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# Rules and Regulations

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

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Parts 212, 214, 245, 248, and 274a

**[INS No. 2127–01]**

**RIN 1115–AG12**

## ''K'' Nonimmigrant Classification for Spouses of U.S. Citizens and Their Children Under the Legal Immigration Family Equity Act of 2000

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule amends the Immigration and Naturalization Service (Service) regulations to implement section 1103 of the Legal Immigration Family Equity (LIFE) Act, Public Law 106–553. Section 1103 of the LIFE Act creates a new nonimmigrant classification for the spouses of U.S. citizens and their children. Previously, spouses of U.S. citizens and their children who were the beneficiaries of pending or approved petitions could enter the United States only with immigrant visas. Following the enactment of LIFE, spouses of U.S. citizens and their children who are the beneficiaries of pending or approved visa petitions can be admitted initially as nonimmigrants and adjust to immigrant status later while in the United States. This regulation implements the new K nonimmigrant classification for the spouses of U.S. citizens and their children, and establishes filing and adjudication procedures for it. Following publication of this interim rule, aliens will be able to apply for this new K nonimmigrant status.

**DATES:** *Effective date:* This interim rule is effective August 14, 2001.

*Comment date:* Written comments must be submitted on or before October 15, 2001.

**ADDRESSES:** Please submit written comments to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 4034, Washington, DC 20536. To ensure proper handling, please reference INS No. 2127–01 on your correspondence. You may also submit comments electronically to the Service at *INSREGS@USDOJ.GOV.* When submitting comments electronically, please include INS number 2127–01 in the subject box. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Michael Hardin, Office of Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–4754.

**SUPPLEMENTARY INFORMATION:** This supplemental information section is organized as follows:

I. Introduction and background
  A. Overview of LIFE section 1103
  B. Analysis of LIFE section 1103
  C. Terminology of new classifications
II. Obtaining K–3/K–4 Status
  A. Eligibility
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III. Maintaining K–3/K–4 nonimmigrant status
  A. Changing to or from K–3/K–4 nonimmigrant status
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IV. Adjusting status from K–3/K–4 to permanent resident
  A. Section 216 and conditional resident status
  B. Travel outside of the United States while in K–4 status
  C. Medical examinations
  D. Affidavit of support

## I. Introduction and Background

The LIFE Act, enacted on December 21, 2000, as Public Law 106–553, made several significant changes to the Immigration and Nationality Act (Act). A brief overview and a more thorough analysis of the LIFE Act are included as follows.

### *A. Overview of LIFE Section 1103*

LIFE created a new nonimmigrant classification for spouses and children of U.S. citizens at section 101(a)(15)(I)(ii) of the Act. Previously, the ''K'' nonimmigrant classification was limited to a fiancée or fiancée of a U.S. citizen seeking to enter the U.S. to complete a marriage within 90 days of entry, and the fiancé/fiancée's child.

Prior to the passage of LIFE, aliens who were married to a U.S. citizen and living abroad had to obtain an immigrant visa outside of the United States prior to admission. Although spouses of U.S. citizens are not subject to numerical limitations and, therefore, do not need to wait for a current visa number under section 201(b)(2)(A) of the Act, the process for immigrants is more burdensome and lengthy than for nonimmigrants. Presently, aliens who wish to immigrate to the United States to be with their U.S. citizen spouse frequently have to wait for as long as 1 year for the Service to approve the initial petition and the Department of State to issue the immigrant visa. This results in the family members being separated while waiting for their applications to be processed. The LIFE Act addresses this lengthy family separation by creating a nonimmigrant classification for spouses to citizens and their children to expedite their entry to the United States.

### *B. Analysis of LIFE Section 1103*

Subsection 1103(a) of LIFE amends section 101(a)(15)(K) of the Act. Prior to LIFE, the K nonimmigrant classification was limited to the fiancé/fiancée of a U.S. citizen and the fiancé/fiancée's children. This classification still exists, and LIFE section 1103(a) redesignates it as section 101(a)(15)(K)(i) of the Act, with the fiancé/fiancée's children now classified at section 101(a)(15)(K)(iii) of the Act.

LIFE section 1103(a) adds a classification for the spouse of a U.S. citizen at section 101(a)(15)(K)(ii) of the Act. The new section 101(a)(15)(K)(ii) of the Act has three requirements for an alien to obtain this nonimmigrant classification. First, the alien must already be married to a U.S. citizen who has filed a relative visa petition on his or her behalf with the Service for purposes of an immigrant visa. Second, that same U.S. citizen spouse must be petitioning on that alien's behalf to

obtain a nonimmigrant visa. Third, the alien must be seeking to enter the United States to wait the ''availability of an immigrant visa.'' Section 1103(a) also classifies the children of (K)(ii) aliens under section 101(a)(15)(K)(iii) of the Act.

Subsection 1103(b) adds a new subsection (p) to section 214 of the Act, which generally covers admission of nonimmigrants. Subsection 214(p) of the Act is divided into three paragraphs:

- The new section 214(p)(1) of the Act requires the petitioner to file a petition in the United States for the purpose of obtaining nonimmigrant K status for his or her spouse. The petition must be approved by the Service prior to the issuance of the nonimmigrant visa by the consular officer abroad.
- The new section 214(p)(2) of the Act requires the alien described in section 101(a)(15)(K)(ii) of the Act to be in possession of the nonimmigrant K visa as a spouse at the time of admission, and that the visa must be issued from the same foreign state in which the marriage occurred, if the marriage occurred outside of the United States. This rule provides an exception when the United States does not have a visa issuing post in that state.
- The new section 214(p)(3) of the Act provides that the new nonimmigrant K status will terminate 30 days following the denial of the relative visa petition or application for immigrant status based on such a petition. Therefore, if the Form I–130, Petition for Alien Relative, the immigrant visa application, or the adjustment of status application of an alien admitted under section 101(a)(15)(K)(ii) of the Act, or the child of such an alien who accompanied or followed to join such an alien, is subsequently denied, the spouse and child's K nonimmigrant status will terminate automatically 30 days later and the alien(s) must leave the United States. For purposes of termination of the new K statuses, these petitions or applications are denied when the applicable administrative appeal has been exhausted, or the period to appeal has expired.

Section 1103(c) of LIFE makes conforming amendments to sections 214, 216, and 245 of the Act. Section 214(d), which covers the issuance of a K nonimmigrant visa to a fiancé or fiancée of a U.S. citizen, is amended to cover only section 101(a)(15)(K)(i) of the Act, which now corresponds only to the fiancé/fiancée of a U.S. citizen.

