prepared to meet certain administrative needs of the Bureau of Land Management.

The plat representing the dependent resurvey of the portions of the east and north boundaries, subdivisional lines, and boundaries of certain mineral surveys, and the subdivision of section 1, T. 48 N., R. 4 E., Boise Meridian, Idaho, Group Number 997, was accepted March 30, 2001. The plat was prepared to meet certain administrative needs of the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Duane Olsen, Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709–1657, 208–373–3981.

Dated: April 3, 2001.

Duane E. Olsen,

Chief, Cadastral Surveyor of Idaho.

[FR Doc. 01–9439 Filed 4–16–01; 8:45 am]

BILLING CODE 4310–66–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on August 23, 2000, Gateway Specialty Chemicals Company, 3210 Parkway Drive, Decatur, Illinois 62526, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of Phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture the controlled substance for its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 18, 2001.

Dated: April 6, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–9399 Filed 4–16–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 6, 2001, Novartis Pharmaceuticals Corporation, 59 Route 10, East Hanover, New Jersey 07936, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture finished product for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistance Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 18, 2001.

Dated: April 6, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–9400 Filed 4–16–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated June 7, 2000, and published in the **Federal Register** on June 22, 2000 (65 FR 38860), Salsbury Chemicals, Inc., 1205 11th Street, Charles City, Iowa 50616–3466, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II

The firm plans to manufacture amphetamine and methylphenidate for distribution as bulk product.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Salsbury Chemicals, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Salsbury Chemicals, Inc., to ensure that the company's registration is consistent with the public interest.

This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823

and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 6, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–9398 Filed 4–16–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Sponsor's Notice of Change of Address.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 18, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection:* Sponsor's Notice of Change of Address.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–865. Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form will be used by every sponsor who has filed an Affidavit of Support under Section 213A of the INA to notify the Service of a change of address. The data will be used to locate a sponsor if there is a request for reimbursement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 100,000 responses at .233 hours (14 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection(s):* 23,300 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: April 10, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–9470 Filed 4–16–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Affidavit of Support Under Section 213A of the Act, and Contract Between Sponsor and Household Member.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 18, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Types of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Affidavit of Support under Section 213A of the Act, and Contract Between Sponsor and Household Member.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–864 and Form 1–864A. Office of Policy and Planning, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: Primary: Individuals or Households. The collection of information is mandated by law for a petitioning relative to submit an affidavit on their relative's behalf. The executed form creates a contract between the sponsor and any entity that provides means-tested public benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 539,500 principal I–864 responses at 3.8 hours per response and 195,000 dependent I–864 responses at .08 hours per response; and 215,800 I–864A responses at 1.75 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection(s):* 2,443,350 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW, Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: April 10, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–9471 Filed 4–16–01; 8:45 am]

BILLING CODE 4410–10–M

LEGAL SERVICES CORPORATION

Freedom of Information Policy—Grant Application Materials and Exemption 4

AGENCY: Legal Services Corporation.

ACTION: Notice of policy change.

SUMMARY: The Legal Services Corporation (LSC) is subject to the Freedom of Information Act (FOIA). Under FOIA and LSC regulations, a requested record may be withheld from disclosure if, inter alia, the record contains trade secrets or commercial or financial information obtained from a person and is privileged or confidential. In the past, LSC policy has been to routinely withhold application materials submitted to LSC as part of the competitive bidding process from public disclosure pursuant to this exemption. For the reasons set forth below, LSC has decided that documents submitted by applicants as part of grant applications (the Proposal Narrative (Parts 1 & 2) on original grant applications and the Application Narrative (Parts A & B) for grant renewal applications) are generally not entitled to protection from disclosure in response to FOIA requests after grants have been awarded for a given application period.

DATES: Written comments must be received on or before May 17, 2001.

ADDRESSES: Written comments may be submitted by mail, fax or email to Dawn M. Browning at the addresses listed below.

FOR FURTHER INFORMATION CONTACT: Dawn M. Browning, Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 750 First Street, NE, Washington, DC 20002–4250; 202/336–8871 (phone); 202/336–8952 (fax); dbrowning@lsc.gov.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) is not a ''department, agency, or instrumentality of the Federal Government.'' 42 U.S.C. 2996(d). LSC is, however, by the terms of its organic legislation, subject to the Freedom of Information Act (FOIA). Id. LSC has issued regulations [1] governing its basic FOIA procedures. See 45 CFR part 1602.

Under FOIA and LSC regulations, a requested record may be withheld from disclosure if, inter alia, the record contains trade secrets or commercial or financial information obtained from a person and is privileged or confidential. See 5 U.S.C. 552(b)(4); 45 C.F.R. 1602.9(a)(3). In the past, LSC policy has been to routinely withhold grant application materials submitted in connection with the competitive bidding process pursuant to this exemption. For the reasons set forth below, LSC has decided that documents submitted by applicants as part of grant applications (the Proposal Narrative (Parts 1 & 2) on original grant applications and the Application Narrative (Parts A & B) for grant renewal applications) is generally not entitled to protection from disclosure in response to FOIA requests after grants have been awarded for a given application period. LSC will continue to review each request for this information on a case by case basis to ascertain whether there is anything extraordinary in a given narrative which merits withholding and will continue to provide persons and organizations whose applications have been requested opportunity to seek protection from disclosure some or all of the documents requested upon an individualized showing of competitive harm. However, LSC's general policy will be to release this information.

It should be noted that, since this policy change is not a ''rule, regulation, guideline or instruction,'' LSC is not required by law to publish this policy notice or seek public comment. LSC is choosing to publish this interpretive policy statement in the **Federal Register** (and has also posted it on the LSC website at http:\\www.lsc.gov) in furtherance of LSC's interest in and policy of conducting its business in a fair and open manner. LSC invites interested parties to submit written comments on this matter.

Exemption 4 of FOIA is codified at 5 U.S.C. 552(b)(4) and provides that the requirement for disclosure of most public documents ''does not apply to matters that are * * * trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' According to FOIA case law, documents submitted to LSC for competitive bidding qualify as ''commercial or financial information obtained from a person.'' [2] With that threshold met, the relevant analysis upon receipt of a request for competitive grant application documents is whether

[1] LSC is authorized by Congress to issue regulations as necessary to carry out its mission. See 42 U.S.C. 2996(e). Since LSC is not a Federal agency, however, LSC is not subject to the requirements of the Administrative Procedures Act, which governs the rulemaking activities of Federal agencies. Rather, LSC is required to ''afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the **Federal Register** at least 30 days prior to their effective date all its rules, regulations, guidelines and instructions.'' 42 U.S.C. 2999(g).

[2] The Court of Appeals for D.C. has held that ''commercial'' and ''financial'' should be given their ''ordinary meanings.'' *Public Citizen Health Research Group* v. *FDA,* 704, F.2d 1280, 1290 (D.C. Cir. 1983) (citing *Washington Post Co.* v. *HHS,* 690 F.2d 252, 266 (D.C. Cir. 1982)). Examples of documents which have been accepted as ''commercial or financial information'' include business sales statistics; research data; technical designs; customer and supplier lists; profit and loss data; overhead and operating costs; and information on financial conditions. See *Landfair* v. *United States Dep't of the Army,* 645 F. Supp. 325, 327 (D.D.C. 1986). The term ''person'' has been interpreted to include a wide range of entities, including private organizations such as grantees. See e.g. *Nadler* v. *FDIC,* 92 F.3d 93, 95 (2d Cir. 1996) (term 'person' includes ''an individual, partnership, corporation, association, or public or private organization other than an agency.'')

the information sought is ''privileged or confidential.''

In evaluating Exemption 4 cases, the D.C. Circuit Court has established two tests for determining whether documents are ''privileged or confidential,'' identifying one test as applicable to documents which are submitted to the relevant agency pursuant to a requirement, and another test for documents which are voluntarily submitted to the relevant agency.[3] Although ''required information'' and ''voluntary information'' were never explicitly defined in the cases which articulated these tests, the Department of Justice (DOJ) has concluded that a submitter's voluntary participation in an activity—such as seeking a government contract or applying for a grant or loan—does not govern whether any submission made in connection with that activity is ''voluntary.'' DOJ has recommended that in examining the nature of a submitter's participation in an activity, agencies should focus on whether submission of the relevant information was required of those who chose to participate.

Pursuant to the DOJ guidelines and other federal case law, including federal case law from the District of Columbia,[4] it is clear that the information submitted to LSC by applicants for competitive LSC grants would be considered ''required'' information, because recipients'' receipt of grants is contingent upon the provision of the relevant information to LSC. Consequently, a determination of whether this information is ''privileged or confidential'' would involve the analysis for ''required information'' which was first articulated in the case of *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974), and reiterated in the case of *Critical Mass Energy Project* v. *NRC,* 975 F.2d 871, 879 (D.C. Cir. 1992). According to this test, ''commercial or financial matter is 'confidential' for purposes of Exemption 4 if disclosure of the information is likely to have either of the following effects: (1) To impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive process.''

Because of the large amount of money LSC distributes and the substantial reliance of many programs on LSC funds for continuation, it is unlikely that the release of the narratives of applicants in response to FOIA requests will impair LSC's ability to receive applications in the future.[5] Therefore, the next step of the analysis is whether the release of this information would ''cause substantial harm to the competitive process.''

In the case of *National Parks and Conservation Ass'n* v. *Kleepe,* 547 F.2d 673 (1973), the U.S. Court of Appeals for the D.C. Circuit articulated general examples of situations that might constitute ''substantial competitive harm.'' One such example would be a situation in which information disclosed pursuant to FOIA would be useful to a competitor in devising means to improve its competitive position at the expense of the business whose information was being released.[6] The court noted that in this circumstance, such disclosure would reveal that business' secrets without providing it with similar access to the books and records of its competitor.[7] ''This competitive disadvantage is fundamentally unfair and would be likely to cause harm to the [business'] basic position.''[8] The court went on to state that:

> The likelihood of substantial harm to [the applicants'] competitive positions * * * [is] virtually axiomatic * * * [where] disclosure would provide competitors with valuable insights into the operational strengths and weaknesses of [an applicant], while the [competitors] could continue in the customary manner of 'playing their cards close to their chest.'[9]

Because LSC only intends to release information provided in the narrative of the applications after grants have been awarded for a given application period, LSC does not believe the release will cause ''substantial competitive harm'' to applicants as defined above in most cases.

Although federal courts have identified the disclosure of various types of documents to constitute ''substantial competitive harm,'' the LSC application narratives which LSC proposes to release do not reach the level of detail and specificity of the kinds of documents for which release has been held to constitute this harm. The documents which have been identified by courts as properly cognizable under the competitive harm prong of the *National Parks* test include: detailed financial information such as an organization's assets, liabilities, and net worth; a company's actual costs, break-even calculations, profits and profit rates; data describing an organization's workforce which would reveal labor expenses, profit margins and competitive vulnerability; a company's selling prices, purchase activity and freight charges; a company's purchase records, including prices paid for advertising; technical and commercial data; information constituting the 'bread and butter' of a manufacturing company; currently unannounced and future products, proprietary technical information, pricing strategy and subcontractor information; raw research data used to support a pharmaceutical drug's safety and effectiveness information regarding an unapproved application to market the drug in a different manner, and sales and distribution data of a drug manufacturer; and technical proposals which are submitted, or could be used, in conjunction with offers on government contracts.[10]

Based on the foregoing analysis, LSC no longer considers it appropriate under FOIA to routinely withhold the information contained in the Proposal Narrative or Application Narrative of LSC competitive grant applications once the grant decisions for a given application period have been made. While, as noted above, LSC will continue to review each request for such documents on a case by case basis and will continue to provide persons and organizations whose applications have

[3] See *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (D.C. Cir. 1974) (articulating test which is now applied to documents submitted pursuant to a requirement), and *Critical Mass Energy Project* v. *NRC,* 975 F.2d 871, 879 (D.C. Cir. 1992) (creating new test to be applied to documents submitted voluntarily).

[4] See, e.g. *Martin Marietta Corp.* v. *Dalton,* 974, F. Supp. 37, 39 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 981 F. Supp. 12, 15 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 895 F. Supp. 319, 325–26 (D.D.C. 1995); Chemical Waste Management Inc. v. Leary, 1995 WL 115894 (D.D.C. Feb. 28, 1995); *TRIFID Corp.* v. *National Imagery & Mapping Agency,* 10 F. Supp. 2d 1087, 1098–1101 (E.D. Mo. 1998); and *Source One Management* v. *U.S. Dept. of Interior,* No. 92–Z–2101, transcript at 6 (D. Colo. Nov. 10, 1993)(all holding that information submitted in application for government contract was ''required'' information).

[5] Courts have generally given substantial deference to agency determinations about whether such disclosures would impair the relevant agency's ability to receive applications in the future, noting that (1) agencies have an incentive not to release information which will impair their ability to receive future applications, and (2) government contracting involves millions of dollars and the release of application information is unlikely to dissuade all potential applicants. See e.g. *Martin Marietta Corp.* v. *Dalton,* 974 F. Supp. 37, 39–40 (D.D.C. 1997); *McDonnell Douglas Corp.* v. *NASA,* 981 F. Supp. 12, 15 (1997); *C.C. Distributors* v. *Kinzinger,* 1995 WL 405445, *4 (D.D.C. 1995); *McDonnell Douglas Corp.* v. *NASA,* 895 F. Supp. 319 (1995); and *Racal-Milgo Gov't Systems, Inc.* v. *Small Business Admin.,* 559 F. Supp. 4, 6 (D.D.C. 1981).

[6] *National Parks and Conservation Ass'n* v. *Kleepe,* 547 F.2d 673, 678, note 18 (1973).

[7] Id.

[8] Id.

[9] Id. at page 684.

[10] Freedom of Information Act Guide & Privacy Act Overview, U.S. Department of Justice Office of Information and Privacy, May 2000 Edition, pages 208–09.

been requested the opportunity to seek protection from disclosure some or all of the the documents requested, LSC anticipates that it will release this information in most cases.

Interested persons are invited to comment on this matter. LSC reserves the right to further amend this policy in the future, as appropriate.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 01–9425 Filed 4–16–01; 8:45 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Notice: Competition/Russian Leadership Program Alumni Activities

Authority: Sec. 1(a)(2), Pub. L. 106–554, 114 Stat. 2763, 2763A–119–120 (22 U.S.C. 2542a note, 2 U.S.C. 1151).

SUMMARY: The Russian Leadership Program (RLP) at the Library of Congress was authorized by Public Law 106–31; Public Law 106–113; Public Law 106–554 to foster a mutual exchange of ideas and opinions among political leaders and citizens of Russia and the United States. A description of RLP Program can be found at *http:/www.loc.gov/rlp.* The Russian Leadership Program (RLP) currently has over 3,600 alumni in 88 of the 89 regions of Russia. In an effort to promote development of local and regional networks of RLP participants, the Program sponsored 10 regional alumni conferences in 2000. The conferences were held in Moscow, St Petersburg, Ekaterinburg, Novosibirsk, Tomsk, Ulan Ude, Rostov-on-the Don, Samara, Nizhny Novgorod, and Vladivostok. The RLP is considering continuing and expanding alumni activities through the development of electronic communications and the identification of alumni training needs, sources of regional network building and discrete projects which benefit from partnerships with American organizations active in the region. The Library of Congress is seeking interested participants to identify these needs and relevant community-building projects and develop network-building activities.

DATES: Responses must be received by May 1, 2001.

ADDRESSES: The Library of Congress, Contracts & Logistics Service, COTR: Morgan Day, C&L, 101 Independence Avenue, SE., Washington, DC 20540–9410.

FOR FURTHER INFORMATION CONTACT: Ruth Nelson of Contracts and Logistics, Library of Congress, Washington, DC 20540–9410. Email address: rune@loc.gov.

SUPPLEMENTARY INFORMATION: Respondents should have broad experience in the Russian Federation, and be knowledgeable about its institutions, language, and culture. Respondents should have experience with programs in the regions of Russia and demonstrate a familiarity with existing American and internationally-sponsored regional activities. The funding made available by the Library would cover travel, per diem, support of regionally-based offices, and program materials. Respondents may be asked to work collaboratively with a third party in addition to the Library to fulfill RLP Alumni program. This Request for Information (RFI) shall close to response 14 days after publication. Interested parties should send written expressions of interest to Ruth Nelson at *rune@loc.gov.* The written expression of interest should address capabilities, experience, and language expertise of current staff, etc. as outlined above. Submissions should be limited to 6 pages. The Library shall entertain expressions of interest reflecting individual or collaborative approaches. The intent of this sources sought synopsis is to determine if any sources exist, therefore, no solicitation is available. Consequently, any responses failing to provide the aforementioned data but instead is submitted as a routine letter requesting a copy of the solicitation will be ignored. Written responses must be submitted to the Contracting Officer by the deadline at the address shown above. Reference: RFI–011.

Dated: April 4, 2001.

James H. Billington,

The Librarian of Congress.

[FR Doc. 01–9437 Filed 4–16–01; 8:45 am]

BILLING CODE 1410–10–P

LIBRARY OF CONGRESS

Notice: Competition/Russian Leadership Program 2001

Authority: Sec. 1(a)(2), Pub. L. 106–554, 114 Stat. 2763, 2763A–119–120 (22 U.S.C. 2542a note, 2 U.S.C. 1151).

SUMMARY: The Russian Leadership Program (RLP) at the Library of Congress was authorized by Public Law 106–31; Public Law 106–113; Public Law 106–554 to foster a mutual exchange of ideas and opinions among political leaders and citizens of Russia and the United States. A description of RLP Program can be found at *http://www.loc.gov/rlp*. The RLP is considering continuing its U.S. Congress/Russian Parliamentary exchange program for 2001 and expanding exchanges to include members of the Russian Judiciary. The Library is seeking to identify interested participants to develop hosting arrangements and programmatic support for exchanges in the following areas: rule of law, education, environmental issues, agriculture/land reform, public health policy, federalism, tax/budget, and other major policy issues of mutual concern to the U.S. and the Russian Federation. The Library anticipates between 6 and 12 delegations composed of approximately 8–10 individuals from the highest levels of the Russian government and regions.

DATES: Responses must be received by May 1, 2001.

ADDRESSES: The Library of Congress, Contracts & Logistics Service, COTR: Morgan Day, C&L, 101 Independence Avenue, SE., Washington, DC 20540–9410.

FOR FURTHER INFORMATION CONTACT: Ruth Nelson of Contracts and Logistics, Library of Congress, Washington, DC 20540–9410. Email address: rune@loc.gov.

SUPPLEMENTARY INFORMATION: Respondents should have broad experience with the Russian Federation, and be knowledgeable about its institutions, language, and culture. Respondents should have experience planning and hosting high level officials with demonstrated expertise in two or more of the above subject areas and demonstrated ability to arrange and secure appropriate meetings at federal and state levels. The funding made available by the Library would cover travel, per diem, interpretation, preparation and translation of program materials. Respondents may be asked to work collaboratively with a third party in addition to the Library to execute the exchange. The Library does not anticipate any need for coordination in Russia for purposes of the exchange. This Request for Information (RFI) shall close to response 14 days after publication. Interested parties should send written expressions of interest to Ruth Nelson at *rune@loc.gov*. The written expression of interest should address capabilities, experience, and language expertise of current staff, etc. as outlined above. Submissions should be limited to 6 pages. The Library shall entertain expressions of interest reflecting individual or collaborative approaches. The intent of this sources sought synopsis is to determine if any sources exist, therefore, no solicitation is available. Consequently, any

responses failing to provide the aforementioned data but instead is submitted as a routine letter requesting a copy of the solicitation will be ignored. Written responses must be submitted to the Contracting Officer by the deadline at the address shown above. Reference: RFI–010.

Dated: April 4, 2001.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 01–9438 Filed 4–16–01; 8:45 am]

BILLING CODE 1410–10–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Meetings

TIME AND DATE: 10:00 a.m., Thursday, April 19, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from Two (2) Federal Credit Unions to Convert to Community Charters.
2. Request from a Corporate Federal Credit Union for a National Field of Membership.
3. Request for a Merger of Two (2) Corporate Credit Unions.
4. Proposed Rule: Amendment to Part 701, NCUA's Rules and Regulations, Nondiscrimination in Advertising.
5. Final Rule: Part 705, NCUA's Rules and Regulations, Community Development Revolving Loan Program for Credit Unions (CDRLP).
6. Final Interpretive Ruling and Policy Statement regarding Central Liquidity Facility.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, April 19, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
2. Budget Reprogramming. Closed pursuant to exemption (2).
3. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–9552 Filed 4–12–01; 4:52 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection: Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collection under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 212, Qualifications Investigation, and NRC Form 212A, Qualifications Investigation Secretarial/Clerical.
2. *Current OMB approval number:* 3150–0033 for NRC 212 3150–0034 for NRC 212A.
3. *How often the collection is required:* Ongoing.
4. *Who is required or asked to report:* Current/Former supervisors, co-workers.
5. *The number of annual respondents:* NRC Form 212, 1400 annually; NRC Form 212A, 300 annually.
6. *The number of hours needed annually to complete the requirement or request:* NRC Form 212, 350 hours (15 minutes per response); NRC Form 212A, 75 hours (15 minutes per response).
7. *Abstract:* Information requested on NRC Forms 212 and 212A is used to determine the qualifications and suitability of external applicants for employment in professional and secretarial or clerical positions with the NRC. The completed form may be used to examine, rate and/or assess the prospective employee's qualifications. The information regarding the qualifications of applicants for employment is reviewed by professional personnel of the Office of Human Resources, in conjunction with other information in the NRC files, to determine the qualifications of the applicant for appointment to the position under consideration.

Submit, by June 18, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, room O–1 F23. Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC. 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 11th day of April, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–9474 Filed 4–16–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Energy Northwest; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–21 issued to Energy Northwest (the licensee) for operation of the Columbia Generating Station located in Benton County, Washington.

The proposed amendment was originally submitted on February 20, 2001, and published in the **Federal**

Register on March 21, 2001 (66 FR 15919). The revised amendment request dated April 6, 2001, completely replaces the original application submitted on February 20, 2001, and removes the restriction associated with the following Columbia Generating Station Surveillance Requirements (SRs) that prohibits performing the required testing during Modes 1 and 2.

1. SR 3.8.1.9: This SR requires demonstrating that the diesel (DG) can reject its single largest load without the DG output frequency exceeding a specific limit.

2. SR 3.8.1.10: This SR requires demonstrating that the DG can reject its full load without the DG output voltage exceeding a specific limit.

3. SR 3.8.1.14: This SR requires starting and then running the DG continuously at or near full-load capability for greater than or equal to 24 hours.

The proposed change also removes the restriction associated with the following SRs that prohibits performing the required testing during Modes 1, 2, and 3.

1. SR 3.8.1.13: This SR requires demonstrating that the DG non-emergency (non-critical) automatic trips are bypassed on an actual or simulated emergency core cooling system (ECCS) initiation signal.

2. SR 3.8.1.17: This SR requires demonstrating that the DG automatic switchover from the test mode to ready-to-load operation is attained upon receipt of an ECCS initiation signal (while maintaining availability of the offsite source).

The proposed change also allows the performance of SR 3.8.1.14 to satisfy SR 3.8.1.3 by adding Note 5 to SR 3.8.1.3. Note 5 allows SR 3.8.1.14 to be performed in lieu of SR 3.8.1.3 provided the requirements, except the upper loading limits, of SR 3.8.1.3 are met.

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

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The DGs and their associated emergency loads are accident mitigating features, not accident initiating equipment. Therefore, there will be no significant impact on any accident probabilities by the approval of the requested amendment.