LIFE section 1103(c) also adds references to the new section of the Act covering nonimmigrant K spouses (section 214(p)) to two sections of the Act dealing with combating marriage fraud. A reference to section 214(p) is added to section 216(b)(1)(B) of the Act, so that any finding by the Service that a fee or other consideration was given for the purpose of filing the relative visa petition or the petition to obtain K nonimmigrant status for a spouse results in termination of the K status and the alien being placed in removal proceedings. (This does not apply to a fee or other consideration paid to an attorney for assistance in preparation of a lawful petition.) A reference to section 214(p) is also added to section 216(d)(1)(A)(ii) of the Act, so that at the time the alien spouse attempts to remove conditions on the permanent resident status, he or she will be required to affirm that no fee (with the same exception) was given to file the original petition in which the alien obtained nonimmigrant K status.

Section 1103(c) of LIFE amends section 245 of the Act. Section 245(d) of the Act is amended by striking language pertaining specifically to fiancé/fiancées, so that all who adjust status to permanent resident from the K nonimmigrant classification, as a spouse, fiancé/fiancée, or a minor child of either, are subject to the conditional residency requirements of section 216 of the Act. Further, a K nonimmigrant classification, whether a spouse, a fiancé/fiancée, or the child of either, may only apply for adjustment of status based on the alien spouse's (or, in the case of a minor child, the alien parent's) marriage to the citizen who filed the original petition to obtain that alien's status under section 101(a)(15)(K) of the Act.

Also, LIFE section 1103(c) amends section 245(e)(3) of the Act. Section 245(e)(3) provides for a ''bona fide'' marriage exeption to the general rule that an alien may not adjust to permanent resident status while in exclusion, deportation, or removal proceedings. In order for the marriage to be ''bona fide'' and for the applicant to qualify for this exception, the applicant must show, among other things, that no fee was given for the filing of a petition for the alien spouse and/or child. LIFE adds any petition filed as part of the new section 214(p) to the list of petitions to which this applies.

Finally, section 1103(d) of LIFE states that the law became effective on the date the legislation was enacted, which was December 21, 2000.

*C. Terminology of New Classifications*

To date, ''K'' nonimmigrants have been designated as ''K–1,'' for the fiancée of a U.S. citizen, or ''K–2,'' for their children accompanying them or following to join. LIFE amended the Act to redefine section 101(a)(15)(K)(ii) aliens as U.S. citizen spouses, and section 101(a)(15)(K)(iii) as the children of either a fiancé(e) entering under (K)(i) or a spouse entering under (K)(ii). For the sake of consistency, the Service will not change the original classification designations of the fiancé(e)s and their accompanying children, which will remain ''K–1'' and ''K–2,'' respectively. United States citizen spouses and children will be designated as ''K–3'' and ''K–4'' respectively. While all of this does not precisely match the statutory sections of the Act, the Service feels that changing well-established nonimmigrant classification designations would cause more confusion than this slight deviation from the statutory numbering. We invite comment on this decision. This regulation adds ''K–3'' and ''K–4'' to the Service's list of classification designations at 8 CFR 214.1(a)(2).

**II. Obtaining K–3/K–4 Status**

This regulation adds paragraphs concerning the new K nonimmigrant classification (K–3/K–4) to 8 CFR 214.2(k). The original sections of 8 CFR 214.2(k) dealing with fiancé/fiancées and their children will remain the same with one exception. This regulation removes § 214.2(k)(6)(i), which applied only to immigrant visas issued prior to November 10, 1986, since it is now clearly out of date. This section is removed and reserved. The K nonimmigrant spouse provisions added at § 214.2(k) are discussed in this section.

*A. Eligibility*

Only spouses of U.S. citizens and their children are eligible for the new K–3 or K–4 nonimmigrant classification. Other relatives of U.S. citizens, as well as any relatives of lawful permanent residents, are not eligible. Further, the citizen petitioner must have filed Form I–130, Petition for Alien Relative, with the Service on behalf of the spousal beneficiary seeking a K–3 nonimmigrant classification. A Form I–129F, Petition for Alien Fiancé, must also be filed with and approved by the Service for the purposes of obtaining K–3/K–4 nonimmigrant status for a spouse and any children of the spouse as defined in section 101(b)(1)(A) through (E) of the Act. If there is more than one beneficiary, only one Form I–129F need be filed.

Note that the U.S. citizen petitioner is not required to file a Form I–130 immigrant visa petition on behalf of the alien's children seeking K–4 nonimmigrant status, since K–4 is

merely a derivative nonimmigrant classification. Nonimmigrant K–4's are dependent on the K–3 for their status, similar to the relationship between the K–1 and the K–2. Therefore, K–4 eligibility is restricted to those whose parents are eligible for a K–3 nonimmigrant classification. K–4 aliens must be under 21 years of age and unmarried, in order to continue to meet the definition of ''child'' under section 101(b)(1) of the Act.

However, nothing in the law prevents the U.S. citizen stepparent from filing Form I–130 for the child, and such action would be prudent and beneficial to the child. The child will not be able to adjust status to that of a lawful permanent resident (LPR) or even file an application for that status until the U.S. citizen stepparent files Form I–130 on the child's behalf. If the U.S. citizen never files the Form I–130 on behalf of the child, the biological parent may do so after immigrating, but the child may have to wait for a visa number to become available. In addition, since the parent would no longer be in K–3 status but would be an LPR, the child would no longer be in lawful K–4 status, since it is merely a derivative classification.

In addition, the Service interprets the word ''availability'' in the phrase ''awaiting the approval of such petition and the availability to the applicant of an immigrant visa'' in the new section 101(a)(15)(K)(ii) of the Act to mean the approval of the adjustment of status application. This appears to comport with the Congressional intent even though the concept of visa ''availability'' in other contexts (sections 202, 203, and 245 of the Act) relates to per country and preference limitations. Read literally, the language in (K)(ii) could mean that those aliens with approved Form I–130 petitions on their behalf would not be eligible for K–3/K–4 status. This is because those aliens would not need to await the approval of the petition and because no visa number is needed by an immediate relative of a U.S. citizen. A visa is available as soon as the Form I–130 is approved. However, since the new section 214(p)(3) of the Act provides that the (K)(ii) or (K)(iii) nonimmigrant status shall terminate 30 days after the denial of the Form I–130, the application for an immigrant visa, or the adjustment of status application, the term ''availability of an immigrant visa,'' appears to have a different meaning than the same term in sections 202, 203, and 245 of the Act. The Service believes that Congress did not intend to create a nonimmigrant classification for spouses and children of U.S. citizens that is based on the filing of a Form I–130 petition, only to see that classification cut off to them part of the way through the immigration process. However, the Service also believes that Congress did not intend for this K–3/K–4 status to be of indefinite duration and that status holders must be taking steps to ultimately immigrate.