The design of plant equipment is not being modified by these proposed changes. As such, the ability of the DGs to respond to a design basis accident will not be adversely impacted by these proposed changes. The proposed changes do not result in a plant configuration change for performance of the additional testing different from that currently allowed by the Technical Specifications. In addition, experience and further evaluation of the probability of a DG being rendered inoperable concurrent with or due to a significant grid disturbance support the conclusion that the proposed changes do not involve any significant increase in the likelihood of a loss of safety bus. Therefore, there would be no significant impact on any accident consequences.

Based on the above, the proposed change to permit certain DG surveillance tests to be performed during plant operation will not involve a significant increase of accident probabilities or consequences.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new accidents would be created since no changes are being made to the plant that would introduce any new accident causal mechanisms. Equipment will be operated in the same configuration currently allowed by other DG SRs that allow testing in plant Modes 1, 2, and 3. An interaction between the DG under test and the offsite power system that could lead to a consequential loss of safety bus during a grid disturbance is not deemed to be credible. This amendment request does not impact any plant systems that are accident initiators; neither does it adversely impact any accident mitigating systems.

Based on the above, implementation of the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed changes to the testing requirements for the plant DGs do not affect the operability requirements for the DGs, as verification of such operability will continue to be performed as required (except during different allowed Modes). Continued verification of operability supports the capability of the DGs to perform their required function of providing emergency power to plant equipment that supports or constitutes the fission product barriers. Consequently, the performance of these fission product barriers will not be impacted by implementation of this proposed amendment.

In addition, the proposed changes involve no changes to setpoints or limits established or assumed by the accident analysis. On this and the above basis, no safety margins will be impacted. Therefore, implementation of the proposed changes would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public

Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 17, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Thomas C. Poindexter, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 6, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 11th day of April 2001.

For the Nuclear Regulatory Commission.

Jack Donohew,

Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–9475 Filed 4–16–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Meeting Concerning the Revision of the Oversight Program for Nuclear Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of public meeting.

SUMMARY: NRC will hold a public meeting at the Nuclear Fuel Services (NFS) facility in Erwin, TN, to provide the local public, facility employees, citizens' groups, and local officials with information about, and an opportunity to provide views on, how the NRC plans to revise and improve its oversight program for nuclear fuel cycle facilities. The oversight program applies to commercial nuclear fuel cycle facilities

regulated under 10 CFR Parts 40, 70, and 76. The facilities currently include gaseous diffusion plants, highly enriched uranium fuel fabrication facilities (one of which is NFS), low-enriched uranium fuel fabrication facilities, and a uranium hexafluoride (UF_6) production facility. These facilities possess large quantities of materials that are potentially hazardous (i.e., radioactive, toxic, and/or flammable) to the workers, public, and environment. Also, some of the facilities possess information and material important to national security.

The goal of this revision project is to have an oversight program that: (1) Provides earlier and more objective indications of facility performance in the areas of safety and national security, (2) increases stakeholder confidence in the NRC, and (3) increases regulatory effectiveness, efficiency, and realism. To this end, the NRC is striving to make the oversight program more risk-informed and performance-based. The oversight revision project is described in SECY–99–188, ''Evaluation and Proposed Revision of the Nuclear Fuel Cycle Facility Safety Inspection Program,'' and in SECY–00–0222, ''Status of Nuclear Fuel Cycle Facility Oversight Program Revision.'' SECY–99–188 and SECY–00–0222, as well as other background information, are available in the Public Document Room and on the NRC Web Page at *http://www.nrc.gov.*

Purpose of Meeting: To obtain stakeholder views for improving the NRC oversight program for ensuring fuel cycle licensees and certificate holders maintain protection of worker and public health and safety, protection of the environment, and safeguards for special nuclear material and classified matter in the interest of national security. The public meeting will focus on the revisions that are being made to the program, and on how interested parties can provide input to the change process.

Date and Location: Members of the public, industry, and other stakeholders are invited to attend and participate in the meeting, which is scheduled for 10:00 to 10:30 a.m. on Wednesday, April 18, 2001. The meeting will be held in the NFS Training Center in Erwin, TN.

FOR FURTHER INFORMATION, CONTACT: Patrick Castleman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8118, e-mail pic@nrc.gov.

Dated at Rockville, Maryland this 6th day of April 2001.

For the Nuclear Regulatory Commission.

Patrick Castleman,

Project Manager, Inspection Section, Safety and Safeguards Support Branch, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 01–9473 Filed 4–16–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Reactor Oversight Process Initial Implementation Evaluation Panel; Meeting Notice

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L., 94–463, Stat. 770–776) the U.S. Nuclear Regulatory Commission (NRC), on October 2, 2000, announced the establishment of the Reactor Oversight Process Initial Implementation Evaluation Panel (IIEP). The IIEP functions as a cross-disciplinary oversight group to independently monitor and evaluate the results of the first year of implementation of the Reactor Oversight Process (ROP). A Charter governing the IIEP functions as a Federal Advisory Committee was filed with Congress on October 17, 2000, after consultation with the Committee Management Secretariat, General Services Administration. The IIEP will hold its sixth meeting on April 25, 2001, in the ACRS Conference Room T–2B3, located at the U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland.

The IIEP meeting participants are listed below along with their affiliation:

A. Randolph Blough—U.S. Nuclear Regulatory Commission
Kenneth Brockman—U.S. Nuclear Regulatory Commission
Mary Ferdig—Ph.D. Candidate, Organization Development Program, Benedictine University; Ferdig Inc. Organizational Research and Development
Steve Floyd—Nuclear Energy Institute
David Garchow—PSEG Nuclear
Rod Krich—Exelon Corporation
Robert Laurie—California Energy Commission
James Moorman, III—U.S. Nuclear Regulatory Commission
Loren Plisco—U.S. Nuclear Regulatory Commission
Steven Reynolds—U.S. Nuclear Regulatory Commission
A. Edward Scherer—Southern California Edison Company
James Setser—Georgia Department of Natural Resources
Raymond Shadis—New England Coalition on Nuclear Pollution
James Trapp—U.S. Nuclear Regulatory Commission

A tentative agenda of the meeting is outlined as follows:

April 25, 2001

8:00 am Introduction / Meeting Objectives and Goals / Review of Meeting Minutes from April 2–3, 2001
8:30 am Discussion on Draft Panel Report
12:00 pm Lunch
1:00 pm Discussion on Draft Panel Report
4:00 pm Public Comments/General Discussion/Agenda Planning
5:00 pm Adjourn

Meetings of the IIEP are open to the members of the public. Oral or written views may be presented by the members of the public, including members of the nuclear industry. Persons desiring to make oral statements should notify Mr. Loren R. Plisco (Telephone 404/562–4501, e-mail LRP@nrc.gov) or Mr. John D. Monninger (Telephone 301/415–3495, e-mail *JDM@nrc.gov*) five days prior to the meeting date, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras will be permitted during this meeting.

Further information regarding topics of discussion; whether the meeting has been canceled, rescheduled, or relocated; and the Panel Chairman's ruling regarding requests to present oral statements and time allotted, may be obtained by contacting Mr. Loren R. Plisco or Mr. John D. Monninger between 8:00 a.m. and 4:30 p.m. EST.

IIEP meeting transcripts and meeting reports will be available from the Commission's Public Document Room. Transcripts will be placed on the agency's web page.

Dated: April 11, 2001.

Andrew Bates,

Advisory Committee Management Officer.

[FR Doc. 01–9472 Filed 4–16–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of April 16, 23, 30, May 7, 14, 21, 2001.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 16, 2001

There are no meetings scheduled for the Week of April 16, 2001.

Week of April 23, 2001—Tentative

Tuesday, April 24, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Discussion of Intragovernmental Issues (Closed—Ex. 9)

Week of April 30, 2001—Tentative

There are no meetings scheduled for the Week of April 30, 2001.

Week of May 7, 2001—Tentative

Thursday, May 10, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Briefing on Office of Nuclear Regulatory Research (RES) Programs and Performance (Public Meeting) (Contact: James Johnson, 301–415–6802)

Friday, May 11, 2001

10:30 a.m.—Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360)

Week of May 14, 2001—Tentative

There are no meetings scheduled for the Week of May 14, 2001.

Week of May 21, 2001—Tentative

There are no meetings scheduled for the Week of May 21, 2001.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/SECY/smj/schedule.htm*

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This notice is distributed by mail to several subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: April 12, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–9608 Filed 4–13–01; 8:45 am]

BILLING CODE 7590–01–M

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of an Emergency Information Collection: Customer Satisfaction Survey

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget a request for review of an emergency information collection. The Customer Satisfaction Survey will be used to survey the contractors of the Defense Finance and Accounting Service (DFAS). The collection of this information is authorized by 5 U.S.C. 4703. The purposes are to identify DFAS's strengths and areas for improvement, and to provide an opportunity for DFAS's customers to communicate their needs. Approximately 6,000 surveys will be distributed. Each survey takes approximately 10 minutes to complete. We expect 1,800 responses for an annual burden of 300 hours.

Comments are particularly invited on:

—whether this collection of information is necessary for the proper performance of DFAS, and whether it will have practical utility;

—whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodologies; and

—ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or e-mail *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received on or before April 27, 2001.

ADDRESSES: Send or deliver comments to:

Donna J. Gregory, Assistant Director, Personnel Resources and Development Center, U.S. Office of Personnel Management, 1900 E Street, NW, Room 6500, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–9477 Filed 4–16–01; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a New Information Collection: Standard Form 2821

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a new information collection. SF 2821, Agency Certification of Insurance Status, is completed by agencies when an employee's life insurance stops or is scheduled to stop, except when the employee voluntarily cancels coverage, or the employee is immediately transferring to another position which will provide eligibility for Federal Employees' Group Life Insurance (FEGLI) coverage. This collection allows agencies and/or the retirement system to accurately report the level of coverage and value of the employee's life insurance for conversion and portability purposes.

The SF 2821 also will be used by family members who wish to convert Option C coverage, as well as by assignees and separated employees who wish to convert some or all of their coverages or port Option B coverage. Compensationers and retirees losing compensation or annuity benefits will use the form to convert their coverage(s). The SF 2821 will incorporate the function of the SF 2819, Notice of Conversion Privilege. Upon publication of the revised SF 2821, the SF 2819 will be obsolete.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of OPM, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the

burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 7,500 SF 2821 forms will be completed annually. We estimate it takes approximately 5 minutes to complete the form. The annual burden is estimated at 625 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to *mbtoomey@opm.gov*

DATES: Comments on this proposal should be received on or before June 18, 2001.

ADDRESSES: Send or deliver comments to—Christopher Meuchner, Benefits Specialist, Insurance Policy and Information Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3425, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–9478 Filed 4–16–01; 8:45 am]

BILLING CODE 6325–50–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 19d–1, SEC File No. 270–242, OMB Control No. 3235–0206

Rule 19d–3, SEC File No. 270–245, OMB Control No. 3235–0204

Rule 19d–1, SEC File No. 270–247, OMB Control No. 3235–0259

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'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 19d–1 under the Securities Exchange Act of 1934 (the ''Exchange Act''), prescribes the form and content of notices to be filed with the Commission by self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency concerning the following final SRO actions: (1) Disciplinary sanctions (including summary suspensions); (2) denials of membership, participation or association with a member; and (3) prohibitions or limitations on access to SRO services.

The Rule enables the Commission to obtain reports from the SROs containing information regarding SRO determinations to discipline members or associated persons of members, deny membership or participation or association with a member, and similar adjudicated findings. The Rule requires that such actions be promptly reported to the Commission. The Rule also requires that the reports and notices supply sufficient information regarding the background, factual basis and issues involved in the proceeding to enable the Commission (1) to determine whether the matter should be called up for review on the Commission's own motion and (2) to ascertain generally whether the SRO has adequately carried out its responsibilities under the Exchange Act.

It is estimated that 10 respondents will utilize this application procedure annually, with a total burden of 2,750 hours, based upon past submissions. This figure is based on 10 respondents, spending approximately 275 hours each. Each respondent submitted approximately 110 responses. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–1 for each submission is 2.5 hours. The average cost per hour, per each submission is approximately $101. Therefore, the total cost of compliance for all the respondents is $277,750. (10 respondents X 110 responses per respondent X 2.5 hours per response X $101 per hour).

Rule 19d–3 under the Exchange Act, prescribes the form and content of applications to the Commission by persons desiring stays of final Disciplinary sanctions and summary action of SROs for which the Commission is the appropriate regulatory agency. The Commission uses the information provided in the application filed pursuant to Rule 19d–3 to review final actions taken by SROs including: (1) Disciplinary sanctions; (2) denials of membership, participation or association; and (3) prohibitions on or limitations of access to SRO services.

It is estimated that approximately 50 respondents will utilize this application procedure annually, with a total burden of 900 hours, for all respondents to complete all submissions. This figure is based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–3 is 18 hours. The average cost per hour, to complete each submission, is approximately $101. Therefore, the total cost of compliance for all respondents is $90,900. (50 submissions X 18 hours X $101 per hour).

Rule 19h–1 under the Exchange Act prescribes the form and content of notices and applications by SROs regarding proposed admissions to, or continuances in, membership, participation or association with a member of any person subject to a statutory disqualification.

The Commission uses the information provided in the submissions filed pursuant to Rule 19h–1 to review decisions of SROs to permit the entry into or continuance in the securities business of persons who have committed serious misconduct. The filings submitted pursuant to the Rule also permit inclusion of an application to the Commission for consent to associate with a member of an SRO notwithstanding a Commission order barring such association.

The Commission reviews filings made pursuant to the Rule to ascertain whether it is in the public interest to permit the employment in the securities business of persons subject to statutory disqualification. The filings contain information that is essential to the staff's review and ultimate determination on whether an association or employment is in the public interest and consistent with investor protection.

It is estimated that approximately 5 respondents will make submissions pursuant to this rule annually, with a total burden of 225 hours, based upon past submissions. The staff estimates that the average number of hours necessary to complete a submission pursuant to Rule 19h–1 is 4.5 hours. The average cost per hour for completion of a submission is approximately $101. Therefore, the total cost of compliance for the respondents is $22,725. (50 responses × 4.5 hours per response 101 per hour).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: April 9, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9502 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–23777]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 11, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 7, 2001, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 7, 2001, the application(s) and or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Company, et al. (70–9771)

The Southern Company (''Southern''), 270 Peachtree Street, N.W., Atlanta, Georgia 30303, a registered holding company, and its wholly owned subsidiaries, Mobile Energy Services Holdings, Inc. (''Holdings'') and Mobile Energy Services Company, L.L.C. (''Mobile Energy'') [1] both located at 1155 Perimeter Center West, Atlanta, Georgia 30338 (collectively, ''Applicants''), have filed an amended application-declaration (''Application'') under sections 6(a), 7, 11(f), 11(g), 12(a), 12(b), 12(d), 12(e), 12(f) and rules 44, 45, 54, 62, 63 and 64 of the Act. The Commission issued an initial notice of the filing of the Application on October 16, 2000 (HCAR No. 27254) (''Initial Notice''). The Initial Notice described the First Amended Joint Plan of Reorganization dated September 15, 2000 (''First Plan''). This supplemental notice describes the Second Amended Joint Plan of Reorganization dated February 21, 2001 (''Second Plan''). The Second Plan supercedes the First Plan although it contains numerous similarities.

Applicants propose that the Commission issue: (1) An order under section 11(f) of the Act approving the Second Plan and certain related transactions under the Second Plan;[2] and (2) a report on the Second Plan under section 11(g) to accompany a solicitation of creditors and any other interest holders for approval of the Second Plan in the bankruptcy proceedings.[3]

The Application includes the Second Plan and the First Amended Disclosure Statement (''Amended Disclosure Statement'') for Mobile Energy and Holdings. On January 14, 1999, Mobile Energy and Holdings (collectively, ''Debtors'') filed voluntary petitions in the United States Bankruptcy Court for the Southern District of Alabama (''Bankruptcy Court'') for protection under Chapter 11 of the United States Bankruptcy Code (''Bankruptcy Code''). Both entities filed as debtors in possession continuing their operations; as a result, the Bankruptcy Court has appointed no trustee or receiver. The Debtors and the Bondholder Steering Committee (explained below) filed the First Plan and Disclosure Statement Accompanying the First Plan (''Disclosure Statement'') with the Bankruptcy Court on September 15, 2000. On October 12, 2000, S.D. Warren Alabama, LLC (''S.D. Warren'') filed an objection (''Objection'') to the Disclosure Statement.[4]

The Debtors, the Bondholder Steering Committee and S.D. Warren engaged in a series of discussions regarding the possible resolution of the Objection. The negotiations have not resulted in the resolution of the Objection. On February 21, 2001, the Second Plan and the Amended Disclosure Statement were filed with the Bankruptcy Court.

Under section 1125 of the Bankruptcy Code, the Debtors may not solicit votes for acceptances of the Second Plan until the Bankruptcy Court approves a disclosure statement that contains information of a kind, and in sufficient detail, adequate to enable creditors to make an informed judgment whether to vote for acceptance or rejection of the plan. A hearing is scheduled before the Bankruptcy Court to determine whether the Amended Disclosure Statement filed on February 21, 2001, meets the requirements of section 1125 of the Bankruptcy Code.

Applicants state the purposes of the transactions described in the Second Plan are to: (1) Permit Mobile Energy and Holdings to reorganize and emerge from bankruptcy; (2) maximize the recovery of Mobile Energy's bondholders on their capital investment; (3) eliminate the direct and indirect equity ownership of Southern in Mobile Energy and Holdings; and (4) allow Mobile Energy to operate as a qualifying facility (''QF'') under the Public Utility Regulatory Policies Act of 1978 (''PURPA'') after the effective date of the Second Plan, which will cause Mobile Energy and Holdings to no longer be subject to the Act. Certain transactions contemplated by the Second Plan require Commission authorization. The jurisdictional aspects

[1] Mobile Energy is a wholly owned limited liability company subsidiary of Holdings to which Holdings transferred all of its assets other than its equity interest in Mobile Energy in July 1995. Mobile Energy is an electric utility company within the meaning of section 2(a)(3) of the Act.

[2] Section 11(f) of the Act provides, in relevant part, that ''a reorganization plan for a registered holding company or any subsidiary thereof shall not become effective unless such plan shall have been approved by the Commission after opportunity for hearing prior to its submission to the court.''

[3] Section 11(g)(2) of the Act provides, in relevant part, that any solicitation for consents to or authorization of any reorganization plan of a registered holding company or any subsidiary company thereof shall be ''accompanied or preceded by a copy of a report on the plan which shall be made by the Commission after an opportunity for a hearing on the plan and other plans submitted to it, or by an abstract of such report made or approved by the Commission.''

[4] The facilities at issue are located inside a large pulp, paper and tissue manufacturing complex in Mobile, Alabama (''Industrial Complex''). S.D. Warren owns the paper mill located inside the Industrial Complex.

of the Second Plan are summarized below.

I. Background

Some of the facilities now owned by Mobile Energy were originally constructed by the Scott Paper Company (''Scott'') in the early 1960s. Scott sold the energy facilities, black liquor recovery equipment, and related assets, permits and agreements (''Energy Complex'')[5] to Holdings.[6] Mobile Energy was formed as a limited liability company in July 1995 then acquired ownership from Holdings of the Energy Complex. In late 1995 Scott was merged into a subsidiary of Kimberly Clark Corporation (''KC'') and the resulting entity was renamed Kimberly Clark Tissue Company (''KCTC''). Mobile Energy owns and operates the Energy Complex which together with the tissue mill, the pulp mill (both owned by KC),[7] and the paper mill (owned by S.D. Warren), comprise the Industrial Complex. In 1998, KCTC notified Mobile Energy that KCTC would close its pulp mill and terminate its contract to purchase energy services from Mobile Energy. The consequences from the anticipated loss of the KCTC pulp mill contract and operations triggered the filing by Mobile Energy and Holdings of cases under Chapter 11 of the Bankruptcy Code.

II. Overview of the Plan

Applicants request authorization for the solicitation regarding the Second Plan under sections 11(f) and 11(g) of the Act, and authorization under section 12(e) to solicit consents and approvals from the holders of the securities of Mobile Energy and Holdings, along with other ancillary and related authorizations to implement the Second Plan.

Mobile Energy intends to continue to operate its existing assets to provide services to KC's tissue mill and S.D. Warren's paper mill as part of on-going operations. As was the case under the First Plan, the pre-petition shares of common stock issued by Holdings and held by Southern will not receive any distributions under the Second Plan, and the shares will be canceled and extinguished on the effective date of the Second Plan. As a result, Southern's pre-petition shares in Holdings would no longer have any claim to voting rights, dividends or in fact any rights with respect to Holdings. The existing bondholders will hold the entire equity interest in the recognized Holdings. Holdings will continue to own 100% of the equity ownership of Mobile Energy. The Second Plan contemplates that after Southern is divested of its ownership of Mobile Energy, Mobile Energy will qualify as a QF under PURPA, rendering it not a public utility under the Act, and Holdings and its owners will not be subject to regulation as a public utility holding company.[8]

Applicants state, upon implementation of the Second Plan, and termination of the ownership interests of Southern and its affiliates in the Debtors, Southern and its affiliates will have substantially reduced obligations going forward with respect to Mobile Energy and Holdings. For instance, Southern guaranteed certain of Mobile Energy's obligations to its existing customers in 1995, and these guarantees will remain in place but Mobile Energy will indemnify Southern against any liability under those guarantees.

III. Bondholder Steering Committee

An ad hoc committee of holders of Debtors' tax-exempt bonds and first mortgage bonds established the Bondholder Steering Committee, which is comprised of certain holders of existing securities as constituted from time to time. The Bondholder Steering Committee includes First Union National Bank as indenture trustee for each of the two bond issuances as an ex officio member. The indenture trustee represents all of the bondholders.

At certain times, the Bondholder Steering Committee has been comprised of Credit Suisse First Boston Corporation (''CSFB''), Miller Anderson & Sherrerd, LLP, and Pan American Life Insurance Company (each of which holds first mortgage bonds): Franklin Advisors, Inc. and Van Kampen Investment and Advisory Group. (each of which holds tax-exempt bonds); and First Union National Bank (ex officio), as trustee. Franklin Advisors, Inc. resigned from the Bondholder Steering Committee in February 2001. The Bondholder Steering Committee, which collectively represents more than 70% of the current outstanding bondholders of the Debtors, supports confirmation of the Second Plan.

IV. Key Elements of the Second Plan

Mirant Services L.L.C. (''Mirant Services''), previously known as Southern Energy Resources, Inc., operated Mobile Energy's facilities through March 31, 2001. Mobile Energy solicited proposals from third parties to act as operator of the Energy Complex after March 31, 2001. Mobile Energy selected Operational Energy Corporation (''OEC''), an affiliate of Enron, as the interim operation and maintenance (''O&M'') operator after March 31, 2001, both in an effort to pursue reduced O&M costs and consistent with contractual obligations with Mirant. Applicants contemplate OEC, as the new operator, will implement further cost reductions.

In addition, Mirant Corporation (''Mirant''), previously known as Southern Energy, Inc., will assign certain contract rights and obligations to Mobile Energy related to a combustion turbine (''CT'') being manufactured for it by General Electric Company (''GE'') and under a long term services agreement related to that turbine with General Electric International Inc. (''GEII''), provided that Mobile Energy makes certain payments to Mirant at scheduled project milestones. Mirant will remain liable if Mobile Energy does not meet those obligations.

The Second Plan focuses upon maintaining and furthering operating cost reductions in the context of continuing to provide services to those mills presently operating in the Industrial Complex (KC's tissue mill and S.D. Warren's paper mill), under two Energy Services Agreements (''ESAs''). In order to assess the merits of the business strategy incorporated in the Second Plan, two sets of projections have been prepared (''Continued Operations Projections'' and ''Curtailed Operations Projections''). Both sets of projections take into account existing O&M realities and cost reductions Mobile Energy expects to achieve by OEC. The Continued Operations Projections presumes the continued operations of both the tissue mill and the paper mill at current levels. The Curtailed Operations projections presumes that (1) S.D. Warren terminates the paper mill ESA and closes the paper mill; and (2) KC curtails tissue mill operations as suggested to the Debtors by KC representatives. Applicants note that both sets of projections show positive cash flows and thus value to the bondholders, who will be the future owners of equity interests in Holdings under the Second Plan. Applicants

[5] The Energy Complex is currently comprised of four power boilers, one recovery boiler, four turbine generators, two black liquor evaporator sets, various related waste treatment facilities, fuel and ''liquor'' storage, station control facilities and associated feedwater systems, air emissions controls, and other auxiliary systems.

[6] On Dec. 13, 1994 the Commission authorized Southern to organize Holdings as a new subsidiary and acquire all of its common stock (HCAR No. 26815).

[7] KC is the successor to KCTC by assignment. All assets and liabilities of KCTC were assigned to KC on or about December 31, 2000. KCTC was then dissolved.

[8] Applicants state Mobile Energy's application with the Federal Energy Regulatory Commission seeking certification as a QF is still pending and will be modified.

further note both sets of projections also show greater value to the bondholders under the Second Plan than they would receive in liquidation.

V. The Cogeneration Development Agreement

The Second Plan contemplates the development of a 165-megawatt gas fired cogeneration facility within the Industrial Complex (''Cogen Project''). Power produced by the Cogen Project would primarily be sold through the regional power transmission system to wholesale customers, providing the Debtors with additional income for the benefit of creditors. The development of the Cogen Project will occur under the MESC Cogeneration Development Agreement dated February 9, 2000, between Mobile Energy, Holdings, Mirant, and Mirant Services, as amended by Amendment No. 1 dated August 11, 2000 (''Cogeneration Development Agreement''). The Cogeneration Development Agreement provides, among other things, that: (1) None of Mirant, Mirant Services, or any affiliate will make any additional equity investment in Mobile Energy or the Cogen Project; (2) Southern's ownership of Holdings will terminate and the bondholders will acquire 100% of the ownership of Holdings under the terms of the plan; (3) Mirant Services will waive the $10 million Equity Option Fee (as defined in the Cogeneration Development Agreement); (4) Mobile Energy will terminate the operating agreement no later than March 31, 2001, and Mobile Energy will pay one-half the actual cost of a retention and severance program implemented by Mirant Services for its workers at Mobile Energy's facilities, up to a total of $2 million; (5) the Cogen Facility Mobile Energy Operating Agreement will terminate; (6) Mobile Energy will retain an option to purchase the GE combustion turbine provided by Mirant to the Debtors under the Cogeneration Development Agreement, including the rights in related agreements, upon Mobile Energy's satisfaction of the MESC Transfer Obligations (as defined in the Cogeneration Development Agreement) other than the payment of the $10 million Equity Option Fee,[9] (7) Mobile Energy will pay Mirant $2.9 million upon the earlier of the exercise of such option, the effective date of a plan, or July 31, 2001; (8) Mobile Energy will be allowed to use the $2.1 million held by Holdings in its tax sharing account; (9) Southern will pay to the collateral agent, and release any claims Southern may have to, the $2.7 million that is subject to dispute under the maintenance Plan Funding Subaccount Southern Guaranty Agreement; and (10) Mobile Energy will agree to indemnify Southern from Southern's obligations under the Mill Owner Maintenance Reserve Account Agreement, the Environmental Guaranty, and for certain income taxes on taxable income of Mobile Energy and Holdings in excess of Southern's excess loss account related to its investment in Holdings and payments under the Long Term Service Agreement for Combined Cycle Generating Plant at MESC Electric Generating Plant. Southern, Mirant Services and Mirant will continue to hold a first priority lien on the Debtors' assets and those of any affiliate set up to own the Cogen Project to secure performance of all obligations that may be owed to Southern, Mirant Services and Mirant under the Cogeneration Development Agreement.

VI. Treatment of Claims Under the Second Plan

Generally, the bondholders under the Second Plan will receive shares in reorganized Holdings (''New Common Stock'') in exchange for their claims, including their outstanding bonds. Otherwise, the treatment of claims under the Second Plan is comparable to the treatment of claims in the First Plan.

A. Unsecured Creditors; Others

Under the Second Plan, the claims of the general unsecured creditors and the claims of all other creditors, except Southern and its affiliates will be paid in full. The claims of unsecured creditors are approximately $431,000 without consideration of proof of claims (some of which claims have not been quantified by the claimants) from the mill owners against the Debtors. Debtors are contesting the mill owners' proof of claims.

B. First Mortgage Bonds

Mobile Energy issued the first mortgage bonds on August 1, 1995, in the principal amount of $255,210,000 due January 1, 2017 and bearing annual interest at 8.665%. Each holder of a First Mortgage Bondholder Claim shall receive in complete settlement satisfaction and discharge of their First Mortgage Bondholder Claims, a pro rata share of 72.594% of the New Common Stock.

C. Tax Exempt Bonds

In December 1983, the Industrial Development Board of Mobile, Alabama (''IDB'') issued tax-exempt bonds (''1983 Tax Exempt Bonds'') to finance the construction of the No. 7 Power Boiler and certain auxiliary systems. In December 1984 (''1984 Tax Exempt Bonds''), the IDB issued tax-exempt bonds to refund the 1983 Tax Exempt Bonds.

Refunding of the 1984 Tax Exempt Bonds occurred in 1995 by means of tax-exempt bonds in the original principal amount of $85,000,000 scheduled to mature January 1, 2020 (''Tax-Exempt Bonds''). Under the Second Plan, each holder of a Tax-Exempt Bondholder Claim shall receive in complete settlement, satisfaction and discharge of their Tax-Exempt Bondholder Claims, a pro rata share of 27.406% of the New Common Stock.

D. Southern's and Its Affiliates' Claims

Under the Second Plan, Southern and its affiliates will receive the treatment provided in the Cogeneration Development Agreement, described above, in full satisfaction of their claims. Generally, Southern's claims receive one of two different types of treatment in the Second Plan. The estimated recovery for Southern's pre-petition claims is approximately 0.3%. As a reflection of that level of recovery, Southern recorded an expense of approximately $69 million in the third quarter of 1999 to write down its equity investment in Holdings to zero. An additional expense of approximately $10 million was recorded in the third quarter of 2000 to reflect additional liabilities under the Cogeneration Development Agreement. Applicants state no further material impact on the consolidated capitalization is expected as a result of the implementation of the Second Plan. Southern's post-petition claims will receive 100% payment under the Second Plan.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9503 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–01–M

[9] On Dec. 29, 2000, Mobile Energy exercised the option and notified Mirant that it intended to purchase the CT.

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24936; File No. 812–12314]

Equitable Life Assurance Society of the United States, et al.

April 10, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to section 26(b) of the

Investment Company Act of 1940 (''1940 Act'') approving certain substitutions of securities, and pursuant to section 17(b) of the 1940 Act exempting related transactions from section 17(a) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered unit investment trusts to substitute securities issued by EQ Advisors Trust's (''EQ Trust'') EQ/Balanced Portfolio (''Substituted Portfolio'') for securities issued by four other portfolios of EQ Trust: the Alliance Conservative Investors Portfolio; the Mercury World Strategy Portfolio; the EQ/Evergreen Foundation Portfolio; and the EQ/Putnam Balanced Portfolio (collectively, ''Removed Portfolios'') currently held by those unit investment trusts, and to permit certain in-kind redemptions of portfolio securities in connection with the substitution (''In-Kind Transaction'').

APPLICANTS: For purposes of the order requested pursuant to section 26(b), The Equitable Life Assurance Society of the United States (''Equitable''), Separate Account A of Equitable (''SA A''), Separate Account No. 301 of Equitable (''SA 301''), Separate Account No. 45 of Equitable (''SA 45''), Separate Account No. 49 of Equitable (''SA 49''), and Separate Account FP of Equitable (''SA FP,'' and together with SA A, SA 301, SA 45, and SA 49, the ''Equitable Accounts'') (collectively, ''Section 26 Applicants''). For purposes of the order pursuant to section 17(b), Equitable, the Equitable Accounts, and Separate Account No. 65 of Equitable (''SA 65'' and together with Equitable and the Equitable Accounts, ''Section 17 Applicants'').

FILING DATE: The application was filed on October 31, 2000, and was amended and restated on January 31, 2001 and April 9, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 7, 2001, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

FOR FURTHER INFORMATION CONTACT: Mark Cowan, Senior Counsel, at (202) 942–0675, or Keith Carpenter, Branch Chief, at (202) 942–0679, Office of Insurance Products, Division of Investment Management.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: c/o Peter D. Noris, Executive Vice President and Chief Investment Officer, The Equitable Life Assurance Society of the United States, 1290 Avenue of the Americas, New York, New York 10104. Copies to: Jane A. Kanter, Esq., Dechert, 1775 Eye Street, NW., Washington, DC 20006–2401.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 5th Street, NW., Washington, DC 20549, tel. (202) 942–8090.

Applicants' Represenatations

1. Equitable is a New York stock life insurance company. Equitable is the depositor and sponsor of SA A, SA 301, SA 45, SA 49, SA FP, and SA 65, each a separate investment account established under New York law.

2. Equitable is a wholly owned subsidiary of AXA Financial, Inc., a member of the global AXA Group, which is a holding company for an international group of insurance and related financial services companies.

3. Each of the Equitable Accounts is registered with the Commission under the 1940 Act as a unit investment trust. The assets of the Equitable Accounts support certain variable annuity contracts and variable life insurance policies (collectively, ''Contracts''). The variable annuity Contracts issued by the section 26 Applicants include flexible premium deferred variable annuity contracts and single premium immediately variable annuity contracts. The variable life insurance contracts issued by the section 26 Applicants include individual flexible premium, individual modified single premium and second to die variable life insurance contracts. Each sub-account invests exclusively in shares representing an interest in a separate corresponding portfolio (each, a ''Portfolio'') of EQ Trust. The Removed Portfolios and the Substituted Portfolio (collectively, ''Balanced Portfolios'') currently are used as underlying investment options for the Contracts, as more fully described below.

4. EQ Trust has received an exemptive order from the Commission (''Multi-Manager Order'') that permits the Manager, or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the 1940 Act) with the Manager, subject to certain conditions, including approval of the Board of Trustees of EQ Trust, and within the approval of shareholders to: (a) Select a new or additional investment advisers (''Advisers'') for each Portfolio; (b) enter into new Advisory Agreements and/or materially modify the terms of any existing Advisory Agreement;[1] 9c) terminate any existing Adviser and replace the Adviser; and (d) continue the employment of the an existing Adviser on the same contract terms where the Advisory Agreement has been assigned because of a change of control of the Adviser.[2] In such circumstances, Contract owners would receive notice of any such action, including all information concerning any new Adviser or Advisory Agreement that would be included in an information statement meeting the requirements of Regulation 14C and Schedule 14C under the Securities Exchange Act of 1934, as amended.

5. All of the Contracts expressly reserve Equitable's right, subject to compliance with applicable law, to substitute shares of another open-end management investment company for shares of an open-end management investment company held by a sub-account.

6. The Section 26 Applicants propose to substitute: (a) Class IA Shares of the Substituted Portfolio for Class IA Shares of the Alliance Conservative Investors Portfolio, as well as for Class IB Shares of each Removed Portfolio offered through a Contract also offering Class IA Shares of the Substituted Portfolio or the Alliance Conservative Investors Portfolio; and (b) Class IB Shares of the Substituted Portfolio for Class IB Shares of each Removed Portfolio offered through a Contract not also offering

[1] The Manager will not enter into an Advisory Agreement with an Adviser that is an ''affiliated pers'' (as defined in section 2(a)(3) of the 1940 Act) of the Portfolio or the Manager, other than by reason of serving as an Adviser to a Portfolio, without the Advisory Agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Portfolio (of, if the Portfolio serves as a funding medium for any sub-account of a registered separate account, then pursuant to voting instructions by the unitholders of the sub-account).

[2] *See EQ Advisers and EQ Financial Consultants, Inc.,* Investment Company Act Rel. Nos. 23128 (April 24, 1998) (order) and 23093 (March 30, 1998) (notice). An investment company that has received such an order is commonly referred to as a ''multi-manger''

Class IA Shares of the Substituted Portfolio or the Alliance Conservative Investors Portfolio (''Substitution'' or ''Substitution Transactions''). The Section 26 Applicants assert that the Substitution will benefit Contract owners by: (a) Facilitating Contract owner understanding of the underlying investment options for the Contracts and reducing the potential for Contract owners to be confused by multiple Balanced Portfolio options currently available under the Contracts; (b) consolidating the assets attributable to the Balanced Portfolios in a single Portfolio, thereby eliminating duplicative Portfolios, which may make the Contracts more efficient to administer and may provide economics of scale that could benefit Contract owners; and (c) providing Contract owners who have their Contract values currently allocated to any Removed Portfolio with a Portfolio that has the same or lower investment management fees and lower total expense ratios than those of the relevant Removed Portfolio.

7. The Substituted Portfolio has similar investment objectives, investment strategies and anticipated risks to those of Removed Portfolios. The prospectus for EQ Trust currently classifies all of the Removed Portfolios as ''Balanced/Hybrid Portfolios.'' The investment objectives and principal investment strategies of the Substituted Portfolio and the Removed Portfolios are shown below:

	Substituted portfolio	Removed portfolio			
	EQ/Balanced	Mercury world strategy	EQ/Evergreen foundation	EQ/Putnam balanced	Alliance Conservative Investors
Investment Objective ..	Seeks to achieve a high return through both appreciation of capital and current income.	Seeks high total investment return by investing primarily in a portfolio of equity and fixed income securities, including convertible securities, of U.S. and foreign issuers.	Seeks to provide, in order of priority, reasonable income, conservation of capital and capital appreciation.	Seeks to provide a balance investment composed of a well-diversified portfolio of stocks and bonds that will produce both capital growth and current income.	Seeks to achieve a high total return without, in the opinion of the Adviser, undue risk of principal.
Principal Investment Strategies.	Debt and equity securities, money market instruments, foreign securities and derivatives.	Equity and fixed income securities of U.S. and foreign companies.	Common stocks, preferred stocks, securities convertible into or exchangeable for common stock, corporate debt obligations, U.S. Government securities and short-term debt instruments.	Well-diversified portfolio of stocks and bonds, and negotiable instruments.	Investment grade debt securities and equity securities of U.S. and foreign issuers, and derivatives.

8. As demonstrated in the charts below: (a) The effective investment management fees (*i.e.,* the total investment management fees paid to the Manager as a percentage of average daily net assets, after giving effect to breakpoints in each investment management fee rate) [3] with respect to the Substituted Portfolio are lower than the effective investment management fees with respect to each of the Removed Portfolios; and (b) the total expense ratio of the Substituted Portfolio is less than the total expense ratio of each of the Removed portfolios. The chart below shows the investment management fees and total expenses for Class IA shares of the Substituted Portfolio and the Alliance Conservative Investors Portfolio and investment management fees, Rule 12b–1 fees and total expenses for Class IB shares of the Mercury World Strategy Portfolio, EQ/Evergreen Foundation Portfolio and EQ/Putnam Balanced Portfolio for the year ended December 31, 2000.

	Substituted portfolio	Removed portfolios			
	EQ/Balanced (Class IA)	Mercury world strategy (Class IB)	EQ/Evergreen foundation (Class IB)	EQ/Putnam balanced (Class IB)	Alliance Conservative Investors (Class IA)
Management Fee (in percent)	0.52	0.70	0.61	0.55[4]	0.56
12b–1 Fee (in percent)	N/A	0.25	0.25	0.25	N/A
Other Expenses (in percent)	0.07	0.33	0.48	0.18	0.08
Total Expenses (in percent)	0.59	1.28	1.34	0.98	0.64
Fee Waiver and/or Expense Reimbursement (in percent)	N/A	0.08	0.39	0.08	N/A

[3] The investment advisory fees are paid to each Adviser by the Manager from its investment management fees.

	Substituted portfolio	Removed portfolios			
	EQ/Balanced (Class IA)	Mercury world strategy (Class IB)	EQ/Evergreen foundation (Class IB)	EQ/Putnam balanced (Class IB)	Alliance Conservative Investors (Class IA)
Net Expenses (in percent)	0.59	1.20	0.95	0.90	0.64

[4] The annual contractual management fee rate of the EQ/Putnam Balanced Portfolio currently equals 0.60% of the Portfolio's average daily net assets. The Manager has voluntarily agreed not to collect a portion of its fee equal to 0.05% of the Portfolio's average daily net assets until July 31, 2001.

The chart immediately below shows the investment management fees, Rule 12b–1 fees and total expenses for Class IB shares of the Substituted Portfolio and each of the Removed Portfolios for the year ended December 31, 2000.

	Substituted portfolio	Removed portfolios			
	EQ/Balanced (Class 1B)	Mercury world strategy (Class 1B)	EQ/Evergreen foundation (Class IB)	EQ/Putnam balanced (Class 1B)	Alliance Conservative Investors (Class 1B)
Management Fee (in percent)	0.52	0.70	0.61	0.55	0.56
12b–1 Fee (in percent)	0.25	0.25	0.25	0.25	0.25
Other Expenses (in percent)	0.07	0.33	0.48	0.18	0.09
Total Expenses (in percent)	0.84	1.28	1.34	0.98	0.90
Fee Waiver and/or Expense Reimbursement (in percent)	N/A	0.08	0.39	0.08	N/A
Net Expenses (in percent)	0.84	1.20	0.95	0.90	0.90

9. The section 26 Applicants will provide their respective Contract owners and participants with disclosure of the Substitution through prospectuses, prospectus supplements (or other notice, in the case of Contracts no longer actively marketed and for which there are a relatively small number of existing Contract owners (''Inactive Contracts'')), as appropriate. Such disclosure will describe the Substituted Portfolio and the Removed Portfolios and disclose the impact of the Substitution on fees and expenses at the underlying fund level. At or after the time the Commission approves the Application, the section 26 Applicants will send to existing Contract owners and participants a supplement to the relevant Contract prospectus (or other notice in the case of Inactive Contracts) that discloses to such Contract owners and participants that the Application has been approved. Together with this disclosure, the Section 26 Applicants will send to any of those existing Contract owners and participants who have not previously received a prospectus for the Substituted Portfolio a prospectus and/or prospectus supplement for the Substituted Portfolio. New purchasers of Contracts will be provided with a Contract prospectus and/or supplement containing disclosure that the Commission has issued an order approving the Substitution, as well as a prospectus for the Substituted Portfolio. The Contract prospectus and/or supplement and the prospectus and/or prospectus supplement for EQ Trust, including the Substituted Portfolio, will be delivered to purchasers of new Contracts in accordance with all applicable legal requirements.

10. Contract owners and participants will be sent a notice of the Substitution. All such notices will be mailed to affected Contract owners and participants before the date the Substitution is effected (''Substitution Date''). The notice will inform contract owners and participants that the Substitution will be effected on the Substitution Date and that they may transfer assets from the Removed Portfolios (or from the Substituted Portfolio following the Substitution Date) to another investment option available under their Contract without the imposition of any fee, charge, or other penalty that might otherwise be imposed through a date at least thirty (3) days following the Substitution Date. Confirmation of the Substitution will be mailed to affected Contract owners and participants within five (5) days after the Substitution Date.

11. The significant terms of the Substitution described above include:

a. The Substituted Portfolio will have investment objectives, investment strategies and anticipated risks that are similar to those of the Removed Portfolios.

b. The fees and expenses of the Substituted portfolio will be less than those of the Removed Portfolios, assuming that the assets of the Substituted Portfolio do not decrease significantly from its present asset levels.

c. Contract owners and participants may transfer assets from the Removed Portfolios (or from the Substituted Portfolio following the Substitution Date) to another investment option available under their Contract without the imposition of any fee, charge, or other penalty that might otherwise be imposed from the date of the initial notice through a date at least thirty (30) days following the Substitution Date.

d. The Substitution will be effected at the net asset value of the respective shares of the Removed Portfolios and the Substituted Portfolio in conformity with Section 22(c) of the 1940 Act and Rule 22c–1 thereunder, without the imposition of any transfer or similar charge by the Section 26 Applicants, and with no change in the amount of any Contract owner's or participant's Contract value or in the dollar value of his or her investment in such Contract.

e. Contract owners and participants will not incur any fees or charges as a result of the Substitution, nor will their rights or Equitable's obligations under the Contracts be altered in any way.

Equitable will bear all expenses incurred in connection with the Substitution and related filings and notices, including legal, accounting and other fees and expenses. The Substitution will not cause the Contract fees and charges currently being paid by existing Contract owners to be greater after the Substitution than before the Substitution.

f. Redemptions-in-kind and contributions in-kind will be done in a manner consistent with the investment objectives, policies and diversification requirements of the Removed Portfolios and the Substituted Portfolio, and the Manager will review the In-Kind Transaction to assure that the assets are suitable for the Substituted Portfolio. Consistent with Rule 17a–7(d) under the 1940 Act, no brokerage commissions, fees (except customary transfer fees) or other remuneration will be paid in connection with the In-Kind Transaction.

g. The Substitution will not be counted as a new investment selection in determining the limit, if any, on the total number of Portfolios that Contract owners and participants can select during the life of a Contract.

h. The Substitution will not alter in any way the annuity or life benefits, tax benefits or any contractual obligations of the Section 26 Applicants under the Contracts.

i. Contract owners and participants may withdraw amounts under the Contracts or terminate their interest in a Contract, under the conditions that currently exist, including payment of any applicable withdrawal or surrender charge.

j. Contract owners and participants affected by the Substitution will be sent written confirmation of the Substitution that identify the Substitution Transactions made on behalf of that Contract owner or participant within five (5) days following the Substitution Date.

k. The Manager will waive its management fee with respect to the Substituted Portfolio and/or reimburse expenses incurred by the Substituted Portfolio during the twenty-four (24) months following the Substitution Date to the extent necessary to ensure that the total operating expenses for any period (not to exceed a fiscal quarter) of: (i) Class IA Shares of the Substituted Portfolio do not exceed 0.64% of the Substituted Portfolio's average daily net assets (on an annualized basis); and (ii) Class IB Shares of the Substituted Portfolio do not exceed 0.90% of the Substituted Portfolio's average daily net assets (on an annualized basis).

l. In addition, for those Contract owners who were Contract owners on the date of the substitutions, Equitable will not increase subaccount of Contract expenses for a period of twenty-four (24) months following the Substitution Date.

Applicants' Legal Analysis and Conditions

1. Section 26(b) of the 1940 Act provides that it shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution; and the Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act. Section 26(b) protects the expectation of investors that the unit investment trust will accumulate shares of a particular issuer and is intended to insure that unnecessary or burdensome sales loads, additional reinvestment costs or other charges will not be incurred due to unapproved substitutions of securities.

2. The Section 26 Applicants request an order pursuant to section 26(b) of the 1940 Act approving the Substitution. The section 26 Applicants represent that the purposes, terms, and conditions of the Substitution are consistent with the protections for which section 26(b) was designed. The section 26 Applicants believe the Substitution will benefit Contract owners by: (a) Facilitating Contract owner understanding of the underlying investment options for the Contracts and reducing the potential for Contract owners to be confused by multiple Balanced Portfolio options currently available under the Contracts; (b) consolidating the assets attributable to the Balanced Portfolios in a single Portfolio, thereby eliminating duplicative Portfolios, which may make the Contracts more efficient to administer and may provide economies of scale that could benefit Contract owners; and (c) providing Contract owners who have their Contract values currently allocated to any Removed Portfolio with a Portfolio that has the same or lower investment management fees and lower total expense ratios than those of the relevant Removed Portfolio.