To ease applicant burden and to avoid any confusion, the Service recommends that petitioners whose alien spouses wish to first obtain a K–3/K–4 visa abroad and later adjust while in the United States so state in Question 21 of Form I–130. Petitioners may state in this question that their beneficiary will apply for adjustment of status in the United States. Petitioners who have previously stated on an approved Form I–130 that the beneficiary would visa process abroad should notify the Service that they now intend to apply for a K–3/K–4 nonimmigrant visa and will be applying for adjustment of status to that of lawful permanent resident in the United States. The Service will then request that the Department of State's National Visa Center (NVC) return the approved Form I–130 to the Service Center with jurisdiction.

*B. Application Procedures*

As stated in the previous paragraph, an alien seeking admission as a K–3 or K–4 must have the citizen petitioner file with the Service, Form I–130, with fee, on the alien spouse's behalf. The citizen petitioner must also file Form I–129F, with fee, for the purposes of obtaining nonimmigrant K–3/K–4 status for the spouse/children. Once the current Form I–129F is approved, the Service will notify the American consulate abroad specified on the petition. If the marriage took place abroad, the Service will notify a consulate in the country where the marriage took place. However, in the event that country does not have a visa-issuing post, the Department of State has determined that the visa must be issued at the consular post having jurisdiction to issue immigrant visas for nationals of that country. (*See* State Department regulations at 22 CFR 41.61.) The alien beneficiary may then appear at the consulate to apply for the nonimmigrant visa from the Department of State.

The Form I–129F is a temporary solution to the need for a new Service form to deal with the requirements of section 214(p)(1) of the Act, added by LIFE section 1103(b). As previously stated, section 1103(b) creates the new section 214(p)(1) of the Act, stating that all beneficiaries under section 101(a)(15)(K)(ii) of the Act and their children must have had a petition approved by the Service on their behalf to obtain K–3/K–4 status. The Service plans to design a new form for this purpose, but because LIFE is already effective and a process is needed to implement it immediately, the Service will use the Form I–129F until further notice. Applicants using Form I–129F to apply for K–3/K–4 status should omit sections (B)(18) and (B)(19) as instructed on the new version of the form.

Although the new K–3/K–4 is a nonimmigrant classification, the alien spouse will still be required to meet certain State Department requirements and regulations as though they were applying for an immigrant visa. This is consistent with treatment of U.S. citizens' fiancées and their children entering as K–1/K–2's, and recognizes the nature of this nonimmigrant classification. Although entering as nonimmigrants, these aliens plan to ultimately stay in the United States permanently. Regulations pertinent to State Department ''K'' nonimmigrant processing can be found at 22 CFR 41.81.

In addition, applicants for the new K–3/K–4 classification are subject to section 212(a)(9)(B) of the Act. LIFE did not exempt aliens applying for the new K nonimmigrant classification from the 3- and 10-year bars of section 212(a)(9)(B) of the Act, as it did for the other new visa category, the V classification, that LIFE created at LIFE section 1102(b). The Service does not anticipate that many potential K nonimmigrants will be affected by this provision, as many of them will be entering the United States for the first time. However, in order to ensure that the K–3/K–4 nonimmigrants have the opportunity to apply for the same waiver provisions as do the K–1/K–2's, 8 CFR 212.7(a) is amended to include them.

Applications for K–3/K–4 status should be sent to the following address: Immigration and Naturalization Service, P.O. Box 7218, Chicago, IL 60680–7218

*C. Admission*

Aliens appearing at U.S. Ports-of-Entry (POE) with a valid nonimmigrant K–3 visa will be inspected, and, if admissible, will be admitted into the United States for a period of 2 years. Similarly, an alien appearing at a POE with a valid nonimmigrant K–4 visa will be admitted for a period of 2 years or until the day before the alien's 21st birthday, whichever is shorter. 8 CFR 212.1(h) will be amended to include spouses of U.S. citizens under the K provision requiring visa documentation as a condition of admission. Also, 8 CFR 214.2(k)(8) is added, which includes the admission periods.

**III. Maintaining K–3/K–4 Nonimmigrant Status**

K–3/K–4 nonimmigrant aliens are authorized to remain in the United States for the period of time specified on their Form I–94. Specific issues arising during this admission period are discussed in the following paragraphs.

*A. Changing to or From K–3/K–4 Nonimmigrant Status*

The LIFE Act does not directly address whether nonimmigrants may change from another nonimmigrant status to a K–3/K–4 while in the United States. However, the Joint memorandum on LIFE issued by Congress states that the K visa is intended ''* * * to be a speedy mechanism for the spouses and minor children of U.S. citizens to obtain their immigrant visas in the U.S., rather than wait for long periods of time outside the U.S.'' The implication in this statement is that aliens seeking the benefits of the K–3/K–4 classification would not already be in the United States.

In addition, section 1102 of LIFE provides a specific change of status provision for the new V visa but section 1103 omits such a provision for a nonimmigrant K–3/K–4 visa. Further, section 214(p)(1) suggests that action by the consular officer abroad is required after the Attorney General approves the K petition.

Therefore, the Service has determined that nonimmigrant aliens will not be able to change from another nonimmigrant status to K status while in the United States. Overall, the purpose of the ''K'' nonimmigrant classification, in both the original K–1/K–2 form and the additions from LIFE, is family reunification. United States citizens whose spouses and children are in the United States are already unified and therefore do not fall within the K–3/K–4 classification's purposes. Accordingly, 8 CFR 248.1 is amended to prohibit change of status to all nonimmigrant classifications in section 101(a)(15)(K) of the Act, including those added by LIFE section 1103.

Congress, when passing LIFE, did not amend section 248 of the Act, which specifically prohibits K nonimmigrants from changing to any other nonimmigrant classification. Therefore, K–3 and K–4 nonimmigrants may not change to any other nonimmigrant classification. This is comparable to the prohibition against adjustment of a K to LPR on any basis other than the marriage on which the K petition was based, as stated in section 245(d) of the Act.

The Service notes, however, that neither of these prohibitions will affect the ability of alien spouses and children of U.S. citizens in the United States to remain. A United States citizen's spouse and children remain eligible to file for permanent residency at any time if the petitioner files Form I–130, and the beneficiary files Form I–485, Application for Adjustment to Permanent Residence. While these are pending, the spouse of the U.S. citizen and his or her child may remain in the United States without accruing unlawful presence, and may obtain work authorization and permission to travel outside the United States and return.