3. Contract owners who do not want their assets allocated to the Substituted Portfolio would be able to transfer assets to any one of the other sub-accounts available under their Contract without charge until thirty days after the Substitution have elapsed.

4. Equitable, on behalf of itself and on behalf of the Equitable Accounts, represents that the Substitution and related redemptions in kind and purchases by Equitable will not result in any change in the amount of any Contract owner's or participant's Contract value or in the dollar value of his or her investment in such Contract, or the annuity or life benefits, tax benefits or any contractual obligation of the section 26 Applicants under the Contracts. Contract owners will not incur any fees, expenses or charges as a result of the proposed transactions. Furthermore, the proposed transactions will not result in any change to the Contract fees and charges currently being paid by existing Contract owners.

5. The section 26 Applicants will not complete the Substitution as described in the application unless all of the following conditions are met:

a. The Commission will have issued an order approving the Substitution under Section 26(b) of the 1940 Act.

b. The Commission will have issued an order exempting the In-Kind Transaction from the provisions of section 17(a) of the 1940 Act, to the extent necessary to carry out the Substitution as described herein.

c. The amendments to the registration statements for the Contracts describing the Substitution shall have become effective.

d. Each Contract owner or participant will have been mailed initial disclosure of the Substitution following the initial filing of the Application and will have been mailed a prospectus and/or prospectus supplement with respect to the Substituted Portfolio and an amendment and/or supplemented prospectus for the applicable Contracts (or other notice in the case of Inactive Contracts) before the Substitution Date. In conjunction with this mailing, each Contract owner or participant will have been sent a notice that describes the terms of the Substitution and Contract owners' and participants' rights in connection with them.

e. The section 26 Applicants will have satisfied themselves, based on advice of counsel familiar with insurance laws, that the Contracts allow the substitution of Portfolios as described in the Application, and that the transactions can be consummated as described in the Application under applicable insurance laws and under the various Contracts.

f. The section 26 Applicants will have complied with any regulatory requirements they believe are necessary to complete the transactions in each jurisdiction where the Contracts are qualified for sale.

6. Section 17(a)(1) of the 1940 Act prohibits any affiliated person or an affiliate of an affiliated person, of a registered investment company, from selling any security or other property to such registered investment company. Section 17(a)(2) of the 1940 Act prohibits such affiliated persons from purchasing any security or other property from such registered investment company.

7. Section 17(b) of the 1940 Act authorizes the Commission to issue an order exempting a proposed transaction from Section 17(a) if: (a) The terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned; and (c) the proposed transaction is consistent with the general purposes of the 1940 Act.

8. The section 17 Applicants submit that the Removed Portfolios and the Substituted Portfolio may be deemed to be affiliated persons of one another, or affiliated persons of an affiliated person (Equitable or the Equitable Separate Accounts). If viewed as such, the proposed In-Kind Transaction may be deemed to contravene section 17(a) due to the affiliated status of these participants.

9. The section 17 Applicants request an order pursuant to Section 17(b) of the 1940 Act exempting them from the provisions of Section 17(a) to the extent necessary to permit them to carry out the In-Kind Transaction.

10. The section 17 Applicants assert that the In-Kind Transaction, including the consideration to be paid and received, is reasonable and fair and does not involve overreaching on the part of any person concerned. The In-Kind Transaction will be effected at the respective net asset values of the Removed Portfolios and the Substituted Portfolio, as determined in accordance with the procedures disclosed in the registration statement of EQ Trust and as required by Rule 22c–1 under the 1940 Act. The In-Kind Transaction will not change the dollar value of any participant's or Contract owner's investment in any of the Equitable Accounts or SA 65 (collectively, ''Equitable Separate Accounts''), the value of any Contract, the accumulation value or other value credited to any Contract, or the death benefit payable under any Contract. After the proposed In-Kind Transaction, the value of the Equitable Separate Account's investment in the Substituted Portfolio will equal the value of its investment in the Removed Portfolios before the In-Kind Transaction. The section 17 Applicants also state that the transactions will conform substantially with the conditions of Rule 17a–7. To the extent that the In-Kind Transaction does not comply fully with the provisions of paragraphs (a) and (b) of Rule 17a–7, the section 17 Applicants assert that the terms of the In-Kind Transaction provide the same degree of protection to the participating companies and their shareholders as if the In-Kind Transaction satisfied all of the conditions enumerated in Rule 17a–7. The section 17 Applicants also assert that the proposed In-Kind Transaction by the Section 17 Applicants does not involve overreaching on the part of any person concerned. Furthermore, the section 17 Applicants represent that the proposed substitutions will be consistent with the policies of the Removed Portfolios and Substituted Portfolio, as recited in EQ Trust's current registration statement.

11. The section 17 Applicants assert that the In-Kind Transaction is consistent with the general purposes of the 1940 Act and that the In-Kind Transaction does not present any of the conditions or abuses that the 1940 Act was designed to prevent.

Conclusion

Applicants assert that, for the reasons summarized above, the requested order approving the Substitution and exempting the In-Kind Transaction should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44177; File No. 4–208]

Joint Industry Plan; Order Approving Plan Establishing Procedures Under Rule 11Ac1–5 by the American Stock Exchange, Boston Stock Exchange, Chicago Stock Exchange, Cincinnati Stock Exchange, National Association of Securities Dealers, New York Stock Exchange, Pacific Exchange, and Philadelphia Stock Exchange

April 12, 2001.

I. Introduction

On February 20, 2001, pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 (''Exchange Act''),[1] the American Stock Exchange LLC (''Amex''), Boston Stock Exchange, Inc. (''BSE''), Chicago Stock Exchange, Inc. (''CHX''), Cincinnati Stock Exchange, Inc. (''CSE''), National Association of Securities Dealers, Inc. (''NASD''), New York Stock Exchange, Inc. (''NYSE''), Pacific Exchange, Inc. (''PCX'') and Philadelphia Stock Exchange, Inc. (''Phlx'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed plan (''Plan'') for the purpose of establishing procedures for market centers to follow in making their monthly reports available to the public under Exchange Act Rule 11Ac1–5.[2] On February 27, 2001, the Plan was published for comment in the **Federal Register**.[3] The Commission received one comment on the Plan.[4] Pursuant to Section 11A of the Exchange Act[5] and Rule 11Aa3–2 thereunder,[6] this Order approves the Plan as proposed.

II. Background

On November 17, 2000, the Commission adopted Rule 11Ac1–5, which requires public disclosure of order execution information.[7] Under the Rule, all ''market centers''[8] that trade national market system securities are required to make available to the public monthly electronic reports that include uniform statistical measures of execution quality. On March 9, 2001, the Commission extended the initial compliance date of Rule 11Ac1–5 from April 2, 2001 to May 1, 2001.[9] Paragraph (b)(2) of the Rule directs the self-regulatory organizations (''SROs'') that trade national market system securities to act jointly in establishing procedures for market centers to follow in making their monthly reports available to the public in a uniform, readily accessible, and usable electronic format. The Plan sets forth these procedures.

III. Summary of Plan

The full text of the Plan is set forth in the Appendix and should be referred

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[1] 17 CFR 240.11Aa3–2.

[2] 17 CFR 240.11Ac1–5.

[3] Securities Exchange Act Release No. 43992 (February 21, 2001), 66 FR 12571.

[4] Letter from Michael J. Ryan, Jr., Executive Vice President and General Counsel, Amex, to Jonathan G. Katz, Secretary, SEC, dated March 27, 2001.

[5] 15 U.S.C. 78k-1.

[6] 17 CFR 240.11Aa3–2.

[7] Securities Exchange Act Release No. 43590 (November 17, 2000), 65 FR 75414.

[8] The term ''market center'' is defined in Rule 11Ac1–5(a)(14) as ''any exchange market maker, OTC market maker, alternative trading system, national securities exchange, or national securities association.''

[9] Securities Exchange Act Release No. 44060 (March 9, 2001), 66 FR 15028.

to for all details of Plan procedures. In general, each market center required by the Rule to make monthly reports available to the public must prepare such reports in the form of electronic data files that meet the requirements set forth in Sections V and VI of the Plan. Section V, for example, provides that market center files must be in standard, pipe-delimited ASCII format, and Section VI(a) sets forth the 26 fields of information that market center files must include (in order), as well as formatting instructions for the fields. A market center must make its files available for downloading on an Internet site (''Download Site'') in accordance with the provisions set forth in Section VII of the Plan (*e.g.*, the site must be free of charge and readily accessible to the public).

Under Section VIII of the Plan, each market center must make arrangements with a single SRO that is a Participant in the Plan to act as the market center's ''Designated Participant.'' A market center must notify its Designated Participant of a hyperlink to the market center's Download Site. Finally, each Participant SRO will maintain an Internet site that includes a comprehensive list of links (''Link Site'') where the files can be obtained for all of the market centers for which the Participant functions as a Designated Participant. As a result, anyone who wishes to download all files for a month can be assured that, if they visit the Internet sites of all Participants, they will find hyperlinks to all files for the month.

IV. Discussion

The Commission finds that the Plan is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, and in furtherance of the purposes of the Exchange Act.[10] In particular, the Commission finds that the Plan is consistent with the requirements of Section 11A of the Act, and Rule 11Aa3–2 thereunder. The Plan establishes appropriate procedures for market centers to follow in making their monthly reports required pursuant to Exchange Act Rule 11Ac1–5, available to the public in a uniform, readily accessible, and usable electronic format. The Plan will promote uniform public disclosure of order execution information by all market centers. The information will be made available in a format that allows market participants and other interested parties to gather and analyze the information and to produce summaries that respond to the needs of investors and the public.

As noted above, the Commission received one comment letter on the Plan. In its letter, Amex did not comment on any specific provisions of the Plan, which, as Amex noted, is limited to logistical instructions on how to format and deliver information required by Rule 11Ac1–5. The letter instead raised concerns that the statistics required by the Rule would be misinterpreted and also asserted that the Rule is an insufficient response to industry concerns regarding market fragmentation and competition. These matters, however, relate to the policy implications of the Rule itself, rather than the procedures for making information available to the public that are established by the Plan. The Commission addressed these policy issues at length when adopting Rule 11Ac1–5.[11]

Moreover, many of Amex's concerns were based on its assumption that ''top line'' summary statistics (*e.g.,* general statistics that encompass all types of securities and all sizes and types of orders) would often be the prevailing measures used to compare execution quality among market centers. The Rule, however, requires market centers to generate statistics for specific subcategories of order type and order size in individual securities (*e.g.,* market orders for 100–499 shares in a particular corporate stock). In this respect, the Rule recognizes that order executions can vary substantially among different types and sizes of orders. For example, the price improvement and speed of execution statistics for large market orders at any particular market center may materially differ from such statistics for small market orders (smaller orders typically receiving more price improvement and faster executions). The Rule will facilitate incisive analyses of execution quality that reflect the important factor of order size and do not simply lump all sizes in one statistic.

V. Conclusion

It is hereby ordered, pursuant to Rule 11Aa3–2 under the Exchange Act,[12] that the Plan submitted by the Amex, BSE, CHX, CSE, NASD, NYSE, PCX, and Phlx is approved.

By the Commission.

Jonathan G. Katz,

Secretary.

Appendix—Text of Plan

The Participants submit to the SEC this Plan establishing procedures for market centers to follow in making available to the public the monthly reports required by Rule 11Ac1–5 in a uniform, readily accessible, and usable electronic form. The Participants developed this Plan pursuant to paragraph (b)(2) of the Rule, which directs the Participants to act jointly in establishing such procedures.

I. Definitions

(a) ''Designated Participant'' means the Participant with which each market center has made the arrangements set forth in Section VIII of the Plan.

(b) ''Exchange Act'' means the Securities Exchange Act of 1934, as amended.

(c) ''Participant'' means a party to the Plan.

(d) ''Plan'' means the plan set forth in this instrument, as amended from time to time in accordance with its provisions.

(e) ''Rule'' means Rule 11Ac1–5 under the Exchange Act.

(f) ''SEC'' means the United States Securities and Exchange Commission.

(g) All terms defined in paragraph (a) of the Rule shall have the same meaning when used in the Plan, unless otherwise specified.

II. Parties

(a) List of Parties

The parties to the Plan are as follows:

American Stock Exchange LLC (''Amex''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 86 Trinity Place, New York, New York 10006.

Boston Stock Exchange, Inc. (''BSE''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 100 Franklin Street, Boston, Massachusetts 02110.

Chicago Stock Exchange, Inc. (''CHX''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 440 South LaSalle Street, Chicago, Illinois 60605.

Cincinnati Stock Exchange, Inc. (''CSE''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 440 South LaSalle Street, Suite 2600, Chicago, Illinois 60605.

National Association of Securities Dealers, Inc. (''NASD''), registered as a national securities association under the Exchange Act and having its principal place of business at 1735 K Street, N.W., Washington, D.C. 20006.

New York Stock Exchange, Inc. (''NYSE''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

Pacific Exchange, Inc. (''PCX''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 301 Pine Street, San Francisco, California 94104.

[10] In approving the Plan, the Commission has considered the Plan's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See* Securities Exchange Act Release No. 43590 (November 17, 2000), 65 FR 75414 (adopting Rule 11Ac1–5), section II, ''Disclosure as Minimum Step Necessary to Address Market Fragmentation.''

[12] 17 CFR 240.11Aa3–2.

Philadelphia Stock Exchange, Inc. (''Phlx''), registered as a national securities exchange under the Exchange Act and having its principal place of business at 1900 Market Street, Philadelphia, Pennsylvania 19103.

(b) Compliance Undertaking

By subscribing to and submitting the Plan for approval by the SEC, each Participant agrees to comply with and to enforce compliance by its members with the provisions of the Plan.

(c) New Participants

The Participants agree that any entity registered as a national securities exchange or national securities association under the Exchange Act may become a Participant by: (i) executing a copy of the Plan, as then in effect; (ii) providing each then-current Participant with a copy of such executed Plan; and (iii) effecting an amendment to the Plan as specified in Section III(b) of the Plan.

III. Amendments to Plan

(a) General Amendments

Except with respect to the addition of new Participants to the Plan, any proposed change in, addition to, or deletion from the Plan shall be effected by means of a written amendment to the Plan that: (A) sets forth the change, addition, or deletion; (B) is executed on behalf of each Participant; and (C) is approved by the SEC or otherwise becomes effective pursuant to Section 11A of the Exchange Act and Rule 11Aa3–2 thereunder.

(b) New Participants

With respect to new Participants, an amendment to the Plan may be effected by the new national securities exchange or national securities association executing a copy of the Plan, as then in effect (with the only changes being the addition of the new Participant's name in Section II(a) of the Plan and the new Participant's single-digit code in Section VI(a)(1) of the Plan) and submitting such executed Plan to the SEC for approval. The amendment will be effective when it is approved by the SEC or otherwise becomes effective pursuant to Section 11A of the Exchange Act and Rule 11Aa3–2 thereunder.

(c) Advisory Committee on Plan Amendments

(1) Each Participant shall select from its staff one individual to represent such Participant as a member of an Advisory Committee on Plan Amendments (''Advisory Committee''), together with a substitute for such individual. Such substitute may participate in deliberations of the Advisory Committee and shall be considered a voting member thereof only in the absence of the primary representative. Each Participant shall have one vote on all matters considered by the Advisory Committee.

(2) The Advisory Committee shall monitor the procedures established pursuant to this Plan and advise the Participants with respect to any deficiencies, problems, or recommendations as the Advisory Committee may deem appropriate. Any recommendation for an amendment to the Plan from the Advisory Committee that receives an affirmative vote of at least two-thirds of the Participants, but is less than unanimous, shall be submitted to the SEC as a request for rulemaking under Exchange Act Rule 11Aa3–2.

IV. Overview of Plan Procedures

Any market center required by the Rule to make monthly reports available to the public shall prepare such reports in the form of electronic data files that meet the requirements set forth in Sections V and VI of the Plan. A market center shall make its files available for downloading on an Internet site in accordance with the provisions set forth in Section VII of the Plan. In accordance with Section VIII of the Plan, each market center [1] shall make arrangements with a single Participant to act as the market center's Designated Participant. A market center shall notify its Designated Participant of a hyperlink to the Internet site where its files can be downloaded. Each Participant will maintain an Internet site that includes a comprehensive list of links where the files can be obtained for all of the market centers for which the Participant functions as a Designated Participant.

V. File Type, Compression, and Naming

Files shall be prepared in standard, pipe-delimited (''/'') ASCII format and compressed using standard Zip compression. Uncompressed files shall be named according to the following convention: ''[file identification code][six-digit date code (yyyymm)].dat''. A market center will use the file identification code assigned to it pursuant to Section VIII of the Plan. The date code shall refer to the calendar month of trading for the market center report contained in the file. Compressed files will be named according to the same convention, except that the extension will be ''.zip''.

VI. File Structure

(a) Order and Format of Fields

(1) The first field in a file shall be the code identifying the Participant that is acting as Designated Participant for the market center under Section VIII of the Plan. The Participant identification codes are as follows: Amex—''A''; BSE—''B''; CHX—''M''; CSE—''C''; NASD—''T''; NYSE—''N''; PCX—''P''; Phlx—''X''.

(2) The next field in a file shall be the code identifying the market center, as assigned by a Designated Participant pursuant to Section VIII of the Plan.

(3) The next field in a file shall be the six-digit code identifying the date of the calendar month of trading for the market center report contained in the file (''yyyymm'').

(4) The next field in a file shall be the symbol assigned to an individual security under the national market system plan pursuant to which the consolidated best bid and offer for such security are disseminated on a current and continuous basis.

(5) The next field in a file shall be the code for the one of the five types of order by which the Rule requires a market center to categorize its report. The order type codes are as follows: market orders—''11''; marketable limit orders—''12''; inside-the-quote limit orders—''13''; at-the-quote limit orders—''14''; near-the-quote limit orders—''15''.

(6) The next field in a file shall be the code for one of the four order size buckets by which the Rule requires a market center to categorize its report. The order size codes are as follows: 100–499 shares—''21''; 500–1999 shares—''22''; 2000–4999 shares—''23''; 5000 or more shares—''24''.

(7) The next field in a file shall be the number of covered orders, as specified in paragraph (b)(1)(i)(A) of the Rule.

(8) The next field in a file shall be the cumulative number of shares of covered orders, as specified in paragraph (b)(1)(i)(B) of the Rule.

(9) The next field in a file shall be the cumulative number of shares of covered orders cancelled prior to execution, as specified in paragraph (b)(1)(i)(C) of the Rule.

(10) The next field in a file shall be the cumulative number of shares of covered orders executed at the receiving market center, as specified in paragraph (b)(1)(i)(D) of the Rule.

(11) The next field in a file shall be the cumulative number of shares of covered orders executed at any other venue, as specified in paragraph (b)(1)(i)(E) of the Rule.

(12) The next field in a file shall be the cumulative number of shares of covered orders executed from 0 to 9 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(F) of the Rule.

(13) The next field in a file shall be the cumulative number of shares of covered orders executed from 10 to 29 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(G) of the Rule.

(14) The next field in a file shall be the cumulative number of shares of covered orders executed from 30 to 59 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(H) of the Rule.

(15) The next field in a file shall be the cumulative number of shares of covered orders executed from 60 to 299 seconds after the time of order receipt, as specified in paragraph (b)(1)(i)(I) of the Rule.

(16) The next field in a file shall be the cumulative number of shares of covered orders executed from 5 minutes to 30 minutes after the time of order receipt, as specified in paragraph (b)(1)(i)(J) of the Rule.

(17) The next field in a file shall be the average realized spread for executions of covered orders, as specified in paragraph (b)(1)(i)(K) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(18) The next field in a file shall be the average effective spread for executions of covered orders, as specified in paragraph (b)(1)(ii)(A) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(19) The next field in a file shall be the cumulative number of shares of covered

[1] An entity that acts as a market maker in different trading venues (*e.g.*, as specialist on an exchange and as an OTC market maker) would be considered as a separate market center under the Rule for each of those trading venues. Consequently, the entity should arrange for a Designated Participant for each market center/trading venue (*e.g.*, an exchange for its specialist trading and an association for its OTC trading).

orders executed with price improvement, as specified in paragraph (b)(1)(ii)(B) of the Rule.

(20) The next field in a file shall be, for shares executed with price improvement, the share-weighted average amount per share that prices were improved, as specified in paragraph (b)(1)(ii)(C) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(21) The next field in a file shall be, for shares executed with price improvement, the share-weighted average period from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(D) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(22) The next field in a file shall be the cumulative number of shares of covered orders executed at the quote, as specified in paragraph (b)(1)(ii)(E) of the Rule.

(23) The next field in a file shall be, for shares executed at the quote, the share-weighted average period of time from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(F) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(24) The next field in a file shall be the cumulative number of shares of covered orders executed outside the quote, as specified in paragraph (b)(1)(ii)(G) of the Rule.

(25) The next field in a file shall be, for shares executed outside the quote, the share-weighted average amount per share that prices were outside the quote, as specified in paragraph (b)(1)(ii)(H) of the Rule. The amount shall be expressed in dollars and carried out to four decimal places.

(26) The next field in a file shall be, for shares executed outside the quote, the share-weighted average period of time from the time of order receipt to the time of order execution, as specified in paragraph (b)(1)(ii)(I) of the Rule. The period shall be expressed in number of seconds and carried out to one decimal place.

(b) Records

Files shall have separate records for each combination of security, order type, and order size by which a market center must categorize its report under the Rule (a maximum of 20 records for each individual security).[2] The end of each record shall be designated by a carriage return line feed. If there are no orders on which a market center must report during a month for a specific combination of security, order type, and order size, no record for such combination need be displayed. If there is no data for a particular field within a record (*e.g.,* the Rule does not require such information for inside-the-quote limit orders, at-the-quote limit orders, and near-the-quote limit orders), the field shall be left empty.

[2] For each individual security, there are five order types that could each be broken down into four size buckets.

VII. Internet Sites for Downloading Market Center Files

A market center shall make its compressed files available for downloading (via FTP) at a single page on an Internet site that is free of charge and readily accessible to the public.[3] A market center shall make available on such page the files containing at least the three most recent monthly reports of the market center.

VIII. Functions of Designated Participant

Each market center shall be responsible for arranging with a single Participant to act as the market center's Designated Participant.[4] The functions of a Designated Participant are as follows.

(a) Assignment of Market Center and File Identification Codes

A Designated Participant shall assign a unique market center identification code to each market center for which it acts as Designated Participant. If an individual market center's report will be included in a file that contains only that market center's report, the file identification code for the file shall be the same as the market center identification code. If an individual market center's report will be included in a file that contains any additional market center's report (*e.g.,* if the reports for all of an exchange's specialists are included in a single file), the Designated Participant also shall assign a separate file identification code for such file. All Designated Participants will act jointly to assure that no market center or file is assigned a code that previously has been assigned (*e.g.,* by circulating advance notice to all Participants of codes that have been assigned).

(b) Maintenance of Market Center Identification Files

A Designated Participant shall create and maintain a market center identification file (in standard, pipe-delimited (''/'') ASCII format) for each calendar month. Such file shall contain fields setting forth, in order, (A) the identification code for the Designated Participant (as set forth in Section VI(a)(1) of the Plan); (B) all market center identification codes that the Designated Participant has assigned for the month, (C) the full name of the market center (in upper case), and (D) the file identification code applicable to each market center (if different from the market center identification code). A Designated Participant shall make at least the three most recent market center identification files available for downloading (via FTP) on an Internet site that is free of charge and easily accessible to the public.

[3] A market center can maintain its own Internet site at which its files can be downloaded or arrange for another person to maintain the Internet site at which the market center's files can be downloaded (as well as potentially the files of other market centers).

[4] *See* note 1 above for treatment of an entity that acts as a market maker in more than one trading venue and therefore would arrange for a Designated Participant for each market center/trading venue under the Rule.

(c) Maintenance of Internet Site with Links to Download Sites

A market center shall notify its Designated Participant of the hyperlink to the location where the market center's files can be downloaded in accordance with Section VII of the Plan. A Designated Participant shall maintain a comprehensive list of the hyperlinks provided by its market centers at the same location at which market center identification files can be downloaded in accordance with Section VIII(b) of the Plan. As a result, anyone who wishes to download all files for a month can be assured that, if they visit the Internet sites of all Participants, they will find hyperlinks to all files for the month.

(d) Change of Designated Participant

A market center may change the identity of its Designated Participant only by arranging with another Participant to act as a replacement. The Participant that has agreed to act as a replacement Designated Participant shall provide written notice of the change to all other Participants, as well as make such notice available on the Internet site maintained by the replacement Designated Participant under Section VIII(b) of the Plan. The notice shall specify both the past and new market center identification code and file identification code for the market center, or state that the codes have not changed. The change shall not be effective until 30 days after the date of the written notice.

IX. Internet References to Information Required by Rule

When referring to information on Internet sites that the Rule requires to be made available to the public, market centers and Designated Participants shall use the phrase ''Disclosure of SEC-Required Order Execution Information.''

X. Specifying Regular Trading Hours Under the Rule

With respect to the meaning of the term ''regular trading hours'' under paragraph (a)(19) of the Rule, the Participant who maintains the primary listing for a national market system security shall specify the regular trading hours for such security if they are to be other than the time between 9:30 a.m. and 4:00 p.m. Eastern Time. To effect a specification of regular trading hours under this Section X, a Participant shall submit a proposed rule change to the SEC under Section 19 of the Exchange Act. A Participant may specify as regular trading hours for a security only those times when the Participant itself is trading the security.

XI. Withdrawal from Plan

If a Participant ceases to be subject to the Rule or obtains SEC approval for another means of complying with the Rule, such Participant may withdraw from the Plan at any time on not less than 30 days' prior written notice to each of the other Participants. At such time, the withdrawing Participant shall have no further rights or obligations under the Plan.

XII. Counterparts and Signatures

The Plan may be executed in any number of counterparts, no one of which need contain all signatures of all Participants, and as many of such counterparts as shall together contain all such signatures shall constitute one and the same instrument.

In witness thereof, this Plan has been executed as of the 20th day of February 2001 by each of the parties hereto.

[FR Doc. 01–9504 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44159; File No. SR–Amex–2001–21]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Revisions to the Exchange's Qualifying Examination

April 6, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 4, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to combine its two current membership examinations—equities and options—into one floor member examination covering all areas.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange proposes to discontinue using its ''Qualification Examination for Regular Members'' (equities exam) and ''Put and call Stock Option Examination'' (options exam) and combine these two exams into a comprehensive, four-hour floor member examination designed to test applicants on all three Exchange product lines—equities, options and exchange—traded funds. In the near future, the floor member examination will be assigned a series number by the National Association of Securities Dealers, Inc. (NASD), since the Amex Board has approved, and the Exchange is proposing to adopt, subject to SEC approval, new filing procedures for Forms U–4 and U–5 using the NASD's Web Central Registration Depository (''CRD'') System. A separate proposed rule filing will be submitted to the Commission shortly on the Exchange's proposed use of the NASD's CRD System.

Under Amex's current options and equities examinations, applicants for Exchange membership have a total of three (3) hours to respond to 157 questions (100 equity questions and 57 options questions). The proposed floor member examination will consist of 200 questions and applicants will be allowed four (4) hours to complete the exam. The questions will test all three Exchange product lines—equities, options and exchange-traded funds. No two examinations will be alike. A computer will pre-select from among 242 approved questions, and each applicant will take a different version of the exam. The examination will continue to be given once a month and the passing grade will be 70% or 140 correct answers. The combination of the Exchange's equities and options examinations into the proposed floor member examination should result in greater industry-wide consistency and efficiency in the administration of the Exchange's examination process.

(2) Statutory Basis

The proposed rule change is consistent with Section 6(b)[3] of the Act in general and furthers the objectives of Sections 6(b)(5)[4] and 6(c)(3)(A)[5] of the Act in particular in that it is designed to examine and verify the qualifications of an applicant for Amex membership. In addition, the proposed rule change serves to protect investors and the public interest by helping to assure member competence.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[6] and subparagraph (f)(1) of Rule 19b–4[7] thereunder because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration or enforcement of an existing rule. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[1] 15 U.S.C. 78s(b)(1).

[2] The proposal was originally submitted on March 29, 2001. The Amex filed Amendment No. 1, which made several technical changes to the proposal. *See* Letter from Michael J. Ryan, Jr., Executive Vice President and General Counsel, Amex, to Katherine A. England, Esq., Assistant Director, Division of Market Regulation, Commission (April 4, 2001).

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78f(c)(3)(A).

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

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 Amex. All submissions should refer to File No. SR–Amex–2001–21 and should be submitted by May 8, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9429 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44173; File No. SR–CBOE–2001–10]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Adopting Formal Procedures for Members To Submit Proposals To List Option Classes on the Exchange

April 10, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 13, 2001, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend its rules to adopt formal procedures for members to submit proposals to list option classes on the Exchange, and to codify the Exchange's current procedures for considering whether to list an option class. The text of the proposed rule change is set forth below. Additions are in italics.

* * * * *

Rule 5.3. Criteria for Underlying Securities

(a)–(b) No change.

. . . Interpretations and Policies

.01–.06 Unchanged.

.07 A member may submit to the Secretary of the Exchange a written request that the Exchange list a particular option class whether or not the option class is traded on any other exchange or market. The request shall specify the reasons why the member believes the Exchange should list the option class. The appropriate Exchange committee shall make every reasonable effort to consider and make a decision regarding the request at its next meeting and in any event shall consider and make a decision regarding the request within 35 days of its receipt. If the appropriate Exchange committee denies the request or approves the request subject to conditions or limitations, the appropriate Exchange committee shall provide the member that submitted the request with a written response setting forth the rationale for its decision within 10 days of making the decision. If, in denying a request or approving a request subject to conditions or limitations, the appropriate Exchange committee relies upon a factor of other bona fide business considerations, the Exchange shall maintain a record of the bona fide business considerations supporting its decision. In the event the Exchange determines to list an option class requested to be listed pursuant to this paragraph, the allocation of the option class shall be governed by Rule 8.95.

.08 In deciding whether or not to list an option class, or to place any conditions or limitations on such listing, the Exchange will consider one or more of the following factors: (i) Whether the proposed option class satisfies applicable listing criteria; (ii) processing capacity; (iii) cost to the Exchange of listing the option class; (iv) legal or regulatory impediments to listing the option class; (v) the anticipated level of Exchange contract volume and market share in the option class; (vi) member and customer interest in trading the option class; (vii) operational factors; and (viii) other bona fide business considerations. These criteria shall apply to all option classes considered by the Exchange for listing, whether based on a member request or otherwise.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 5.3 specifies criteria applied by the CBOE in identifying underlying securities on which the Exchange may want to trade options. In addition, from time to time, CBOE members request that the Exchange list specific option classes. Recommendations for listing, whether based on member requests or otherwise, are made by the Exchange's Stock Selection Committee, which is charged with recommending products for listing and trading on the Exchange, to the Exchange's Office of the Chairman and/or Board of Directors. In making recommendations, the Stock Selection Committee currently considers one or more of the following uncodified factors: (i) Whether the proposed option class satisfies applicable listing criteria detailed in CBOE Rule 5.3; (ii) processing capacity; (iii) cost to the Exchange of listing the option class; (iv) legal or regulatory impediments to listing the option class; (v) the anticipated level of Exchange contract volume and market share in the option class; (vi) member and customer interest in trading the option class; (vii) operational factors; and (viii) other bona fide business considerations.

The proposed rule change would adopt formal procedures for members to submit proposals to list option classes on the Exchange, and would codify the factors considered by the Exchange in listing option classes.[3] The Exchange believes that formalizing the existing procedures, including them in an interpretation to CBOE Rule 5.3, would provide members with more readily available and visible procedures in

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As part of a settlement of an enforcement action by the Commission, four of the options exchanges, including the CBOE, are required to adopt rules to codify listing procedures to be carried out when a member or member organization requests the exchange to list options not currently trading on the exchange. *See* Order Instituting Public Administration Proceeding Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions. Securities Exchange Act Release No. 43268 (September 11, 2000).

connection with the submission of listing proposals to the Exchange.

The proposed rule would permit a member to submit to the Secretary of the Exchange a written request that the Exchange list a particular option class, whether or not the option class is traded on any other exchange or market. The written request would be required to specify the reasons why the member believes the Exchange should list the option class. The Stock Selection Committee (or whichever Exchange committee is designated as the ''appropriate Exchange committee'' by CBOE's Board of Directors) would be required to make every reasonable effort to consider and make a decision regarding the request at its next meeting and, in any event, would be required to consider and make a decision regarding the request within 35 days of its receipt. If the Stock Selection Committee denies the request or approves the request subject to conditions or limitations, it would be required to provide the member that submitted the request with a written response setting forth the rationale for the decision within 10 days of making the decision. If, in denying a request or approving a request subject to conditions or limitations, the appropriate Exchange committee relies upon a factor of other bona fide business considerations, the Exchange would be required to maintain a record of the bona fide business considerations supporting its decision.

The proposed rule also would codify the factors used to determine whether to list an option class, whether based upon a member request or otherwise. These factors would be: (i) Whether the proposed option class satisfies applicable listing criteria; (ii) processing capacity; (iii) cost to the Exchange of listing the option class; (iv) legal or regulatory impediments to listing the option class; (v) the anticipated level of Exchange contract volume and market share in the option class; (vi) member and customer interest in trading the option class; (vii) operational factors; and (viii) other bona fide business considerations.

2. Statutory Basis

The Exchange believes that the proposed rule change ensures that listing proposals by members are submitted and handled pursuant to formalized procedures. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [4] in general and furthers the objectives of Section 6(b)(5) [5] in particular in that it is designed to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The CBOE did not solicit or receive written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CBOE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the File No. SR–CBOE–2001–10 and should be submitted by May 8, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9430 Filed 4–16–01; 8:45 am]

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[4] 15 U.S.C. 78f(b).

[1] 15 U.S.C. 78f(b)(5)

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44172; File No. SR–DTC–00–17]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Eliminate DTC's Option To Resell to Deliverers the Securities They Had Previously Delivered by Book-Entry to the Account of a Participant That Has Failed To Settle Its Debit Obligation to DTC

April 10, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 14, 2000, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

DTC is proposing to amend its Rule 9(B) to eliminate DTC's option to resell to deliverers the securities they had previously delivered by book-entry to the account of a participant that has failed to settle its debit obligation to DTC.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified

[1] 15 U.S.C. 78s(b)(1).

[2] A copy of the text of DTC's proposed rule change is available at the Commission's Public Reference Room or through DTC.

in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

If a participant fails to pay its settlement obligation to DTC at the end of the day, DTC will use its liquidity resources (all-cash participants fund and bank line of credit) to complete settlement. Currently, DTC's rules provide that if the participant is insolvent and use of the participant's fund deposit does not eliminate its net debit obligation, DTC may on the business day following the failure-to-settle either: (1) Resell to deliverers the securities they had delivered to the insolvent participant on the day of the failure (''resale procedure'') or (2) sell in the open market those securities and other collateral in the insolvent participant's account.

The resale procedure was included in DTC's rules prior to the industry's conversion to same-day funds settlement and DTC's adoption of associated risk management controls, including the collateral monitor and the imposition of net debit caps.[4] The collateral monitor systematically prevents a participant from accruing a net debit that exceeds the value of the collateral in its account by blocking any transaction that would have that effect. For this purpose, collateral includes: (1) The participant's deposit to the participant's funds, (2) the value of securities in the participant's account that it has designated as collateral, and (3) the value of securities that are the subject of deliveries from other participants. The collateral value attributed to securities is equal to their market value minus a ''haircut'' as determined by DTC.

DTC believes that its risk management controls adequately limit DTC's risk exposure in the event of a participant insolvency and that there is no need to rely upon the resale procedure. In addition, the proposed rule change will help clarify that book-entry deliveries on DTC's books are final.

The proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the rules and regulations thereunder applicable to DTC because the proposed rule change will promote the prompt and accurate clearance and settlement of securities transactions by clarifying that book-entry deliveries once effected are final.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Depository Trust & Clearing Corporation's (''DTCC'') July 2000 White Paper on the goals of straight-through processing and T+1 settlement identified the subject of the proposed rule change as one of the changes that would be required to achieve these goals. DTCC received two favorable comment letters expressing views on the subject proposal.[6] These comment letters are attached as Exhibit 2 to DTC's filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–00–17 and should be submitted by May 8, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9431 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–01–M

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] For a description of same day funds settlement and DTC's adoption of associated risk management controls, refer to Securities Exchange Act Release Nos. 24689 (July 9, 1987), 52 FR 26613 [File No. SR–DTC–87–04] (order granting temporary approval to DTC's same-day fund settlement service) and 26051 (August 31, 1988), 53 FR 34853 [File No. SR–DTC–88–06] (order granting permanent approval to DTC's same-day fund settlement service).

[5] 15 U.S.C. 78q–1.

[6] Letters from Diane L. Schueneman, First Vice President, Merrill Lynch Investment Managers Operations and Arthur L. Thomas, Chief Operating Officer, Merrill Lynch Securities Services Division, to Dennis Dirks, President, Depository Trust Company (June 7, 2000), and from Jeffrey P. Neubert, President and Chief Executive Officer, New York Clearing House, to John Mancuso, Senior Systems Director, The Depository Trust & Clearing Corporation (September 22, 2000).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44176; File No. SR–DTC–01–02]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Enhancement of the End-of-Day Settlement Process of the Depository Trust Company

April 11, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 24, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an enhancement to the end-of-day

[1] 15 U.S.C. 78s(b)(1).

settlement process of DTC. The enhancement will enable settling banks to use the Federal Reserve Bank's (''Fed'') National Net Settlement Service (''NSS'') as an alternative vehicle to satisfy their net-net debit balances at DTC.[2] As described more fully below, NSS permits DTC to submit instructions to have the Fed accounts of participating settling banks charged for their DTC net-net debit balance. Utilization of NSS will serve to eliminate the need for a settling bank to initiate a wire to DTC's Fed Account in satisfaction of a net-net debit balance and therefore will reduce the risk a settling bank may incur a late payment fee due to a delay in wiring funds to DTC. Fees connected with DTC's end-of-day settlement process remain unchanged with respect to the NSS enhancements.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide settling banks with additional flexibility in the end-of-day settlement process of DTC. Currently, settling banks settle their DTC end-of-day net-net balances over the Fedwire system. If, however, a settling bank chooses to utilize NSS, once the settling bank acknowledges its net-net debit balances, DTC will transmit a file to the Fed with instructions to charge the participating settling bank with a net-net debit.[4] DTC will receive a message from the Fed when the file is successfully processed and balances updated. If a settling bank's Fed account does not have sufficient funds to complete the charge, DTC will be notified by the Fed, and DTC will contact the settling bank directly to obtain required funding.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[5] and the rules and regulations thereunder applicable to DTC because the proposed rule change will give participants more efficient usage of DTC's settlement processes. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible because the new operation of DTC's settlement processes, as modified by the proposed rule change, will enhance the current operation of the function.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change has been developed through discussions with several participants. Written comments from participants or others have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii)[6] of the Act and Rule 19b–4(f)(4)[7] promulgated thereunder because the proposal effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC.

All submissions should refer to File No. SR–DTC–01–02 and should be submitted by May 8, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9505 Filed 4–16–01; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44174; File No. SR–NASD–00–78]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. Amending the Nasdaq By-Laws

April 11, 2001.

I. Introduction

On January 22, 2001, the National Association of Securities Dealers, Inc. (''NASD'') through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with 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

[2] DTC implemented NSS on February 5, 2001. Thirteen settling banks currently use the service.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] Settling banks in a net-net credit situation will continue to be credited via the Fedwire system outside of NSS in accordance with DTC's current procedures.

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(4).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change amending the Nasdaq By-Laws. The proposed rule change was published for comment in the **Federal Register** on February 8, 2001.[3] On February 8, 2001, Nasdaq filed Amendment No. 1 with the Commission.[4] The Commission received no comments on the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

Nasdaq proposes to amend its By-Laws regarding the Nasdaq Board of Directors (the ''Board'') by designating up to two officers of Nasdaq who will be treated as ''neutral'' Board members for classification and composition purposes. Nasdaq also proposes to create new Nasdaq Management Compensation, Audit, and Nominating Committees, and to amend its By-law provisions regarding the composition and operation of certain other Nasdaq committees. Finally, Nasdaq seeks to make certain changes to conform its By-Laws to Delaware law and to reflect the new corporate relationship between the NASD and Nasdaq.

The proposed rule change further implements the Restructuring Plan approved by NASD members on April 14, 2000 (the ''Restructuring'').[5] The Restructuring broadens the ownership in Nasdaq through a two-phase private placement of common stock and warrants to NASD members, Nasdaq issuers, and certain others. Prior to the private placement, the NASD owned 100 percent of Nasdaq. Now after the closing of the private placement, Nasdaq has numerous shareholders, but the NASD retains voting control over Nasdaq. Concurrent with the ongoing Restructuring, Nasdaq submitted an application to the Commission to register as a national securities exchange (''Form 1'') under section 6 of the Act.[6] Prior to its registration as a national securities exchange, however, Nasdaq will continue to operate under the Plan of Allocation and Delegation of Functions by the NASD to its Subsidiaries (the ''Delegation Plan''), as approved by the Commission.[7] Nasdaq is also subject to the provisions and requirements of the NASD's August 8, 1996 settlement order with the Commission (''1996 Order'').[8]

Summary of Amendments

Article I

Article IV, Section 4.3 of the Nasdaq By-Laws requires that the number of Non-Industry Directors equal or exceed the number of Industry Directors. Currently, Nasdaq officers who serve on the Board are treated as Industry Directors for purposes of calculating the compositional balance of the Nasdaq Board. Nasdaq proposes that up to two officers of Nasdaq who may be elected to the Board be treated as ''neutral'' for purposes of calculating the balance between Industry and Non-Industry Directors. To effectuate this change, Nasdaq proposes to exclude from the definitions of Industry Director and Non-Industry Director up to two Nasdaq officers who are elected to the Board (the ''Staff Directors''). Thus, if the stockholders elect one or two Nasdaq officers to the Board, they would be deemed ''neutral'' Staff Directors and would not be included in calculating the balance between Industry and Non-Industry Directors on the Nasdaq Board. If the stockholders elect three or more officers to the Board, then the Board, in its discretion, would designate two of the officers as ''neutral'' Staff Directors and the others would be considered Industry Directors for compositional purposes.

Article IV

Nasdaq proposes to modify its By-Law provision establishing the balancing requirements between Industry and Non-Industry Directors, by removing references to Nasdaq officers who may be elected to the Board. The effect of this amendment, in conjunction with the amendments to the definitions of Industry and Non-Industry Directors described above, would be to ensure that the two ''neutral'' Staff Directors are not counted when calculating the Industry/Non-Industry balance of the Board.

In addition, certain Nasdaq By-Laws relating to committees currently require resolutions to be adopted by a majority vote of the whole Board (*e.g.,* to appoint, fill vacancies, fix the term of office of a committee member, or remove a committee member). Nasdaq proposes to remove this high vote requirement because it is no longer required for Nasdaq under applicable Delaware law. Under the amended By-Laws, only a vote of the Board would be necessary to adopt such resolutions.

Nasdaq also proposes several amendments to section 4.13 relating to committees. Nasdaq proposes to create a new Nominating Committee, Management Compensation Committee, and Audit Committee. Currently the NASD Nominating Committee nominates candidates for the Nasdaq Board and the Nasdaq Listing and Review Council.[9] In light of the broadening of the ownership of Nasdaq, Nasdaq proposes that a committee of its Board, rather than a committee of the board of the NASD, would be the appropriate nomination body for Nasdaq.[10] Nasdaq has also proposed to make conforming amendments throughout its By-Laws to replace references to the NASD's National Nominating Committee with references to Nasdaq's Nominating Committee.[11] The new Audit and Management Compensation Committees each require that the majority of Committee members be Non-Industry Directors, and the Nominating Committee requires that the number of Non-Industry members on the Committee equal or exceed the number of Industry members on the Committee. With respect to the existing Nasdaq Executive and Finance Committees, Nasdaq proposes to remove limitations on the size of these committees. As currently provided in the By-Laws, the Executive Committee would continue to have balancing requirements for industry, Non-Industry, and Public Directors, but no such requirements would apply to the Finance Committee.

Under Delaware law, the Board of a stockholder-owned corporation must appoint the Directors who serve on Board committees. Moreover, Board committees must be comprised solely of Directors to be validly constituted as

[3] Securities Exchange Act Release No. 43914 (January 31, 2001), 66 FR 9615 (February 8, 2001).

[4] Letter from Mary M. Dunbar, Vice President, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated February 8, 2001 (''Amendment No. 1''). Amendment No. 1 redesignated the term ''Amex'' as ''Article I(u)'' rather than ''Article I(v).'' This is a technical amendment and is not subject to notice and comment.

[5] On June 26, 2000, the Commission approved a number of changes to the Nasdaq By-Laws to implement the Restructuring. *See* Securities Exchange Act Release No. 42983 (June 26, 2000), 65 FR 41116 (July 3, 2000).

[6] Nasdaq originally filed its Form 1 with the Commission on November 9, 2000. However, Nasdaq's initial Form 1 submission was incomplete, and therefore on March 15, 2001, Nasdaq submitted additional documents to address the deficiencies. Thus Nasdaq's Form 1 was not officially filed with the Commission until March 15, 2001.

[7] After exchange registration, Nasdaq will no longer be governed pursuant to the Delegation Plan.

[8] *See* Order Instituting Public Proceedings Pursuant to section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions, Securities Exchange Act Release No. 37538 (August 8, 1996) (''1996 Order'').

[9] NASD By-Laws Article VII, section 9.

[10] The NASD has proposed changes to its By-Laws to reflect this new procedure for electing Nasdaq Board members. *See* Securities Exchange Act Release No. 44004 (February 26, 2001), 66 FR 13601 (March 6, 2001) (SR–NASD–01–06) and Special NASD Notice to Members 00–90.

[11] Nasdaq By-Laws Article I(p); Article III, sections 3.1, 3.2; Article IV, section 4.8; and Article V, sections 5.3, 5.8.

such under Delaware law. Therefore, Nasdaq proposes to remove the By-Law provision that requires the Nasdaq Chief Executive Officer to serve on the Executive and Finance Committees because it is inconsistent with the Board's exclusive authority in this respect and inconsistent with the requirement that such committees be comprised solely of Directors. In the future, any Nasdaq officer elected to the Board may be appointed to these Committees.

Article VII

Section 7.1 currently provides that none of the principal officers of Nasdaq, except the Chair and Chief Executive Officer, need to be Directors. Nasdaq proposes to remove the reference to the Chief Executive Officer to provide the flexibility to have a Chief Executive Officer who is not a Director.