*B. Employment Authorization*

Aliens admitted to the United States as a K–3 or K–4 nonimmigrant will be authorized to work incident to status as are K–1 and K–2 nonimmigrants. However, similar to what is required of K–1 and K–2 aliens, K–3 and K–4 nonimmigrants will still need to file Form I–765, Application for Employment Authorization, and the fee, with the Service to obtain evidence of eligibility to work legally in the U.S. This regulation adds the K–3/K–4 nonimmigrant classification to 8 CFR 274a.12(a)(9).

However, aliens classified as K–3/K–4 seeking to renew employment authorization documents will be required to show that they are pursuing the immigration process and still meet the necessary nonimmigrant classification by having an application or petition awaiting approval. In order to renew employment authorization as a K–3/K–4, the applicants will have to show that the Form I–130 has been filed on their behalf, and, if the Form I–130 has been approved, that their application for an immigrant visa or their application for adjustment of status has been filed with the Service or Department of State, as applicable, in order to receive a second employment authorization document. This renewal may be requested concurrently with the application for extension of stay, and is discussed in paragraph (C) below.

Applications for employment authorization for those in K–3/K–4 status should be sent to the following address: Immigration and Naturalization Service, P.O. Box 7218, Chicago, IL 60680–7218.

*C. Extension of Status*

Following the 2-year admission period, a K–3 and K–4 nonimmigrant may apply with the Service for an extension of stay using Form I–539, Application for Extension of Stay, in 2-year increments. Since the Service believes that the purpose of the K–3 and K–4 nonimmigrant classifications is to provide family reunification while the immigration process is ongoing, the Service will require an alien seeking an extension of stay to have filed a Form I–485 or an application for an immigrant visa. If Form I–485 or application for an immigrant visa has not been filed, the alien must be still awaiting approval of the pending Form I–130, in order to be eligible for an extension of stay, or be able to provide the Service with ''good cause'' as required by the new 8 CFR 214.2(k)(10)(ii) added by this regulation. In addition, the alien must continue to be married to the U.S. citizen spouse who petitioned for the alien's K status. Finally, the U.S. citizen parents (including stepparents) of K–4 aliens should file Form I–130 on the child's behalf at the earliest possible time, if they have not already done so. These requirements will ensure that all aliens who enter as K–3 and K–4 nonimmigrants ultimately continue the immigration process to become permanent residents and continue to meet the statutory definition of the K–3/K–4 nonimmigrant classification.

If the Service intends to deny an application filed for an extension of K–3/K–4 status, the Service will send the applicant a notice of intent to deny and the basis for the proposed denial. The applicant will then have 30 days from the date of the notice to submit additional information in rebuttal. No appeal shall be available for Form I–539 denials which are filed for an extension of K–3/K–4 status, pursuant to 8 CFR 214.1(c)(5).

The Service expects that this requirement will have no impact on the majority of aliens entering as K–3 or K–4 nonimmigrants. Once in the United States, those in K–3 or K–4 status may file for adjustment of status at any time following the approval of their Form I–130 petition as immediate relatives of U.S. citizens, and most will do so very quickly after such approval. However, the Service believes that Congress did not intend the K–3 and K–4 classification to be one which would be of indefinite duration or one which could be extended in perpetuity without the alien spouse or child taking steps to become a permanent resident. For this purpose, and to deter marriage fraud, the Service will require the Form I–485 to be filed prior to allowing an extension of stay as a K–3 or K–4. This regulation adds this requirement for K–3/K–4 aliens seeking an extension of stay to 8 CFR 214.1(c)(2), which generally covers extensions, by requiring these aliens to comply with 8 CFR 214.2(k)(10), discussed in paragraph D below.

*D. Termination of Status*

Pursuant to LIFE section 1103(c), K–3/K–4 nonimmigrant status will terminate 30 days following the denial of one of the following: The Form I–130, filed on the alien's behalf by the citizen petitioner; an application for an immigrant visa by the alien; or the alien's Form I–485 adjustment of status application. If any of these is denied, the alien will have 30 days to leave the United States or will become deportable under section 237(a)(1) of the Act and will begin accruing unlawful presence for purposes of sections 212(a)(9)(B) and (C) of the Act. In addition, the alien will no longer be authorized to work in the United States, and if the alien continues to work without authorization, this will be an additional basis for removal. These restrictions are added to the regulations at 8 CFR 214.2(k)(10). If the K–3's status is terminated, the derivative K–4's status will also be simultaneously terminated.

In addition, the Service notes that for purposes of the new section 214(p)(3)(A) of the Act and 8 CFR 214.2(k)(2)(viii), that ''revocation'' will have equal meaning with ''denial.'' If either the petitioner's Form I–130, or either of the alien's applications listed in LIFE section 1103(c) is denied or is approved but later revoked, the alien's K–3/K–4 nonimmigrant status will terminate 30 days later. This is consistent with the established notion that the alien ultimately bears the burden of proof of eligibility for the benefit sought until the visa is issued or adjustment is granted. Events that can cause the revocation of petitions are listed in 8 CFR part 205, and include the divorce of the citizen petitioner from the alien beneficiary. Congress clearly did not intend to allow K–3/K–4 aliens to remain in the United States following the dissolution of the marriage that allowed them to enter in the first place, and this interpretation assists in avoiding that result.

K–3/K–4 status will also be terminated after 2 years if the alien does not file a request for extension of stay with the Service. In order for an application for an extension to be approved, the alien must show that one of the following has been filed and is awaiting approval: (1) The Form I–130 petition, (2) an application for an immigrant visa, or (3) a Form I–485 adjustment of status application. The Service believes that if none of these factors is present, the alien is not ''awaiting approval'' of anything and therefore does not meet the definition of section 101(a)(15)(K)(ii) of the Act.

Finally, K–4 status will be terminated when the alien turns 21 years of age or is married. Section 101(a)(15)(K)(iii) of the Act limits the K–4 classification to the ''minor children'' of K–3 aliens. If the K–4 alien turns 21, he or she is no longer a child as defined in section 101(b)(1) of the Act. Therefore, in the event either of these occurs, the K–4 alien's status will terminate. This is another incentive for the citizen petitioner to file Form I–130 on behalf of the K–4 alien child as soon as possible, so that the child may adjust status as soon as possible. Once the K–3 spouse obtains LPR status, there will be no basis for the K–4 dependent's status.