Other Changes To Conform the By-Laws to Nasdaq's New Corporate Relationship With the NASD; To Delete Unused Terms; and To Conform Nasdaq's By-Laws With Delaware Law

Other changes to the By-Laws are made to reflect Nasdaq's new ownership structure and to institute procedures necessary for Nasdaq to operate as a corporation. For example, Nasdaq proposes to delete Section 4.3 of Article IV, which requires that certain Directors be drawn from candidates proposed to the National Nominating Committee by a majority of the Non-NASD stockholders of Nasdaq. This provision is no longer operative because Nasdaq has already solicited the recommendations of the non-NASD stockholders and has mailed a ballot to non-NASD stockholders asking them to vote on such candidates. Also, definitions for ''Amex Floor Governors,'' ''Nasdaq-Amex,'' and ''Amex Board'' are deleted because the terms are no longer used in the Nasdaq By-Laws. Finally, Nasdaq proposes certain amendments to the By-Laws to conform to applicable Delaware law. For example, under Article IV, Section 4.16, Nasdaq Directors would now be permitted to take action without a meeting.

III. Discussion

The Commission has reviewed the NASD's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of section 15A of the Act [12] and the rules and regulations thereunder applicable to a national securities association.[13] Specifically, the Commission believes the proposal is consistent with Sections 15A(b)(2), (b)(4) and (b)(6) of the Act.[14] Section 15A(b)(2) [15] requires that the association be so organized and have the capacity to be able to carry out the purpose of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act.[16] Section 15A(b)(4) [17] requires that the rules of an association assure a fair representative of its members in the selection of its Directors and administration of its affairs and provide that one or more Directors shall be representative of issuers and investors and not be associated with a member of the association, broker, or dealer.[18] Section 15A(b)(6) [19] requires, among other things, that the association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[20] The proposed rule change is also consistent with the Delegation Plan, and ensures that Nasdaq continues to meet its obligations under the 1996 Order.

Section 15A(b)(4) [21] of the Act requires fair representation of an association's members in the selection of its Directors and administration of its affairs, and provides that one or more Directors shall be representative issuers and investors and not be associated with a member of the association, broker, or dealer. The NASD, through the Delegation Plan, has the responsibility for ensuring that the Nasdaq Board fulfills the fair representation and public participation requirements. The fair representation requirement helps to ensure that no particular constituency is subject to the unfair, unfettered actions of another constituency, and helps to ensure that the NASD, including its Nasdaq subsidiary, is administered in a way that is equitable to all NASD members.

The Commission finds that the proposed composition of the Board meets the fair presentation and public participation criteria as set forth in Section 15A(b)(4) of the Act. [22] The proposed rule change does not change the requirement that the number of Non-Industry Directors equal or exceed the number of Industry Directors. Thus, the instant proposal continues to ensure that all interests, Industry, Non-Industry and Public will be adequately represented on the Board; that the decisions by the Board are not unfairly discriminatory between customers, issuers, brokers, or dealers; and that the protection of investors and the public interest is considered consistent with the requirements of the Act. Moreover, as staff representatives of Nasdaq, the two ''neutral'' Staff Directors should represent the interest of all members, including Industry, Non-Industry, and Public market participants.

The Commission also finds that Nasdaq's proposal to designate up to two officers of Nasdaq who may be elected to the Board as ''neutral'' for purposes of calculating the composition of Industry and Non-Industry Directors on the Board is consistent with Section 15A(b)(4) of the Act and with the 1996 Order. In particular, the Commission notes that the remainder of the Board will continue to maintain a majority of Non-Industry/Public representation. Moreover, the Staff Directors should represent the interest of the entire Nasdaq organization, which includes Industry, Non-Industry, and Public market participants. The Commission further notes that this portion of Nasdaq's proposal permits the Nasdaq board to be reduced in size and thus operate more efficiently.

The Commission also finds that Nasdaq's amendments to Section 4.13 of the Nasdaq By-Laws relating to committees are consistent with the requirements of Section 15A(b)(2) and Section 15A(b)(4) of the Act. The Commission notes that the establishment of these committees should result in the more efficient operation and administration of Nasdaq, particularly as Nasdaq moves forward in its efforts to complete its exchange registration and become a self-regulatory organization separate from the NASD.[23]

[12] 15 U.S.C. 78o–3.

[13] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital information. 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78o–3(b)(2), (b)(4), and (b)(6).

[15] 15 U.S.C. 78o–3(b)(2).

[16] Through the operation of the Delegation Plan, NASD must be responsible for, and Nasdaq must implement, rules, policies, and procedures that are consistent with the Act.

[17] 15 U.S.C. 78o–3(b)(4).

[18] *See supra* note 16.

[19] 15 U.S.C. 78o–3(b)(6).

[20] *See supra* note 16.

[21] 15 U.S.C. 78o–3(b)(4).

[22] *Id.*

[23] For example, Nasdaq's proposal to remove limitations on the size of the Executive and Finance Committees will permit the Board to determine the appropriate number of members on these committees as appropriate to the needs of Nasdaq and NASD members. As currently provided in the By-Laws, the Executive Committee would continue

The composition provisions of the Executive Committee and the new Nasdaq Committees ensure public participation in the Committees' decision-making process and provide for the fair representation of NASD members. Like the proposed changes to the structure and composition of the Board, the requirement that the number of Non-Industry Directors equal or exceed the number of Industry Directors, and the requirement that Public Directors be present helps to ensure that the decisions by the Executive Committee and the new Nasdaq committees take into account the public interest.

The Commission notes that the composition of the new Management Compensation, Audit, and Nominating Committees, are consistent with the specific compositional requirements for the mirror NASD committees, as set forth either in the Delegation Plan or the 1996 Order, and as implemented by the NASD By-Laws. For example, the composition of the proposed Management Compensation Committee fulfills the compositional requirements set forth in the 1996 Order that a majority of the committee members shall be Non-Industry Directors. The Management Compensation Committee also reflects other compositional requirements as set forth in the Delegation Plan, which designates that Nasdaq's CEO will be an ex-officio, non-voting member of the committee and that each committee member will hold office for one year.

The composition of the proposed Audit Committee fulfills the compositional requirements set forth in the 1996 Order that a majority of the committee members shall be Non-Industry Directors. In addition, the provisions of the Audit Committee mirror those of the NASD By-Laws, which also requires that a majority of the Audit Committee members shall be Non-Industry Directors; that the Audit Committee shall include two Public Directors; and that a Public Director shall serve as chair of the Committee.[24]

Finally, the Nasdaq Nominating Committee's compostional requirements would mirror the compositional requirements for the NASD Nominating Committee and comply with the requirements of the 1996 Order. The composition of the proposed Nominating Committee would continue to fulfill the compositional requirements set forth in the 1996 Order that a majority of the committee members shall be Non-Industry Directors. In addition the Nasdaq Nominating Committee reflects the mirror NASD Committee, where the number of Non-Industry members on the Nominating Committee equals or exceeds the number of Industry members on the Nominating Committee.[25]

The Commission therefore finds that the composition and operation of these Nasdaq committees are consistent with section 15A(b)(2) and 15A(b)(4) of the Act, which require that the Association, and through the Delegation Plan, Nasdq, be so organized and have the capacity to carry out the purposes of the Act, and that Nasdaq's key committees provide for the fair representation of all members. The Commission notes further that the Nasdaq Committees mirror the equivalent NASD committee requirements as set forth in the Delegation Plan and 1996 Order and as reflected in the applicable NASD By-Laws, and are consistent with Section 15A(b)(2) and 15A(b)(4) of the Act. The Commission emphasizes that all actions undertaken by these Nasdaq committees remain subject to the review, ratification, or rejection by the NASD Board in accordance with procedures set forth and implemented pursuant to the Delegation Plan.[26]

The Commission also finds that the proposed amendments, reflecting the new corporate relationship between the NASD and Nasdaq, deleting unused terms, and conforming the Nasdaq By-Laws to recent amendments to Delaware law, are consistent with Section 15A(b)(2) and (4) of the Act.[27] The changes to the By-Laws reflect Nasdaq's new ownership structure and institute procedures necessary for Nasdaq to operate as a corporation. For example, Nasdaq proposes to delete section 4.3 of Article IV, which requires that certain Directors be drawn from candidates proposed to the National Nominating Committee by a majority of the non-NASD stockholders of Nasdaq. This provision is no longer operative because Nasdaq has already solicited the recommendations of the non-NASD stockholders and has mailed a ballot to non-NASD stockholders asking them to vote on such candidates. In addition, definitions for ''Amex Floor Governors,'' ''Nasdaq-Amex,'' and ''Amex Board'' are deleted because the terms are no longer used in the Nasdaq By-Laws. Other amendments, such as permitting Directors to take action without a meeting (Article IV, Section 4.16 of the Nasdaq By-Laws); permitting resignations in a form other than writing (Article IV, section 4.5 and Article VII, section 7.5 of the Nasdaq By-Laws);'' no longer requiring a waiver of certain notices to be in writing (Article X, section 10.3 of the Nasdaq By-Laws); and no longer requiring that resolutions be adopted by a majority vote of the whole Board (*e.g.*, to appoint a committee, fill vacancies on the committee, fix the term of office of a committee member, or remove a committee member), conform the Nasdaq By-Laws to applicable Delaware law.[28] The Commission finds that these proposed changes are generally consistent with the purposes of the Act.

IV. Conclusion

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–NASD–00–78) is approved, as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9506 Filed 4–16–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44175; File No. SR–NYSE–00–62]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Specialists' Specialty Stock Option Transactions

April 11, 2001.

I. Introduction

On December 22, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with 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 to amend paragraph (1) of the Guidelines to NYSE Rule 105 and paragraph (a) of NYSE Rule 98. The proposed rule change was

to have balancing requirements for Industry, Non-Industry, and Public Directors, but no such requirements would apply to the Finance Committee.

[24] *See* NASD By-Laws, Article IX, Section 5.

[25] *See* NASD By-Laws, Article VII, Section 9.

[26] The NASD must retain the authority to oversee and control Nasdaq until Nasdaq registers as a national securities exchange.

[27] 15 U.S.C. 78o–3(b)(2) and (4).

[28] The Commission notes that the Nasdaq Board's power to delegate authority to a committee will still require a vote of the majority of the whole Board. Article IV, section 4.13(b) of the Nasdaq By-Laws.

[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

published in the **Federal Register** on January 26, 2001.[3] No comments were received on the proposal. On January 31, 2001, the NYSE filed Amendment No. 1 to the proposed rule change.[4] This order approves the proposed rule change, as amended.

II. Background

NYSE Rule 105 restricts specialists' transactions in options based on the stock for which the specialist is registered as such (''specialty stock''). Specifically, NYSE Rule 105(b) prohibits specialists from directly or indirectly holding, acquiring, granting or having an interest in any options to purchase or sell or to receive or deliver shares of the specialist's specialty stock, except as expressly permitted in the Guidelines to the rule. Generally, the Guidelines permit specialists to engage in certain hedging transactions in options based on the specialist's specialty stock. Guideline (1) to NYSE Rule 105, however, expressly prohibits specialists from acting in any market making capacity in any option that is a derivative of the specialist's specialty stock.

The restrictions in NYSE Rule 105 extend to the specialist's member organization, other members, allied members, and approved persons in such member organization, and any officer or employee thereof. An ''approved person'' is an individual or entity that controls a member organization, or is engaged in the securities business and is either controlled by, or is under common control with, a member organization.[5] Approved persons affiliated with a specialist are subject to a number of Exchange rules, including NYSE Rule 105, that place restrictions on the approved person's ability to trade in the specialty stocks and options based on the specialty stock of the related specialist. Thus, pursuant to Rule 105, an approved person associated with a specialist is prohibited from engaging in transactions in options based on the specialist's specialty stock except for the limited hedging transactions permitted in the Rule 105 Guidelines.

NYSE Rule 98 provides exemptions for specialists and approved persons from certain NYSE trading restriction rules. NYSE Rule 98 exempts approved persons associated with a NYSE specialist from the Rule 105 trading restrictions as long as the approved person and the specialist organize their respective operations in such a way that the activities of each entity are clearly separate and distinct. This is accomplished by the entities when they establish organizational separation and informational barriers that conform to NYSE Rule 98 Guidelines and have their proposed structure approved by the Exchange. NYSE Rule 98, however, does not exempt an approved person from the market making restriction set forth in Guideline (1) to NYSE Rule 105. Therefore, an approved person associated with a specialist may not act as a market maker in any option that is based on the specialist's specialty stock.

In the Notice, the NYSE explained that these prohibitions were intended to address potential conflict-of-interest concerns raised by side-by-side trading of equity securities and their related options by a specialist and a specialist affiliate.[6] The prohibitions were adopted in the early 1980s when options overlying a security were traded on one exchange only, unlike today's environment where options are frequently traded on more than one exchange.[7] According to the Exchange, conflict-of-interest concerns can be adequately addressed through the use of information barriers. Therefore, the NYSE proposes to permit, in a limited context, integrated market making involving NYSE specialists and approved persons associated with the specialist.

III. Description of the Proposed Rule Change

The NYSE proposes to amend paragraph (1) of the Guidelines to NYSE Rule 105 and paragraph (a) of NYSE Rule 98 to permit an approved person of a specialist to act as a competitive market maker or perform other similar non-primary/supplemental market-making activities[8] in any option that is a derivative of the related specialist's specialty stock. The proposal would permit this limited form of integrated market making as long as the entities are organized as clearly separate and distinct entities with informational barriers, approved by the Exchange, established between them.

While NYSE Rule 105, Guideline (1) would permit an approved person associated with a specialist to act as a competitive market maker or perform other similar non-primary/supplemental market-making activities in any option based on the specialist's specialty stock, it would continue to prohibit a specialist, its member organization, other members, allied members, or other approved persons of such specialist from acting as a primary market maker in any option based on the specialist's specialty stock.

Under the proposed rule change, if an approved person acts as a competitive market maker in an option overlying a specialty stock of its associated specialist, neither it, nor any other approved person associated with the specialist, may act as a market maker in any equity stock in which the associated specialist is registered as such and which underlies an option as to which the approved person acts as a market maker. The Exchange proposed the additional restriction to prevent a non-primary market maker in the options

[3] *See* Securities Exchange Act Release No. 43859 (January 18, 2001), 66 FR 7945 (''Notice'').

[4] *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Sapna Patel, Attorney, Division of Market Regulation (''Division''), SEC, dated January 30, 2001 (''Amendment No. 1''). In Amendment No. 1, the NYSE made minor technical changes to the rule text that do not need to be published for comment.

[5] NYSE Rule 98 Guideline (a). NYSE Rule 2 defines ''control'' as the power to direct or cause the direction of the management or policies of a person whether through ownership of securities, by contract or otherwise. A presumption of control is made in certain circumstances outlined in the rule.

[6] Side-by-side trading refers to the practice of trading an equity security and its related options at the same physical location. The Commission notes that the NYSE's restrictions also address concerns raised by integrated market making, which refers to the same person or firm making a market in an equity security and its related options. The Commission historically has viewed integrated market making and side-by-side trading as implicating many of the same regulatory concerns, such as the potential for market participants to misuse non-public market information and to engage in manipulative and improper trading conduct. In addition, the Commission has identified potential conflicts of interest inherent in side-by-side trading and integrated market making and has questioned the ability of the markets to effectively surveil market participants. *See* Report of the Special Study of the Options Markets to the Securities and Exchange Commission, 96th Cong., 1st Sess. (Comm. Print No. 96–1FC3), December 22, 1978 (examining the major issues of market structure in standardized options markets, including integration of stock and options trading) (''Options Study'').

[7] *See* Securities Exchange Act Release No. 21710 (February 4, 1985), 50 FR 5708 (February 11, 1985) (approving SR–NYSE–82–20). The Commission notes that at the time the Commission approved these restrictions, the NYSE traded standardized options on its floor. NYSE subsequently sold its options business to the Chicago Board Options Exchange, Inc. in 1997.

[8] The NYSE distinguishes primary market makers and competitive (or non-primary) market makers based on their differing obligations. Generally, primary market makers (''PMMs''), also called Designated Primary Market Makers (''DPMs''), Lead Market Makers (''LMMs''), and Registered Equity Market Makers, are market makers with significant responsibilities, similar to specialists on the Exchange, including overseeing the opening and closing of trading in option classes, and providing continuous, two-sided quotations in all of their assigned options. Competitive Market Makers (''CMMs''), also called competitive options traders, registered options traders, and non-primary market makers, however, are market makers who quote independently and add depth and liquidity to the market, but do not have the primary responsibility to maintain a fair and orderly market.

market from relaying information obtained on the floor (due to time and place advantage) to an approved person of the specialist who trades the stock underlying the option on a regional exchange or in another market.

As described above, NYSE Rule 98 exempts approved persons of specialists from the trading restrictions of NYSE Rule 105 if the approved person and the specialist organize their operations in such a manner that each entity is clearly separate and distinct. In addition, the entities must establish information barriers that prevent the possibility that privileged information would be made available for use in any way to influence a particular trading decision by a specialist or the approved person. Accordingly, the Guidelines require, among other things, confidentiality of trading information including information about the specialist's book, separate books and records, separate financial accounting, and separate capital requirements. The approved person and the specialist must submit a written statement to the Exchange describing the internal controls they intend to adopt for the establishment of procedures sufficient to restrict the flow of privileged market information and the Exchange must approve the structure to enable the entities to enjoy the Rule 98 exemption.

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 a national securities exchange.[9] In particular, the Commission believes that the proposal is consistent with section 6(b)(5) of the Act,[10] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

The Exchange has proposed to permit limited integrated market making of stocks listed on the Exchange and the options released to such Exchange-listed stocks by affiliated entities. Historically, the Commission has been concerned about permitting such practices.[11] Integrated market making raises numerous regulatory issues, such as the concern that an integrated entity could unfairly use non-public market information to its advantage, or that an integrated entity could easily engage in improper conduct, such as manipulating the price of either the stock or the option to create unfair advantages that would be hard, if not impossible, to surveil.[12] The Commission has also been concerned about the potential conflicts of interest that may arise when an integrated entity has an obligation to make markets in both an option and its underlying equity. In addition, the Commission has expressed concern about an exchange's ability to effectively surveil the trading practices of integrated entities.

When considering an integration proposal, the Commission must balance the potential improvements in the quality of the markets for the stocks and their related options against the competitive, regulatory, and surveillance concerns.[13] In this regard, the Commission must consider whether an integration proposal would permit the integrated entities to possess undetectable, material non-public market information, which could give either the specialist or the related options market maker a trading advantage over other market participants. Thus, the Commission must evaluate the extent of the proposed integration, as well as the characteristics of the market center putting forth the proposal.

In the proposed rule change, the Exchange seeks to permit a limited kind of integrated market making. Approved persons of Exchange specialists will be permitted to act as competitive market makers in options based on the specialist's specialty stock. However, these integrated entities as well as any other approved persons affiliated with the specialist will be required to organize their respective operations in such a way that the activities of each entity are clearly separate and distinct. The Guidelines to Rule 98 set forth the requirements to be followed by the related entities to be considered clearly separate and distinct. For example, Guideline (b)(i) requires organizational separation of the specialist and approved person and that the specialist must function as an entirely free standing entity responsible for its own trading decisions. Guideline (b)(ii) requires the respective management structures of the specialist and the approved person to be organized in such a manner as to prevent the management of the approved person from exerting any influence on a particular trading decision of the specialist. Guidelines (b)(iii) and (b)(iv) require the establishment of procedures to preserve confidentiality of trading information. In addition, Guideline (b)(iii) specifically requires the establishment of procedures to ensure the confidentiality of the specialist's book. Finally, the Guidelines require that the specialist and approved person maintain, among other things, separate books and records, financial accounting and capital requirements.

The Commission believes that the Exchange has established appropriate procedures in the Guidelines to address the regulatory issues related to the proposed rule change. The requirement of clearly separate and distinct organizations, along with the other informational barriers and restrictions, should prevent Exchange specialists and their related options market makers from sharing restricted, non-public market information. Further, Rule 98 requires the Exchange to review and approve the organizational structure and information barriers of the integrated entities. The Commission notes that the Exchange has had extensive experience reviewing Rule 98's organizational requirements and information barriers and thus should be able to ensure that the integrated entities are sufficiently separate and distinct. In addition, the Exchange has verified that organizational separation and information barriers will be maintained between the Exchange specialist, the approved person of the specialist acting as a competitive market marker in the overlying option, and any other persons affiliated with them.[14]

The Commission expects that the Exchange will assess, as it gains experience with the limited form of integrated market making permitted by this proposal, whether any other informational barriers are necessary to

[9] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Options Study, *supra* note 6.

[12] In the Options Study, the staff noted that substantial profits could be made from options positions as a result of small movements in the price of the underlying. Further, the staff noted the relative ease by which the price of the underlying security could be moved and the difficulty in detecting improprieties associated with small price movements.

[13] *See* Options Study, *supra* note 6k, *See also* Securities Exchange Act Release No. 22026 (May 8, 1985), 50 FR 20310 (May 15, 1985).

[14] The Commission notes that a specialist may be associated with more than one approved person. For example, a specialist may be controlled by a parent organization, which may also control other organizations. If any other organization controlled by the parent engages in market making activities in options based on the specialist's specialty stock, organizational separation and information barriers would have to be established between all entities, *i.e.,* the specialist, the parent company and the related options market making entities. Telephone conversation between Jeff Rosenstrock, Senior Project Specialist, Rule Development, NYSE, and Kelly Riley, Special Counsel, Division, SEC, on March 28, 2001.

prevent the flow of market information between the related entities. Of course, any new information barriers proposed would have to be submitted to the Commission for approval. The Commission also expects that the Exchange will surveil the integrated entities to ensure that the information barriers and organizational structure continue to prevent the flow of non-public market information.

The Commission notes that because the NYSE is the primary market for many equity securities underlying options, concerns are raised about an integrated organization being able to dominate the markets of both the specialty stock and its related options. Specifically, an integrated entity may by virtue of its positions as specialist and market maker in related securities could control the pricing and liquidity of both markets. The Commission, however, believes that the instant proposal is sufficiently limited to prevent an integrated entity from becoming dominant. For example, the instant integration proposal would permit approved persons to act only as competitive options market makers. Thus, while the approved person acting as a competitive options market maker may receive order flow in the specialty stock option, it most likely would not receive order flow or participate in trades to the same extent as a primary market maker. Further, a competitive market maker is required to compete, on price and size, with other market makers on the options floor for order flow. By having to compete on both price and size for orders, a competitive market maker should not be able to dominate the price or liquidity of a specialty stock option. Thus, the Commission believes that concerns that an integrated entity may become dominant in options and its underlying specialty stock are minimal in this case.

The Commission believes that the proposal should provide benefits to the markets. For example, the number of entities that may act as competitive market makers in options based on a specialist's specialty stock may increase as a result of this proposal. Now, entities that have been prohibited from acting as competitive options market maker because of the restrictions in NYSE Rule 105(l) will be permitted to act in this capacity. This could lead to increased competition and liquidity in the options market.

In conclusion, the Commission believes that the Exchange has sufficiently minimized the potential for manipulative and improper trading conduct by requiring strict organizational separation and information barriers. Therefore, the Commission believes that the potential improvements to liquidity and quality of the markets outweigh the potential regulatory concerns. For these reasons, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act.[15]

V. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[16] that the proposed rule change (SR–NYSE–00–62), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9507 Filed 4–16–01; 8:45 am]

BILLING CODE 8010–07–M

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 C.F.R. 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Notice of Action Subject to Intergovernmental Review Under Executive Order 12372

AGENCY: Small Business Administration.

ACTION: Notice of action subject to intergovernmental review under Executive Order 12372

SUMMARY: The Small Business Administration (SBA) is notifying the public that it intends to grant the pending applications of 22 existing Small Business Development Centers (SBDCs) for refunding on October 1, 2001, subject to the availability of funds. Four states do not participate in the EO 12372 process; therefore, their addresses are not included. A short description of the SBDC program follows in the supplementary information below.

The SBA is publishing this notice at least 120 days before the expected refunding date. The SBDCs and their mailing addresses are listed below in the address section. A copy of this notice also is being furnished to the respective State single points of contact designated under the Executive Order. Each SBDC application must be consistent with any area-wide small business assistance plan adopted by a State-authorized agency.

DATES: A State single point of contact and other interested State or local entities may submit written comments regarding an SBDC refunding within 30 days from the date of publication of this notice to the SBDC.

Addresses:

Addresses of Relevant SBDC State Directors

Mr. Robert McKinley, Region Director, Univ. of Texas at San Antonio, 1222 North Main Street, San Antonio, TX 78212, (210) 458–2450

Mr. Dennis Gruell, State Director, University of Connecticut, 2 Bourn Place, U–94, Storrs, CT 06269–5094, (860) 486–4135

Mr. Joe Ciccarello, Acting State Director, West Virginia Development Office, 950 Kanawha Boulevard, East, Charleston, WV 25301, (304) 558–2960

Mr. Clinton Tymes, State Director, University of Delaware, Suite 005—Purnell Hall, Newark, DE 19711, (302) 831–2747

Mr. Michael Young, Regional Director, University of Houston, 2302 Fannin, Suite 200, Houston, TX 77002, (713) 752–8425

Ms. Liz Klimback, Regional Director, Dallas Community College, 1402 Corinth Street, Dallas, TX 75212, (214) 860–5835

Mr. Craig Bean, Region Director, Texas Tech University, 2579 South Loop 289, Suite 114, Lubbock, TX 79423–1637, (806) 745–3973

Ms. Becky Naugler, State Director, University of Kentucky, 225 Gatton College of Business Economics, Lexington, KY 40506–0034, (606) 257–7668

Ms. Rene Sprow, State Director, Univ. of Maryland @ College Park, 7100 Baltimore Avenue, Suite 401, Baltimore, MD 20742, (301) 403–8163

Ms. Diane Wolverton, State Director, University of Wyoming, P.O. Box 3922, Laramie, WY 82071, (307) 766–3505

Mr. Max Summers, State Director, University of Missouri, Suite 300, University Place, Columbia, MO 65211, (573) 882–0344

Mr. James L. King, State Director, State University of New York, SUNY Plaza, S–523, Albany, NY 12246, (518) 443–5398

Mr. Donald L. Kelpinski, State Director, Vermont Technical College, P.O. Box 422, Randolph Center, VT 05060, (802) 728–9101

Ms. Carmen Marti, SBDC Director, Inter American University, Ponce de Leon Avenue, #416, Edificio Union Plaza, Suite 7–A3, Hato Rey, PR 00918, (787) 763–6811

Mr. Ronald Manning, State Director, Iowa State University, 137 Lynn Avenue, Ames, IA 50010, (515) 292–6351

Ms. Holly Schick, State Director, Ohio Department of Development, 77 South High Street, Columbus, OH 43226–1001, (614) 466–2711

Mr. Warren Bush, SBDC Director, University of the Virgin Islands, 8000 Nisky Center, Suite 202, St. Thomas, US VI 00802, (340) 776–3206

FOR FURTHER INFORMATION CONTACT: Johnnie L. Albertson, Associate Administrator for SBDCs, U.S. Small Business Administration, 409 Third Street, SW., Suite 4600, Washington, DC 20416.

SUPPLEMENTARY INFORMATION:

Description of the SBDC Program

A partnership exists between SBA and an SBDC. SBDCs offer training, counseling and other business development assistance to small businesses. Each SBDC provides services under a negotiated Cooperative Agreement with SBA, the general management and oversight of SBA, and a state plan initially approved by the Governor. Non-Federal funds must match Federal funds. An SBDC must operate according to law, the Cooperative Agreement, SBA's regulations, the annual Program Announcement, and program guidance.

Program Objectives

The SBDC program uses Federal funds to leverage the resources of states, academic institutions and the private sector to:

(a) Strengthen the small business community;

(b) Increase economic growth;

(c) Assist more small businesses; and

(d) Broaden the delivery system to more small businesses.

SBDC Program Organization

The lead SBDC operates a statewide or regional network of SBDC service centers. An SBDC must have a full-time Director. SBDCs must use at least 80 percent of the Federal funds to provide services to small businesses. SBDCs use volunteers and other low cost resources as much as possible.

SBDC Services

An SBDC must have a full range of business development and technical assistance services in its area of operations, depending upon local needs, SBA—priorities and SBDC program objectives. Services include training and counseling to existing and prospective small business owners in management, marketing, finance, operations, planning, taxes, and any other general or technical area of assistance that supports small business growth.

The SBA district office and the SBDC must agree upon the specific mix of services. They should give particular attention to SBA's priority and special emphasis groups, including veterans, women, exporters, the disabled, and minorities.

SBDC Program Requirements

An SBDC must meet programmatic and financial requirements imposed by statute, regulations or its Cooperative Agreement. The SBDC must:

(a) Locate service centers so that they are as accessible as possible to small businesses;

(b) Open all service centers at least 40 hours per week, or during the normal business hours of its state or academic Host Organization, throughout the year;

(c) Develop working relationships with financial institutions, the investment community, professional associations, private consultants and small business groups; and

(d) Maintain lists of private consultants at each service center.

Dated: April 7, 2001.

Johnnie L. Albertson,

Associate Administrator for Small Business Development Centers.

[FR Doc. 01–9397 Filed 4–16–01; 8:45 am]

BILLING CODE 8025–01–M

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of quarterly meeting.

DATES: May 8, 2001, 10 a.m.–5 p.m., May 9, 2001, 9 a.m.–5 p.m., May 10, 2001, 9 a.m.–4 p.m.

ADDRESS: Almas Temple, Oasis Room, 1315 K Street, NW., Washington, DC 20005, Phone: (202) 898–1688.

SUPPLEMENTARY INFORMATION: *Type of Meeting:* This quarterly meeting is open to the public. The public is invited to participate by coming to the address listed above. Public comment will be taken. The public is also invited to submit comments in writing on the implementation of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 at any time.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Advisory Panel (the Panel). Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the meeting time to receive public testimony, hear presentations, conduct full Panel deliberations on the implementation of TWWIIA, receive briefings and conduct business.

The Panel will meet in person commencing Tuesday, May 8, 2001 from 10 a.m. to 5 p.m.; Wednesday, May 9, 2001 from 9 a.m. to 5 p.m.; and Thursday, May 10, 2001 from 9 a.m. to 4 p.m.

Agenda: Public testimony will be heard in person on Wednesday, May 9, 2001 from 9:30 a.m. to 12 p.m. Individuals interested in providing testimony in person should contact the Panel staff as outlined below to schedule time slots. Members of the public must schedule a time slot in order to comment.

Each presenter will be called on by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute verbal presentation. Full written testimony on TWWIIA Implementation, no longer than 5 pages, may be submitted in person or by mail, fax or email on an on-going basis to the Panel for consideration.

In the event that the public comments do not take up the scheduled time period for public comment, the Panel will use that time to deliberate and conduct other Panel business.

Since seating may be limited, persons interested in providing testimony at the meeting should contact the Panel staff by e-mailing Kristen M. Breland, at *kristen.m.breland@ssa.gov* or calling (202) 358–6430.

The full agenda for the meeting follows this announcement. The agenda is posted on the Internet at *http://www.ssa.gov/work/Resources/Toolkit/* or can be received in advance electronically or by fax upon request.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff,

400 Virginia Avenue, SW, Suite 700, Washington, DC, 20024
- Telephone contact with Kristen Breland at (202) 358–6430
- Fax at (202) 358–6440
- E-mail to *TWWIIAPanel@ssa.gov.*

Dated: April 11, 2001.

Deborah M. Morrison,

Designated Federal Officer.

Ticket to Work and Work Incentives Advisory Panel—Public Meeting Agenda

Almas Temple, Oasis Room, 1315 K Street, NW., Washington, DC 20005, Phone: (202) 898–1688, May 8, 9, and 10, 2001

Tuesday, May 8, 2001, Day 1

10:00 a.m.—Meeting Called to Order by Deborah Morrison, Designated Federal Officer
10:00 a.m. to 10:30 a.m.—Welcome and Introductions—Sarah Mitchell, Chair, Presiding
10:30 a.m. to 12:00 p.m.—Presentation on TWWIIA Implementation
12:00 p.m. to 1:30 p.m.—Lunch (On Your Own)
1:30 p.m.—Meeting Reconvenes, Sarah Mitchell, Presiding
1:30 p.m. to 3:00 p.m.—Presentation on TWWIIA Implementation
3:00 p.m. to 3:30 p.m.—Break
3:00 p.m. to 5:00 p.m.—Presentation on TWWIIA Implementation
5:00 p.m.—Adjournment

Wednesday, May 9, 2001, Day 2

9:00 a.m. to 9:30 a.m.—Sarah Mitchell, Chair, Presiding—Meeting Reconvened
9:30 a.m. to 10:30 a.m.—Public Testimony Comment Period on TWWIIA Implementation
10:30 a.m. to 11:00 a.m.—Break
11:00 a.m. to 12:00 p.m.—Public Testimony Comment Period on TWWIIA Implementation Continued
12:00 p.m. to 1:30 p.m.—Lunch (On Your Own)
1:30 p.m.—Meeting Reconvenes, Sarah Mitchell, Presiding
1:30 p.m. to 3:30 p.m.—Panel Deliberations on TWWIIA Implementation
3:30 p.m. to 3:45 p.m.—Break
3:45 p.m. to 5:00 p.m.—Panel Deliberations on TWWIIA Implementation

Please Note: In the event that the public comments do not take up the scheduled time period, the Panel will use that time to deliberate and conduct other Panel business.

Thursday, May 10, 2001, Day 3

9:00 a.m. to 9:30 a.m.—Sarah Mitchell, Chair, Presiding—Meeting Reconvened and Opening Remarks
9:30 a.m. to 10:30 a.m.—Presentation from SSA on TWWIIA Implementation
10:30 a.m. to 11:00 a.m.—Break
11:00 a.m. to 12:00 p.m.—Panel Deliberations on TWWIIA Implementation
12:00 p.m. to 1:30 p.m.—Lunch (On Your Own)
1:30 p.m.—Meeting Reconvenes, Sarah Mitchell, Presiding
1:30 p.m. to 2:30 p.m.—Panel Deliberations on TWWIIA Implementation
2:30 p.m. to 3:00 p.m.—Break
3:00 p.m. to 4:00 p.m.—Administrative Discussions
4:00 p.m.—Adjournment

[FR Doc. 01–9511 Filed 4–12–01; 2:38 pm]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3646]

Notice of Information Collection Under Emergency Review: Application for Consular Report of Birth of a Citizen of the United States of America, 1405–0011

AGENCY: Department of State.

ACTION: Notice of information collection.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Reinstatement.

Originating Office: CA/OCS/PRI.

Title of Information Collection: Application for Consular Report of Birth of a Citizen of the United States of America.

Frequency: On occasion.

Form Number: DS–2029/SS–5 issued 02/2000, formerly FS–579.

Respondents: Individuals.

Estimated Number of Respondents: 46,000.

Average Hours Per Response: 1.

Total Estimated Burden: 46,000.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by April 14, 2001. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, (202) 395–3897.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:
- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR ADDITIONAL INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Monica Gaw, CA/OCS/PRI, Room 4811, Department of State, Washington, DC 20520. She may be reached on 202–647–3683.

Dated: March 28, 2001.

Frank Moss,

Executive Director, Bureau of Consular Affairs, Department of State.

[FR Doc. 01–9497 Filed 4–16–01; 8:45 am]

BILLING CODE 4710–06–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1529).

TIME AND DATE: 9 a.m. (CDT), April 18, 2001.

PLACE: Hopkinsville Community College Auditorium, 720 North Drive, Hopkinsville, Kentucky.

STATUS: Open.

Agenda

Approval of minutes of meeting held on March 28, 2001.

New Business

B—Purchase Award

B1. Contracts with CDI Information Technology Services and Zycron

Computer Services, Inc., for information technology staff augmentation.

B2. Contract with Health International for services in connection with a health management program for active employees and non-Medicare eligible retirees who participate in TVA's self-insured medical plan.

C—Energy

C1. Supplement to Contract No. 99NNQ–251786–001 with Siemens Westinghouse Power Corporation for generator outage services to add high pressure turbine rotor work for Sequoyah Nuclear Plant Units 1 and 2.

C2. Contract with Lafayette Coal Company for coal supply to Gallatin Fossil Plant for one-year term.

C3. Supplement to Contract No. 79P66–143178–001 with Global Nuclear Fuel-Americas, LLC, to design, fabricate, and deliver nuclear fuel assemblies and perform fuel engineering analysis at Browns Ferry Nuclear Plant.

C4. Delegation of authority to the Chief Operating Officer, or a designee, to proceed with a power uprate project at Browns Ferry Nuclear Plant Units 2 and 3 and delegation of authority to the Senior Vice President, Procurement, or a designee, to extend Contract No. 92NNP–82068D–001 with General Electric Company through June 30, 2005, to cover the power uprate project's expected duration.

E—Real Property Transactions

E1. Public auction sale of approximately 4.73 acres of land on Chickamauga Reservoir in Hamilton County, Tennessee, Tract No. XSCCL–2, parcels 1, 2, and 3.

E2. Deed modification affecting approximately 1,000 square feet of former TVA land on Cherokee Reservoir in Hawkins County, Tennessee, a portion of Tract No. XCK–399.

E3. Deed modification affecting approximately 0.4 acre of former TVA land on Norris Reservoir in Campbell County, Tennessee, a portion of Tract No. XNR–588.

E4. Sale of a noncommercial, nonexclusive permanent easement affecting 0.761 acre of land on Tellico Reservoir in Monroe County, Tennessee, for the construction, operation, and maintenance of private water-use facilities, Tract No. XTELR–219RE.

E5. Abandonment of existing road easement rights affecting approximately 0.2 acre of former TVA land on Chickamauga Reservoir in Hamilton County, Tennessee, a portion of Tract No. XCR–381, in exchange for conveyance of replacement road easement.

Information Item

1. Approval of indemnification of non-TVA employee union representatives serving on the various joint health care committees.

For more information: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: April 11, 2001.

Charles L. Young,

Assistant General Counsel and Assistant Secretary.

[FR Doc. 01–9545 Filed 4–12–01; 4:36 pm]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Assessment or Environmental Impact Statement; Hocking and Athens Counties, Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental assessment or environmental impact statement will be prepared for transportation improvements proposed for the U.S. Route 33 corridor in Hocking and Athens Counties, Ohio.

FOR FURTHER INFORMATION CONTACT: Andreas Garnes, Rural Programs Engineer, Federal Highway Administration, 200 N. High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6856.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation (ODOT), will prepare an environmental assessment (EA) or environmental impact statement (EIS) on a proposal that will consider transportation improvements to U.S. Route 33 from the existing four-lane section west of the City of Nelsonville in Hocking County to the existing four-lane section east of Nelsonville in Athens County, Ohio.

A transportation investment is considered necessary to improve the regional transportation network by providing an improved travel corridor; to reduce anticipated congestion on existing U.S. Route 33 from projected traffic volumes; to improve safety on the existing highway system; and to support existing industry and future development through improved access to southeastern Ohio.

Actions under consideration include: (1) Taking no action; (2) upgrading existing U.S. Route 33 through Nelsonville; or (3) constructing a roadway on new alignment bypassing the City of Nelsonville.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in the project area. These are currently anticipated for Spring and Summer of 2001. In addition, a hearing will be held in conjunction with the EA or draft EIS early in 2002. Public notice will be given of the exact time and place of the meetings and hearing for the project. The EA or Draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action or the EA/EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 9, 2001.

Andreas Garnes,

Rural Program Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 01–9441 Filed 4–16–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–31 (Sub–No. 39X)]

Grand Trunk Western Railroad Incorporated—Abandonment Exemption—in Genesee County, MI

On March 28, 2001, Grand Trunk Western Railroad Incorporated (GTW) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad, referred to as the Flint Old Main, extending from milepost 267.5, near Corunna Road

(Michigan State Route 21), to milepost 269.98, near Grand Traverse Street, a distance of approximately 2.48 miles, in Flint, Genesee County, MI. The line traverses U.S. Postal Service Zip Codes 48503 and 48532 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in GTW's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 16, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 7, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–31 (Sub-No. 39X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Thomas J. Litwiler, Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721. Replies to the GTW petition are due on or before May 7, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 4, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–8939 Filed 4–16–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part is its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Engraving and Printing within the Department of the Treasury is soliciting comments concerning the public awareness of new currency design features.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESS: Direct all written comments to Department of the Treasury, Bureau of Engraving and Printing, Lisa DiNunzio, 14th and C Streets SW., Washington, DC 20228, 202–927–3386, lisa.dinunzio@bep.treas.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Department of the Treasury, Bureau of Engraving and Printing, Pam Grayson, 14th and C Streets SW., Washington, DC 20228, 202–874–2212, pam.grayson@bep.treas.gov.

SUPPLEMENTARY INFORMATION: *Title:* Public Awareness Survey of New Currency Design.

Abstract: Since 1996, the Bureau of Engraving and Printing (BEP) has been producing Series 1996 Federal Reserve Notes. This series is based on a new design with counterfeit deterrence features intended to better enable the general public to recognize genuine currency and distinguish it from counterfeits. The Bureau of Engraving and Printing is prepared to release the next generation of currency as early as the year 2003, and the Federal Reserve, BEP and United States Secret Service are once again initiating a new design effort. To aid in effective selection of counterfeit deterrence features for the next design, the BEP is sponsoring a study to assess how well the features in the Series 1996 design have worked.

Current Actions: The purpose of this study is to evaluate how knowledgeable the public is of the new currency; and to evaluate the usefulness of the new currency features for authentication. The purpose behind having the research plan in two non-current phases is to analyze the results of phase one and incorporate them into the final format and content of phase two. In addition, phase two research activity needs to be scheduled to synchronize with a similar study that will be implemented by the Dutch Government and the European Community.

Type of Review: New.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,400.

Estimated Total Annual Burden Hours: 600.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 6, 2001.

Lisa DiNunzio,

Program Manager, Securities Technology Institute.

[FR Doc. 01–9442 Filed 4–16–01; 8:45 am]

BILLING CODE 4840–01–U

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Treasury Direct Forms.

DATES: Written comments should be received on or before June 18, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Treasury Direct Forms.

OMB Number: 1535–0069.

Form Number: PD F 5178, 5179, 5179–1, 5180, 5181, 5182, 5188, 5189, 5191, 5201, 5235, 5236, 5261, 5365, and 5381.

Abstract: The information is requested to issue and maintain treasury Bills, Notes, and Bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 431,632.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 58,628.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 11, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–9455 Filed 4–16–01; 8:45 am]

BILLING CODE 4810–39–U

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Customer Satisfaction Survey.

DATES: Written comments should be received on or before June 18, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106–1328.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–6553.

SUPPLEMENTARY INFORMATION:

Title: Voluntary Customer Satisfaction Survey to Implement Executive Order 12862.

OMB Number: 1535–0122.

Abstract: The information from the survey will be used to improve customer service.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 7,000.

Estimated Total Annual Burden Hours: 876.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 11, 2001.

Vicki S. Thorpe,

Manager, Graphics, Printing and Records Branch.

[FR Doc. 01–9456 Filed 4–16–01; 8:45 am]

BILLING CODE 4810–39–U

Corrections

Federal Register
Vol. 66, No. 74
Tuesday, April 17, 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 ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–041]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

Correction

In notice document 01–8779 appearing on page 18622, in the issue of Tuesday, April 10, 2001, make the following correction:

On page 8779, in the second column, the docket line is corrected to read as set forth above.

[FR Doc. C1–8779 Filed 4–16–01; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44144; File No. SR-NASD-00-81]

Self Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Computer to Computer Interface Fees for Non-NASD Members

Correction

In notice document 01–8472 beginning on page 18332 in the issue of Friday, April 6, 2001, the headings are corrected as set forth above.