**IV. Adjusting Status From K–3/K–4 to Permanent Resident**

As previously stated, the Service expects most K–3/K–4 aliens to quickly file for adjustment of status following admission to the United States. Those admitted as K–3/K–4 aliens do not have to wait for a visa number to become current and may apply for adjustment at any time following the filing of the Form I–130 petition (or both may be filed concurrently for the K–4). This section therefore explains some of the issues relating to adjustment from K–3/K–4 status to permanent resident status.

*A. Section 216 and Conditional Residence Status*

As previously noted in the preamble, LIFE amends section 245(d) of the Act by removing the language relating specifically to fiancé(e)s and broadens the section to now cover anyone admitted under section 101(a)(15)(K) of the Act. Accordingly, those adjusting from K–3/K–4 status to permanent resident status may only do so as a result of a marriage to the original U.S. citizen petitioner who filed a petition on behalf of the K–3/K–4 nonimmigrants. In addition, they are subject to the requirement of conditional residency of section 216 of the Act. Section 216 of the Act requires aliens who are adjusting status based on a marriage of less than 24 months in duration to become ''conditional permanent residents'' following adjustment. Conditional permanent residents have the same status, rights, and privileges as permanent residents, except that they must file a petition to remove the conditions with the Service within 90 days of the 2-year anniversary of receiving conditional permanent resident status. This process is outlined in section 216 of the Act and 8 CFR part 216.

The Service notes, however, that aliens who are married longer than 24 months at the time of adjustment are not subject to the conditional residency requirements. Section 245(d) of the Act requires aliens adjusting from K status to be subject to the conditions of section 216 of the Act, but section 216(a) of the Act states that section 216 of the Act as a whole only applies to those who meet the definition of ''alien spouse'' of section 216(g)(1) of the Act. Section 216(g)(1) of the Act provides that adjustment on the basis of marriage that took place more than 24 months before the alien obtains lawful permanent resident status is not granted on a conditional basis. Therefore, aliens who end up adjusting status 2 years or more following the original marriage will not be subject to the conditional residency requirements, although they will still have to meet all of the other criteria for adjusting status.

*B. Travel Outside of the U.S. While in K–3/K–4 Status*

Aliens present in the United States in a K–3/K–4 nonimmigrant classification may travel outside of the United States and return using their nonimmigrant K–3/K–4 visa, even if they have filed for adjustment of status in the United States prior to departure. The Service recognizes that although the K–3/K–4 status is a nonimmigrant classification, aliens entering with this status have an intent to stay in the United States permanently. The definition of a K–3/K–4 nonimmigrant alien does not require that such an alien have a foreign residence that he or she has no intent of abandoning. Such aliens are married to a U.S. citizen and are coming to the U.S. to live with their spouse. Accordingly, the Service will not presume that departure constitutes abandonment of an adjustment application that has been filed.

This rule is different for a K–3/K–4 nonimmigrant than for fiancés and their children (K–1/K–2). The Service notes that applicants for adjustment of status who entered as a K–1 or K–2 nonimmigrant, and who later filed to adjust status, will continue to be required to obtain advance parole to avoid abandonment of their adjustment application upon departure, as provided in 8 CFR 245.2(a)(4). This is the case because K–1/K–2 aliens have only a 90-day period of admission prior to being required to marry the citizen petitioner and file for an adjustment application. Unlike those in K–3/K–4 status, K–1/K–2 aliens will have no status or visa to fall back on following the filing of their adjustment application.

*C. Medical Examinations*

According to 8 CFR 245.5, aliens seeking to adjust status are required to undergo a medical examination performed by a designated civil surgeon to determine whether they are inadmissible under section 212(a)(1)(A) of the Act. To date, applicants for K nonimmigrant visas have been required to obtain a medical examination abroad pursuant to Department of State regulations at 22 CFR 41.81 prior to entry, and the medical examination is not repeated if they apply for adjustment of status within 1 year of the date the examination was performed. They are, however, required to submit with the adjustment of status application a vaccination assessment completed by a designated civil surgeon in order to establish their compliance with the vaccination requirements under section 212(a)(1)(A)(ii) of the Act.

The Service will continue this same policy for the K–3/K–4 nonimmigrants. K–3/K–4 nonimmigrants who file their adjustment of status application within 1 year from the date of the medical examination overseas will not have to submit an additional medical examination. However, the Service notes that applicants whose medical examinations overseas revealed a ''Class A'' or ''Class B'' condition (as defined by 42 CFR 34.2(b)) must establish upon application for adjustment of status that they complied with those conditions imposed on the initial admission. Failure to comply with those conditions means that a new medical examination will be required.

*D. Affidavit of Support*

The Service also notes that aliens entering as K–3/K–4 nonimmigrant aliens will not be subject to the Affidavit of Support requirements of section 213A of the Act and 8 CFR part 213a. Instead, they will be treated the same as K–1/K–2 nonimmigrants and be required to file a Form I–864, Affidavit of Support Contract Between Sponsor and Household Member, at the time of adjustment. No Service regulatory changes are necessary for this point, but the Service felt this was still a relevant point for this supplemental section, as the Form I–864 is a significant part of the adjustment process as well as for the immigrant visa process abroad.

**Good Cause Exception**

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based on the ''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The immediate implementation of this rule without prior notice and comment is necessary as Public Law 106–553 became effective December 21, 2000. This interim rule establishes the proper rules and filing procedures for the part of the LIFE Act creating a new ''K'' nonimmigrant classification for spouses and children of U.S. citizens. Publishing a proposed rule would not take effect immediately and because of the necessary comment period would result in a lengthy delay in processing for those already eligible for this benefit.

In fact, eligible aliens have already filed applications with the Service's local offices while the Service has been in the process of drafting regulations. Many of these applicants are filing on the wrong forms, which do not provide sufficient information for adjudication decisions. The Service has no other recourse but to return the incorrect forms. Therefore, it is of significant importance that the Service publish regulations to establish appropriate procedures as soon as possible. Since prior notice and public comments with respect to this interim rule are impractical and contrary to public interest, there is good cause under 5 U.S.C. 553 to make this rule effective upon the date of publication in the **Federal Register**.

**Regulatory Flexibility Act**

The Acting Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on the substantial number of small entities because this regulation affects family members of U.S. citizens. It does not have an effect on small entities as that term is defined in 5 U.S.C. 601(6).

**Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995.

**Small Business Regulatory Fairness Act of 1996**

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or an ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

**Assessment of Regulatory Impact on the Family**

This immigration law facilitates reunification of families by according preferences to aliens who are the immediate relatives of citizens. This regulation creates an additional nonimmigrant classification through which these aliens may be reunified with their U.S. citizen family member. For this reason, the Acting Commissioner has determined, as provided by section 654 of the Treasury and General Government Appropriations Act, Public Law 105–277, Division A, section 101(h), 122 Stat. 2681, 2681–528, that this interim rule will not have an adverse impact on the strength or stability of the family.

**Executive Order 12866**

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Execution Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

**Executive Order 13132**

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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

**Executive Order 12988 Civil Justice Reform**

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

**Paperwork Reduction Act**

The information collection requirement (Form I–129F) contained in this rule has been approved for use by the Office of Management and Budget under emergency review procedures contained in the Paperwork Reduction Act. The emergency clearance is good for 180 days from the date of OMB approval. Prior to its renewal by OMB, INS will publish a notice in the **Federal Register** soliciting comment on the

form. The OMB control number for this collection is contained in 8 CFR 299.5, Display of control numbers.

**List of Subjects**

*8 CFR Part 212*

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

*8 CFR Part 214*

Administrative practice and procedure, Aliens, Employment, Reporting and recordkeeping requirements.

*8 CFR Part 245*

Aliens, Immigration, Reporting and recordkeeping requirements.

*8 CFR Part 248*

Aliens, Reporting and recordkeeping requirements.

*8 CFR Part 274a*

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

## PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INELIGIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

2. In § 212.1, paragraph (h) is revised to read as follows:

### § 212.1 Documentary requirements for nonimmigrants.

* * * * *

(h) *Nonimmigrant spouses, fiancées, fiancés, and children of U.S. citizens.* Notwithstanding any of the provisions of this part, an alien seeking admission as a spouse, fiancée, fiancé, or child of a U.S. citizen, or as a child of the spouse, fiané, or finacée of a U.S. citizen, pursuant to section 101(a)(15)(K) of the Act shall be in possession of an unexpired nonimmigrant visa issued by an American consular officer classifying the alien under that section, or be inadmissible under section 212(a)(7)(B) of the Act.

* * * * *

3. Section 212.7 is amended by:

a. Revising the section heading;

b. Revising the heading for paragraph (a);

c. Revising paragraph (a)(1)(i).

The revisions read as follows:

### § 212.7 Waiver of certain grounds of inadmissibility.

(a) *General.*

(1) * * *

(i) *Immigrant visa or K nonimmigrant visa applicant.* An applicant for an immigrant visa or ''K'' nonimmigrant visa who is inadmissible and seeks a waiver of inadmissibility shall file an application on Form I–601 at the consular office considering the visa application. Upon determining that the alien is admissible except for the grounds for which a waiver is sought, the consular officer shall transmit the Form I–601 to the Service for decision.

* * * * *

## PART 214—NONIMMIGRANT CLASSES

5. The authority citation for part 214 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; sec. 643, Pub. L. 104–428, 110 Stat. 3009–708; Section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901, note and 1931 note, respectively; 8 CFR part 2.

6. Section 214.1 is amended by:

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

b. Revising the entry for ''101(a)(15)(K)(ii)'' and adding the entry for ''101(a)(15)(K)(iii)'' in proper sequence, in the table in paragraph (a)(2);

c. Adding a note at the end of the table in paragraph (a)(2); and by

d. Adding a sentence at the end of paragraph (c)(2).

The revisions and additions read as follows:

### § 214.1 Requirements for admission, extension, and maintenance of status.

(a) * * *

(1) * * *

(v) Section 101(a)(15)(K) is divided into (K)(i) for the fiancé(e), (K)(ii) for the spouse, and (K)(iii) for the children of either;

* * * * *

(2) * * *

| Section | Designation |
|---|---|
| * * * * | |
| 101(a)(15)(K)(ii) ..... | K–3 |
| 101(a)(15)(K)(iii) ..... | K–2; K–4 |
| * * * * | |

**Note:** The classification designation K–2 is for the child of a K–1. The classification designation K–4 is for the child of a K–3.

* * * * *

(c) * * *

(2) * * * In order to be eligible for an extension of stay, nonimmigrant aliens in K–3/K–4 status must do so in accordance with § 214.2(k)(10).

* * * * *

7. Section 214.2 is amended by:

a. Revising the paragraph heading for paragraph (k);

b. Revising the reference cite to ''section 101(a)(15)(K)'' to ''section 101(a)(15)(K)(i)'' in the first sentence in paragraph (k)(1);

c. Adding the term ''*K–1*'' immediately before the word ''*beneficiary*'' in the heading to paragraph (k)(2);

d. Adding the term ''K–1'' immediately before the word ''beneficiary'' or ''beneficiary's'' wherever those terms appear in paragraph (k)(2);

e. Adding the term ''K–1'' immediately before the word ''beneficiary'' in the second sentence in paragraph (k)(5);

f. Removing and reserving paragraph (k)(6)(i);

g. Revising the term ''K'' with ''K–1'' in paragraph (k)(6)(ii);

h. Adding the term ''K–1'' before the term ''beneficiary'' in the first sentence in paragraph (k)(6)(ii);

i. Adding paragraphs (k)(7) through (k)(11).

The revisions and additions read as follows:

### § 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(k) *Spouses, Fiancées, and Fiancés of United States Citizens.* * * *

(7) *Eligibility, petition and supporting documents for K–3/K–4 classification.* To be classified as a K–3 spouse as defined in section 101(a)(15)(k)(ii) of the Act, or the K–4 child of such alien defined in section 101(a)(15)(K)(iii) of the Act, the alien spouse must be the beneficiary of an immigrant visa petition filed by a U.S. citizen on Form I–130, Petition for Alien Relative, and the beneficiary of an approved petition for a K–3 nonimmigrant visa filed on Form I–129F. The petitions with supporting documents shall be filed by the petitioner with the director having administrative jurisdiction over the place where the petitioner is residing in the United States, or such other place as the Commissioner may designate.

(8) *Period of admission for K3/K–4 status.* Aliens entering the United States

as a K–3 shall be admitted for a period of 2 years. Aliens entering the United States as a K–4 shall be admitted for a period of 2 years or until that alien's 21st birthday, whichever is shorter.

(9) *Employment authorization.* An alien admitted to the United States as a nonimmigrant under section 101(a)(15)(K) of the Act shall be authorized to work incident to status for the period of authorized stay. K–1/K–2 aliens seeking work authorization must apply, with fee, to the Service for work authorization pursuant to § 274a.12(a)(6) of this chapter. K–3/K–4 aliens must apply to the Service for a document evidencing employment authorization pursuant to § 274a.12(a)(9) of this chapter. Employment authorization documents issued to K–3/K–4 aliens may be renewed only upon a showing that the applicant has an application or petition awaiting approval, equivalent to the showing required for an extension of stay pursuant to § 214.2(k)(10).