[FR Doc. C1–8472 Filed 4–16–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
April 17, 2001

Part II

Environmental Protection Agency

Certain New Chemicals; Receipt and Status Information; Notices

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51967; FRL–6779–4]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 1, 2001 to March 9, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51967 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–51967. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, any test data submitted by the manufacturer/importer and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51967 and the specific PMN number in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51967 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 1, 2001 to March 9, 2001, consists of the PMNs, pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

TABLE I. 22 PREMANUFACTURE NOTICES RECEIVED FROM: 03/01/01 TO 03/09/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0405	03/06/01	06/04/01	CBI	(G) Plasticizer/binder	(G) Saccharide
P–01–0406	03/06/01	06/04/01	CBI	(G) Plasticizer/binder	(G) Saccharide
P–01–0407	03/02/01	05/31/01	Kelmar Industries, Inc.	(S) Textile softener	(G) Polydimethylsiloxane with aminoalkyl and polyether groups
P–01–0409	03/06/01	06/04/01	CBI	(S) Moisture cure coating	(G) Aliphatic polyester polyurethane polymer
P–01–0410	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0411	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0412	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0413	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0414	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0415	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0416	03/06/01	06/04/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(G) Acrylic copolymer
P–01–0417	03/06/01	06/04/01	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–01–0418	03/07/01	06/05/01	CBI	(G) Open non-dispersive (paint additive)	(G) Polyurethane
P–01–0419	03/06/01	06/04/01	3M Company	(S) Monomer	(G) Diacrylate monomer
P–01–0420	03/06/01	06/04/01	3M Company	(G) Monomer	(G) Aromatic acrylate
P–01–0421	03/08/01	06/06/01	CBI	(G) Resin coating	(G) Polyester resin
P–01–0422	03/08/01	06/06/01	CBI	(G) Lubricant additive	(G) Alkenyl dicarboxylic acid anhydride
P–01–0423	03/09/01	06/07/01	CBI	(G) Dye intermediate	(G) Substituted benzoic acid
P–01–0424	03/09/01	06/07/01	CBI	(G) Fluorescent dye	(G) Benzopyranone
P–01–0425	03/09/01	06/07/01	E. I. Dupont de Nemours & Co.	(G) Cross-linking agent	(G) Substituted zirconate ester
P–01–0426	03/09/01	06/07/01	CBI	(S) Structural adhesive	(G) Acrylic-modified polyurethane
P–01–0429	03/09/01	06/07/01	CBI	(G) Additive for thermoplastic resin (open, non-dispersive use)	(G) Modified polyolefin

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

TABLE II. 15 NOTICES OF COMMENCEMENT FROM: 03/01/01 TO 03/09/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0531	03/08/01	02/23/01	(G) 1,5-cyclooctadiene, platinum complex
P–00–0694	03/06/01	02/18/01	(G) Hydrophilic aliphatic polyisocyanate
P–00–0757	03/01/01	02/19/01	(G) Isocyanate-terminated polyester polyurethane polymer
P–00–0881	03/05/01	10/30/00	(G) Silane ester
P–00–1065	03/06/01	01/26/01	(S) Methanesulfonamide,1,1,1,-trifluoro-n-[(trifluoromethyl)sulfonyl]-
P–00–1091	03/09/01	02/28/01	(G) Neutralized acrylate polymer
P–00–1170	03/06/01	02/27/01	(S) Phenol, 4,4′-sulfonylbis-, monosodium salt*
P–01–0043	03/06/01	02/16/01	(G) Silyl substituted bicyclic olefin
P–01–0116	03/01/01	02/27/01	(G) Fluorinated polyalkyl silicones
P–01–0134	03/08/01	02/27/01	(G) Polyurethane prepolymer
P–01–0135	03/08/01	03/02/01	(G) Polyester pre-polymer
P–01–0137	03/08/01	02/24/01	(G) Inorganic metallic salt
P–93–1431	03/02/01	02/08/01	(G) Molecular recognition material (organic ligand modified silica gel
P–98–0113	03/09/01	02/27/01	(G) Cobalt based ziegler-natta catalyst
P–98–1237	03/07/01	02/22/01	(S) Fatty acids, C_{14-18}, calcuim salts*

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: March 30, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–9491 Filed 4–16–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51968; FRL–6779–9]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 12, 2001 to March 23, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51968 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically*. You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51968. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, any test data submitted by the manufacturer/importer and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51968 and the

specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51968 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from March 12, 2001 to March 23, 2001, consists of the PMNs, pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

TABLE I. 28 PREMANUFACTURE NOTICES RECEIVED FROM: 03/12/01 TO 03/23/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0427	03/13/01	06/11/01	Sekisui America Corporation	(S) Absorbing layer for inkjet ink	(S) Acetic acid ethenyl ester, polymer with ethenol, cyclic acetal with benzaldehyde
P–01–0428	03/13/01	06/11/01	UCB Chemicals Corporation	(S) Pressure sensitive adhesive	(S) 2-propenoic acid, 3-sulfopropyl ester, potassium salt
P–01–0430	03/13/01	06/11/01	CBI	(G) Open, non-dispersive	(G) Polyalkylene oxide benzoate
P–01–0431	03/13/01	06/11/01	Dystar L. P.	(S) Dyestuff for coloration of polyester	(G) Substituted cyano acetic acid pentyl ester
P–01–0432	03/13/01	06/11/01	Degussa Corporation	(S) Reactive modifier for polymeric substances	(G) Bis heterocyclic phenylene derivative
P–01–0433	03/13/01	06/11/01	CBI	(G) Isolated intermediatefor enclosed destructive use	(G) Halogenated alkane
P–01–0434	03/13/01	06/11/01	CBI	(G) Dye	(G) Sulphonated, disazo dye
P–01–0435	03/13/01	06/11/01	CBI	(G) Dye	(G) Sulphonated, disazo dye
P–01–0436	03/14/01	06/12/01	CBI	(G) Component of industrial fluid with open use	(G) Amine salt of an organic phosphonic acid

TABLE I. 28 PREMANUFACTURE NOTICES RECEIVED FROM: 03/12/01 TO 03/23/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0437	03/14/01	06/12/01	CBI	(G) Component of industrial fluid with open use	(G) Amine salt of an organic phosphonic acid
P–01–0438	03/14/01	06/12/01	CBI	(G) Component of industrial fluid with open use	(G) Amine salt of an organic phosphonic acid
P–01–0439	03/14/01	06/12/01	CBI	(G) Component of industrial fluid with open use	(G) Amine salt of an organic phosphonic acid
P–01–0440	03/14/01	06/12/01	CBI	(G) Component of industrial fluid with open use	(G) Amine salt of an organic phosphonic acid
P–01–0441	03/14/01	06/12/01	Solutia Inc.	(S) Cross-linker for can and tube coatings	(G) Modified phenolic resin
P–01–0442	03/14/01	06/12/01	UBE America Inc.	(S) Filler to reinforce automobile packing materials;flame retardant for automobile packing materials;oil filter medium	(S) Xonotlite
P–01–0443	03/16/01	06/14/01	CBI	(G) Dispersing agent	(G) Copolymer of polyoxyethylene allyl methyl ether
P–01–0444	03/19/01	06/17/01	Solutia Inc.	(S) Paint resin	(G) Hydroxy functional polyester resin
P–01–0445	03/19/01	06/17/01	CBI	(S) Textile wet processing	(G) Aminomodified silicone-polyether copolymer
P–01–0446	03/19/01	06/17/01	The Polyset Company, Inc.	(S) Coatings;molding powder;composites;adhesives	(S) Siloxanes and silicones, methoxy 2-(7-oxabicyclo[4.1.0]hept-3-yl)ethyl, [[dimethoxy[2-(7-oxabicyclo[4.1.0]hept-3-yl)ethyl]silyl]oxy]- and [[4,6-dimethoxy-2,4,6-tris[2-(7-oxabicyclo[4.1.0]hept-3-yl)ethyl]cyclotrisiloxan-2-yl]oxy]-terminated
P–01–0447	03/19/01	06/17/01	CBI	(G) Binder of pigment	(G) Rosin modified phenolic resin
P–01–0448	03/21/01	06/19/01	CBI	(G) Open non-dispersive (resin)	(G) Silane terminated polyurethane prepolymer
P–01–0449	03/21/01	06/19/01	CBI	(G) Reagent for organic synthesis	(G) Potassium alkoxide
P–01–0450	03/21/01	06/19/01	CBI	(G) Strong base used in organic synthesis	(G) Potassium alkoxide salt
P–01–0451	03/21/01	06/19/01	CBI	(G) Protective industrial coating	(G) Fatty acid modified polyester
P–01–0452	03/22/01	06/20/01	Engelhard Corporation	(G) Absorbent for purifying gas streams	(S) Silicon sodium strontium titanium hydroxide oxide
P–01–0453	03/22/01	06/20/01	PFW Aroma Chemicals - Sales Office USA	(S)Fragrance oil in detergent, fabric softener and household cleaners;fragrance oil in soaps, hair care, bath and shower and personal care;fragrance oil in fine perfumes;fragrance oil in air fresherners, candles, potpourri	(S) 1,4-dioxacyclohexadecan-2-one
P–01–0454	03/23/01	06/21/01	Pfw aroma chemicals - sales office usa	(S) Fragrance oil in detergent, fabric softener and household cleaners;fragrance oil in soaps, hair care, bath and shower and personal care;fragrance oil in fine perfumes;fragrance oil in air fresherners, candles, potpourri	(S) Ethanone, 1-(1,1,3,5-tetramethyl-1h-inden-2-yl)-
P–01–0455	03/23/01	06/21/01	The shepherd chemical company	(G) Polymer catalyst	(S) Ferric acetate

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

TABLE II. 21 NOTICES OF COMMENCEMENT FROM: 03/12/01 TO 03/23/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0035	03/22/01	04/10/00	(G) Isocyanate-terminated urethane prepolymer

TABLE II. 21 NOTICES OF COMMENCEMENT FROM: 03/12/01 TO 03/23/01—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0300	03/22/01	03/12/01	(G) Alkyl acid halides, reaction products with alkylhalide and alkoxylated alkylamines
P–00–0420	03/21/01	02/19/01	(G) Aromatic compound derivative
P–00–0967	03/23/01	03/12/01	(G) Polyurethane resin
P–00–0968	03/23/01	03/12/01	(G) Polyurethane resin
P–00–0971	03/20/01	03/09/01	(G) Benzenesulfonic acid, 3,3′-[[6-[substituted]-1,3,5-triazine-2,4-diyl]bis[imino(3-alkoxy-4,1-phenylene)azo]]bis-, lithium,sodium salt
P–00–0972	03/20/01	03/09/01	(G) Benzenesulfonic acid, 3,3′-[[6-[substituted]-1,3,5-triazine-2,4-diyl]bis[imino(3-alkoxy-4,1-phenylene)azo]]bis-, lithium,sodium salt
P–00–0995	03/23/01	03/02/01	(G) Polyester resin
P–00–0996	03/23/01	03/02/01	(G) Polyester resin
P–00–1064	03/20/01	03/10/01	(S) Ferrate(1-), bis[3,5-bis(1,1-dimethylethyl)-2-(hydroxy-.kappa.o)benzoato(2-)-.kappa.o]-, hydrogen
P–00–1148	03/13/01	02/09/01	(G) Castor oil modified alkyd resin
P–00–1224	03/23/01	03/14/01	(G) Carbamated diol
P–01–0001	03/20/01	02/24/01	(G) Chloroformate
P–01–0102	03/21/01	02/15/01	(G) Aromatic polyacylurea
P–01–0105	03/21/01	02/23/01	(G) Substituted polyether polyurethane
P–01–0108	03/13/01	03/06/01	(G) Diketo-pyrrolopyrrol pigment derivative
P–01–0144	03/20/01	03/12/01	(S) Propanamide, n-(2-hydroxyethyl)-3-methoxy-
P–96–0357	03/19/01	08/04/99	(G) Carboxylic polybutadiene
P–98–0841	03/15/01	01/29/01	(G) Mixed carboxylic acids, lithium salts
P–99–0580	03/13/01	02/26/01	(G) Aromatic polyester polyol
P–99–0765	03/14/01	02/10/01	(G) Aromatic polyester polyurethane

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: April 5, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–9490 Filed 4–16–01; 8:45 am]

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Federal Register

Tuesday,
April 17, 2001

Part III

The President

Proclamation 7426—Thomas Jefferson Day, 2001

Federal Register
Vol. 66, No. 74
Tuesday, April 17, 2001

Presidential Documents

Title 3—

The President

Proclamation 7426 of April 12, 2001

Thomas Jefferson Day, 2001

By the President of the United States of America

A Proclamation

Our Nation's Founding Fathers overcame enormous obstacles to establish a system of government unequaled in history. We are the beneficiaries of their sacrifice, courage, and honor. But among these legendary patriots, Thomas Jefferson remains unique as the one who articulated the essential values and principles of American liberty and freedom. Today, we gather here to celebrate the birthday of Thomas Jefferson and to reflect on his enduring contributions to the United States and the world.

Few Americans have shaped our collective destiny as thoroughly and as originally as Thomas Jefferson. His achievements are breathtaking in their scope and diversity. Beyond his achievements in public life as Governor of Virginia, author of the Statute of Virginia for Religious Freedom, Secretary of State, third President of the United States, and founder of the University of Virginia, Jefferson was a scholar, author, naturalist, inventor, bibliophile, and architect.

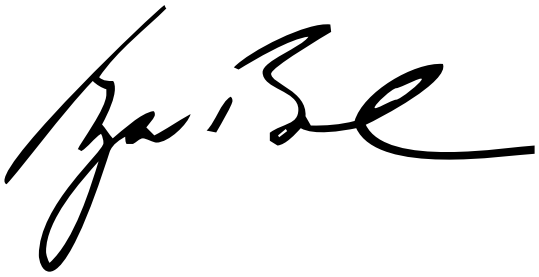
As President, Jefferson supported the Lewis and Clark expedition and concluded the $15 million purchase of the Louisiana Territory from France. He sold his personal library to the Library of Congress to replace its collection destroyed by the British in the War of 1812.

Thomas Jefferson's crowning achievement, however, was the Declaration of Independence. As its primary author, Jefferson drafted an immortal document that altered the way the world viewed the relationship between government and the governed. Jefferson's assertion of ''inalienable rights'' including ''life, liberty, and the pursuit of happiness'' established the democratic standard by which our Nation would measure itself. Many other nations and peoples likewise strive to measure up to the standard set forth in the Declaration of Independence.

Thomas Jefferson's words are as thrilling and inspiring in 2001 as they must have been to his revolutionary allies in 1776. Our Nation has changed, our technology has progressed, but our basic love for liberty and freedom remains the same. As proud Americans, we must work together to maintain the vigor and strength of Jefferson's vision and to fulfill its promise of a better life for all our citizens. Doing this is our responsibility, and our gift, to the man who laid the foundation for what became the freest nation in the world.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States of America, do hereby proclaim April 13, 2001, as Thomas Jefferson Day. I encourage all Americans to join in this celebration of Thomas Jefferson's achievements, and to learn more about his unique influence on our history, traditions, and values.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–9675
Filed 4–16–01; 8:45 am]
Billing code 3195–01–P

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Federal Register

Vol. 66, No. 74

Tuesday, April 17, 2001

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FEDERAL REGISTER PAGES AND DATE, APRIL

17479–17620 2
17621–17774 3
17775–18034 4
18035–18184 5
18185–18394 6
18395–18520 9
18521–18716 10
18717–18868 11
18869–19080 12
19081–19380 13
19381–19712 16
19713–19846 17

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7420 18035
7421 18183
7422 18395
7423 18867
7424 19077
7425 19079
7426 19845

Executive Orders:
10000 (Amended by EO 13207) 18399
12002 (See EO 13206) 18397
12214 (See EO 13206) 18397
12924 (Revoked by EO 13206) 18397
12938 (See EO 13206) 18397
12981 (See EO 13206) 18397
13026 (See EO 13206 18397
13202 (Amended by EO 13208) 18717
13206 18397
13207 18399
13208 18717

7 CFR

271 18869
278 18869
868 17775
916 17479
917 17479
946 18719
1481 18869

Proposed Rules:
80 19099
800 .....17817, 19608
923 18573

9 CFR

94 18357
381 19713
441 19713

Proposed Rules:
301 19102
303 19102
317 19102
318 19102
319 19102
320 19102
325 19102
331 19102
381 19102
417 19102
430 19102

10 CFR

430 19714
719 19717
830 19717
1040 18721
1042 18721

Proposed Rules:
1 19610
2 19610
50 19610
51 19610
52 19610
54 19610
60 19610
70 19610
73 19610
75 19610
76 19610
110 19610

12 CFR

201 18185
202 17779
205 17786
225 19081
230 17795
261a 19717
337 17621
650 19048
1701 18037
1780 18040

Proposed Rules:
8 17821
25 18411
208 18411
369 18411
1710 18593
1777 18593

13 CFR

121 19381

14 CFR

23 18186
25 17804
39 .....17487, 17490, 17492, 17495, 17498, 17499, 17506, 17508, 17806, 18045, 18047, 18521, 18523, 18525, 18527, 18721, 18870, 19381, 19383, 19387, 19718
71 .....18050, 18187, 18528, 18529, 19082, 19183
95 18530
97 .....18533, 18535
121 19028
135 19028

Proposed Rules:
25 18214
39 .....17641, 18416, 18573, 18575, 18877, 18878, 18880, 18882, 18884, 18886, 19727
71 .....17825, 17826, 17827, 18575, 18577, 18578, 18736, 18737

73 18055

15 CFR

738 18401
740 18401
744 18401
772 18401
774 18402

16 CFR

2 17622
3 17622
4 17622
305 19389
Proposed Rules:
1700 18738

19 CFR

4 19720

21 CFR

172 17508
179 18537
510 17510
529 17510
579 18539
870 18540
886 18540
Proposed Rules:
192 17517
592 17517

22 CFR

41 ....17511, 19390

25 CFR

Proposed Rules:
151 19403

26 CFR

Proposed Rules:
1 ....17517, 17518, 18187, 18190, 18357, 19104
301 17518
602 17518

27 CFR

9 18543
13 19084
25 17809
53 19087
55 19089
70 19089
270 19089
Proposed Rules:
4 19738
9 18579

28 CFR

16 17809
Proposed Rules:
16 17828

29 CFR

1910 18191
4022 19089
4044 19089
Proposed Rules:
4902 17518

30 CFR

Proposed Rules:
904 18216

31 CFR

1 18192
Proposed Rules:
210 18888

33 CFR

100 ....18193, 18546, 19091
117 ....17512, 17810, 17811, 18193, 18407, 18408, 18546, 18723
165 19092
Proposed Rules:
100 ....18056, 18219
110 18419
117 ....18221, 18419, 19105
165 ....17829, 17832, 18419

36 CFR

1290 18873

37 CFR

205 19094

38 CFR

3 ....18194, 18195
Proposed Rules:
3 17834
19 17840
20 17840

39 CFR

20 19095
Proposed Rules:
111 19740

40 CFR

51 18156
52 ....17634, 17811, 18198, 18873, 19721, 19722, 19724
60 ....17599, 18546
63 19006
70 17512
80 19296
81 19095
85 18156
86 19296
180 ....18201, 18554, 18561, 18725
761 17602
Proposed Rules:
52 ....17641, 17842, 18223, 18893, 19746, 19747
60 18579
80 19312
81 17647
86 19312
122 19747
194 18058
258 19403
412 19747
420 17842

42 CFR

411 17813
424 17813
Proposed Rules:
36 17657
447 17657

43 CFR

3160 18569
Proposed Rules:
3000 19413
3100 19413
3200 19413
3400 19413
3500 19413
3600 19413
3800 19413

44 CFR

64 19095
Proposed Rules:
67 18426

47 CFR

15 19097
54 ....19098, 19394
64 19398
73 ....17638, 17814, 17815, 18570, 18733, 18734, 19402
74 18570
Proposed Rules:
Ch. 1 18059
1 19682
2 ....18740, 19106
27 19106
73 ....17843, 17844, 19106
101 18061

48 CFR

Ch. 1 17757
9 ....17754, 18735
14 ....17754, 18735
15 ....17754, 18735
31 ....17754, 18735
52 ....17754, 18735
931 19717
970 19717
1812 18051
1823 18051
1842 18053
1852 ....18051, 18053
Proposed Rules:
9 17758
14 17758
15 17758
31 17758
52 17758

49 CFR

533 17513
571 18208
Proposed Rules:
537 19132
571 18581

50 CFR

17 18002
300 18409
600 18409
660 ....17639, 18409
679 17815
Proposed Rules:
17 18062
216 19413
223 ....17659, 17845
224 ....17659, 19414
600 ....17668, 18584, 19748
622 17519
635 17520
648 17673
660 ....17681, 18586

50 CFR

80 18210
Proposed Rules:
17 18223

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT APRIL 17, 2001

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Horses from contagious equine meritis (CEM)-affected countries—

Oregon; receipt authorization; effective date delay; published 2-5-01

DEFENSE DEPARTMENT

Engineers Corps

Permits for discharges of dredged or fill material into U.S. waters:

Regulatory definition

Effective date delayed; published 2-15-01

EDUCATION DEPARTMENT

Special education and rehabilitative services:

State Vocational Rehabilitation Services Program

Effective date delay; published 2-2-01

ENVIRONMENTAL PROTECTION AGENCY

Grants and other Federal assistance:

State and local assistance—

Indian Tribes; environmental program grants; effective date delay; published 2-9-01

Permits for discharges of dredged or fill material into U.S. waters:

Regulatory definition

Effective date delay; published 2-15-01

Superfund program:

Toxic chemical release reporting; community right-to-know—

Lead and lead compounds; lowering of reporting thresholds; effective date delay; published 2-16-01

INTERIOR DEPARTMENT

Indian Affairs Bureau

Financial activities:

Loan guaranty, insurance, and interest subsidy; revision; published 1-17-01

Effective date delay; published 2-5-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 4-2-01

COMMENTS DUE NEXT WEEK

BROADCASTING BOARD OF GOVERNORS

Privacy Act; implementation; comments due by 4-26-01; published 3-27-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Magnuson-Stevens Act provisions—

Domestic fisheries; exempted fishing permits; comments due by 4-25-01; published 4-10-01

CONSUMER PRODUCT SAFETY COMMISSION

Federal Hazardous Substances Act:

Candle wicks containing lead and candles with such wicks; illness risks; comments due by 4-23-01; published 2-20-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Ferroalloys production; ferromanganese and silicomanganese; comments due by 4-23-01; published 3-22-01

Air quality implementation plans; approval and promulgation; various States:

Connecticut; comments due by 4-23-01; published 3-23-01

Missouri; comments due by 4-23-01; published 3-23-01

Texas; comments due by 4-25-01; published 3-26-01

Hazardous waste:

Project XL program; site-specific projects—

Georgia-Pacific Corp. Facility, Big Island, VA; comments due by 4-25-01; published 3-26-01

Weyerhaeuser Co. Flint River Operations, Oglethorpe, GA; comments due by 4-26-01; published 3-27-01

Toxic substances:

High production volume chemicals; testing; comments due by 4-25-01; published 12-26-00

Water pollution; effluent guidelines for point source categories:

Iron and steel manufacturing facilities; comments due by 4-25-01; published 4-4-01

FEDERAL COMMUNICATIONS COMMISSION

Practice and procedure:

Regulatory fees (2001 FY); assessment and collection; comments due by 4-27-01; published 4-16-01

Radio stations; table of assignments:

Iowa; comments due by 4-23-01; published 3-15-01

Maine; comments due by 4-23-01; published 3-14-01

Oregon and New York; comments due by 4-23-01; published 3-15-01

Various States; comments due by 4-24-01; published 3-14-01

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:

Unsecured credit limits; comments due by 4-23-01; published 3-7-01

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Thrift Savings Plan:

Employee elections to contribute; comments due by 4-25-01; published 3-26-01

Investment funds; participants' choices; comments due by 4-25-01; published 3-26-01

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Whooping cranes; nonessential experimental population establishment in eastern United States; comments due by 4-23-01; published 3-9-01

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Indian lands program:

Abandoned mine land reclamation plans—

Navajo Nation; comments due by 4-27-01; published 3-28-01

LABOR DEPARTMENT

Employment and Training Administration

Aliens:

Nonimmigrants on H-1B visas in specialty occupations and as fashion models, temporary employment; and permanent employment, labor certification process; comments due by 4-23-01; published 2-20-01

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright Arbitration Royalty Panel rules and procedures:

Mechanical and digital phonorecord delivery compulsory license; implementation and application to digital music services; comments due by 4-23-01; published 3-9-01

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:

Involuntary liquidation; adjudication of creditor claims; comments due by 4-24-01; published 2-23-01

Records preservation program; comments due by 4-24-01; published 2-23-01

Service organizations; investments and loans; comments due by 4-23-01; published 2-22-01

NUCLEAR REGULATORY COMMISSION

Fee schedules revision; 98% fee recovery (2001 FY); comments due by 4-27-01; published 3-28-01

POSTAL SERVICE

Domestic Mail Manual:

Bound printed matter; attachments and enclosures; eligibility requirements; comments due by 4-25-01; published 3-26-01

SECURITIES AND EXCHANGE COMMISSION

Public utility holding companies:

Electronic recordkeeping requirements; comments due by 4-23-01; published 3-23-01

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

Louisiana; comments due by 4-23-01; published 2-22-01
Gulf of Mexico; floating production, storage, and offloading units; meeting; comments due by 4-25-01; published 3-27-01

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; comments due by 4-23-01; published 3-23-01
Bombardier; comments due by 4-23-01; published 3-23-01
Rolls-Royce Corp.; comments due by 4-23-01; published 2-22-01
Airworthiness standards:
Special conditions—
Boeing Model 777-200 series airplanes; comments due by 4-27-01; published 3-13-01
Commercial space transportation:
Licensing and safety requirements for launch; comments due by 4-23-01; published 2-21-01

TRANSPORTATION DEPARTMENT
Research and Special Programs Administration
Hazardous materials:
Infectious substances and genetically modified microorganisms; standards reviion; comments due by 4-23-01; published 1-22-01

TREASURY DEPARTMENT
Alcohol, Tobacco and Firearms Bureau
Alcohol; viticultural area designations:
California Coast, CA; comments due by 4-25-01; published 12-26-00

TREASURY DEPARTMENT
Customs Service
Financial and accounting procedures:
Harbor Maintenance Fee refunds; amended procedure; comments due by 4-27-01; published 3-28-01

TREASURY DEPARTMENT
Internal Revenue Service
Income taxes, etc.:
Entity classification rules; clarification; comments due by 4-25-01; published 1-12-01
Income taxes:
Controlled corporations; recognition of gain on certain distributions of stockor securities in connection with acquisitions; comments due by 4-24-01; published 1-2-01
Hedging transactions; comments due by 4-25-01; published 1-18-01
Relief from joint and several liability; comments due by 4-27-01; published 1-17-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 132/P.L. 107–6
To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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