(10) *Extension of stay for K–3/K–4 status.* (i) *General.* A K–3/K–4 alien may apply for extension of stay, on Form I–539, Application to Extend/Change Nonimmigrant Status, 120 days prior to the expiration of his or her authorized stay. Extensions for K–4 status must be filed concurrently with the alien's parent's K–3 status extension application. In addition, the citizen parent of a K–4 alien filing for extension of K status should file Form I–130 on their behalf. Extension will be granted in 2-year intervals upon a showing of eligibility pursuant to section 101(a)(15)(K)(ii) or (iii) of the Act. Aliens wishing to extend their period of stay as a K–3 or K–4 alien pursuant to § 214.1(c)(2) must show that one of the following has been filed with the Service or the Department of State, as applicable, and is awaiting approval:

(A) The Form I–130, Petition for Alien Relative, filed by the K–3's U.S. citizen spouse who filed the Form I–129F;

(B) An application for an immigrant visa based on a Form I–130 described in § 214.2(K)(10)(i);

(C) A Form I–485, Application for Adjustment to that of Permanent Residence, based on a Form I–130 described in § 214.2(k)(10)(i);

(ii) *''Good Cause'' showing.* Aliens may file for an extension of stay as a K–3/K–4 nonimmigrant after a Form I–130 filed on their behalf has been approved, without filing either an application for adjustment of status or an immigrant visa upon a showing of ''good cause.'' A showing of ''good cause'' may include an illness, a job loss, or some other catastrophic event that has prevented the filing of an adjustment of status application by the K–3/K–4 alien. The event or events must have taken place since the alien entered the United States as a K–3/K–4 nonimmigrant. The burden of establishing ''good cause'' rests solely with the applicant. Whether the applicant has shown ''good cause'' is a purely discretionary decision by the Service from which there is no appeal.

(iii) *Notice of intent to deny.* When an adverse decision is proposed on the basis of evidence not submitted by the applicant, the Service shall notify the applicant of its intent to deny the application for extension of stay and the basis for the proposed denial. The applicant may inspect and rebut the evidence and will be granted a period of 30 days from the date of the notice in which to do so. All relevant material will be considered in making a final decision.

(11) *Termination of K–3/K–4 status.* The status of an alien admitted to the United States as a K–3/K–4 under section 101(a)(15)(K)(ii) or (iii) of the Act, shall be automatically terminated 30 days following the occurrence of any of the following:

(i) The denial or revocation of the Form I–130 filed on behalf of that alien;

(ii) The denial or revocation of the immigrant visa application filed by that alien;

(iii) The denial or revocation of the alien's application for adjustment of status to that of lawful permanent residence;

(iv) The K–3 spouse's divorce from the U.S. citizen becomes final;

(v) The marriage of an alien in K–4 status.

(vi) The denial of any of these petitions or applications to a K–3 also results in termination of a dependent K–4's status. For purposes of this section, there is no denial or revocation of a petition or application until the administrative appeal applicable to that application or petition has been exhausted.

* * * * *

## PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

11. The authority citation for part 245 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1182, 1255; sec. 202, Pub. L. 105–100, 111 Stat. 2160, 2193; sec. 902, Pub. L. 105–277, 112 Stat. 2681; 8 CFR part 2.

12. Section 245.1 is amended by revising paragraph (c)(6), and by adding a new paragraph (i), to read as follows:

### § 245.1 Eligibility.

* * * * *

(c) * * *

(6) Any alien admitted to the United States as a nonimmigrant defined in section 101(a)(15)(K) of the Act, unless:

(i) In the case of a K–1 fiancé(e) under section 101(a)(15)(K)(i) of the Act or the K–2 child of a fiancé(e) under section 101(a)(15)(K)(iii) of the Act, the alien is applying for adjustment of status based upon the marriage of the K–1 fiancé(e) which was contracted within 90 days of entry with the United States citizen who filed a petition on behalf of the K–1 fiancé(e) pursuant to § 214.2(k) of this chapter;

(ii) In the case of a K–3 spouse under section 101(a)(15)(K)(ii) of the Act or the K–4 child of a spouse under section 101(a)(15)(K)(iii) of the Act, the alien is applying for adjustment of status based upon the marriage of the K–3 spouse to the United States citizen who filed a petition on behalf of the K–3 spouse pursuant to § 214.2(k) of this chapter;

* * * * *

(i) *Adjustment of status from K–3/K–4 status.* An alien admitted to the United States as a K–3 under section 101(a)(15)(K)(ii) of the Act may apply for adjustment of status to that of a permanent resident pursuant to section 245 of the Act at any time following the approval of the Form I–130 petition filed on the alien's behalf, by the same citizen who petitioned for the alien's K–3 status. An alien admitted to the United States as a K–4 under section 101(a)(15)(K)(iii) of the Act may apply for adjustment of status to that of permanent residence pursuant to section 245 of the Act at any time following the approval of the Form I–130 petition filed on the alien's behalf, by the same citizen who petitioned for the alien's parent's K–3 status. Upon approval of the application, the director shall record his or her lawful admission for permanent residence in accordance with that section and subject to the conditions prescribed in section 216 of the Act. An alien admitted to the U.S. as a K–3/K–4 alien may not adjust to that of permanent resident status in any way other than as a spouse or child of the U.S. citizen who originally filed the petition for that alien's K–3/K–4 status.

13. Section 245.2 is amended by adding a sentence at the end of paragraph (a)(4)(ii)(C), to read as follows:

### § 245.2 Application.

(a) * * *

(4) * * *

(ii) * * *

(C) * * * The travel outside of the United States by an applicant for adjustment of status, who is not under exclusion, deportation, or removal

proceeding and who is in lawful K–3 or K–4 status shall not be deemed an abandonment of the application if, upon returning to this country, the alien is in possession of a valid K–3 or K–4 visa and remains eligible for K–3 or K–4 status.

* * * * *

14. Section 245.5 is amended by revising the second sentence to read as follows:

**§ 245.5 Medical examination.**

* * * A medical examination shall not be required of an applicant for adjustment of status who entered the United States as a nonimmigrant spouse, fiancé, or fianceé of a United States citizen or the child of such an alien as defined in section 101(a)(15)(K) of the Act and § 214.2(k) of this chapter if the applicant was medically examined prior to, and as a condition of, the issuance of the nonimmigrant visa; provided that the medical examination must have occurred not more than 1 year prior the date of application for adjustment of status. * * *

## PART 248—CHANGE OF NONIMMIGRANT STATUS

15. The authority citation for part 248 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1184, 1187; 1258; 8 CFR part 2.

**§ 248.1 [Amended]**

16. Section 248.1(a) is amended by:

a. Revising the phrase ''his nonimmigrant'' to read ''his or her nonimmigrant'' wherever that term appears in the paragraph; and by

b. Revising the phrase ''that of a fianceé'' or fiancé to read ''that of a spouse or fiancé(e), or the child of such alien,''

## PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

17. The authority citation for part 274a is revised to read as follows:

**Authority:** 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

18. Section 274a.12(a) is amended by:

a. Revising paragraph (a) heading, and paragraph (a) introductory text;

b. Revising paragraph (a)(6);

c. Adding a new paragraph (a)(9).

The revisions and additions read as follows:

**§ 274a.12 Classes of aliens authorized to accept employment.**

(a) *Aliens authorized incident to status.* Pursuant to the statutory or regulatory reference cited, the following classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. Any alien who is within a class of aliens described in paragraphs (a)(3) through (a)(13) of this section, and who seeks to be employed in the United States, must apply with the Service for a document evidencing such employment authorization.

* * * * *

(6) An alien admitted to the United States as a nonimmigrant fiancé or fiancée pursuant to section 101(a)(15)(K)(i) of the Act, or an alien admitted as a child of such alien, for the period of admission in that status, as evidenced by an employment authorization document issued by the Service;

* * * * *

(9) Any alien admitted as a nonimmigrant spouse pursuant to section 101(a)(15)(K)(ii) of the Act, or an alien admitted as a child of such alien, for the period of admission in that status, as evidenced by an employment authorization document, with an expiration date issued by the Service;

* * * * *

Dated: August 2, 2001.

**Kevin D. Rooney,**

*Acting Commissioner, Immigration and Naturalization Service.*

[FR Doc. 01–20302 Filed 8–13–01; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Parts 94 and 95

**[Docket No. 00–121–1]**

**RIN 0579–AB26**

### Importation Prohibitions Because of Bovine Spongiform Encephalopathy

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations to prohibit, with limited exceptions, the importation of certain animal materials and their derivatives, and any products they are used in, from regions considered to present an unacceptable risk of introducing bovine spongiform encephalopathy into the United States. Additionally, we are requiring that those materials, when imported from regions not considered at risk for bovine spongiform encephalopathy, be accompanied by government certification regarding the species, region of origin, processing, and handling of the materials and the animals from which they were derived. These actions are necessary to ensure that materials containing the bovine spongiform encephalopathy agent are not imported into the United States.

**DATES:** This rule is effective retroactively to December 7, 2000, except for § 95.29, which is effective August 14, 2001. We invite you to comment on this docket. We will consider all comments that we receive by October 15, 2001.

**ADDRESSES:** Please send four copies of your comment (an original and three copies) to: Docket No. 00–121–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238

Please state that your comment refers to Docket No. 00–121–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/rad/webrepor.html.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donna Malloy, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road, Riverdale, MD 20737–1231; (301) 734–3277.

**SUPPLEMENTARY INFORMATION:**

### Background

The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of bovine animals and possibly other ruminants and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing certain protein products from ruminants infected with BSE. Currently, the U.S. Food and Drug Administration (FDA) regulations at 21 CFR 589.2000 prohibit the feeding of protein products that contain or may contain certain protein derived from mammalian tissues to cattle and other ruminants. However, BSE could be introduced into the United States if foreign-source protein materials carrying the BSE agent, such as meat, animal products, animal byproducts, and related materials are imported into the United States from regions where BSE exists, or from regions that present an undue risk of introducing BSE into the United States, and are ingested by cattle or other ruminants in the United States. BSE could also be introduced into the United States if ruminants from regions where BSE exists, or ruminants from regions that present an undue risk of introducing BSE into the United States, are imported into the United States.

Sections 94.18, 95.4, and 96.2 of the regulations prohibit or restrict the importation of certain meat and other animal products and byproducts from ruminants that have been in regions where BSE exists or regions that present an undue risk of introducing BSE into the United States.

In § 94.18, paragraph (a)(1) contains a list of regions where BSE exists, while paragraph (a)(2) contains a list of regions that, because of import requirements less restrictive than those that would be acceptable for importation into the United States and/or because of inadequate surveillance, present an undue risk of introducing BSE into the United States. Together, the lists in § 94.18(a)(1) and (a)(2) consist of all the countries of Europe and the country of Oman.

Section 94.18 also prohibits the importation into the United States of certain products. Specifically, § 94.18(b) prohibits the importation of fresh (chilled or frozen) meat, meat products, and edible products other than meat (excluding milk and milk products and, under certain conditions, gelatin) from ruminants that have been in any of the regions listed in § 94.18(a).

Section 95.4(a) of the regulations prohibits the importation of certain other products because of BSE. These products include—with certain exceptions for materials used in cosmetics and for materials transiting the United States for immediate export—bone meal, blood meal, meat meal, tankage, offal, fat, and glands from ruminants that have been in any region listed in § 94.18(a). In this interim rule, we are adding materials to the list of prohibited products in § 95.4(a). These amendments to the list in § 95.4(a) are effective retroactively to December 7, 2000.

**Additions to List of Prohibited Items**

With limited exceptions described below, the importation of the following materials, if derived from an animal that has been in any region listed in § 94.18(a), is prohibited:

1. Processed animal protein, offal, tankage, processed fats and oils, and tallow other than tallow derivatives, unless, in the opinion of the Administrator of the Animal and Plant Health Inspection Service (APHIS), the tallow cannot be used in feed, regardless of the animal species from which such materials are derived; and glands and unprocessed fat tissue derived from ruminants.

2. Derivatives of processed animal protein, offal, and tankage, regardless of the species of origin; processed fats and oils, regardless of the species of origin; and derivatives of glands from ruminants.

3. Products containing any of the materials included in items 1 or 2 above.

Additionally, we are prohibiting the importation of any of the types of materials included in items 1, 2, and 3 above, if the material:

- Originates in, or is stored, rendered, or otherwise processed in, a region listed in § 94.18(a) as a region where BSE exists or that presents an undue risk of introducing BSE into the United States;
- Is otherwise associated with a facility located in a region listed in § 94.18(a); or
- Is otherwise associated with any of the materials included in items 1, 2, or 3 above that have been in a region listed in § 94.18(a).

As noted above, the only regions currently listed in § 94.18(a) are Oman and the countries of Europe.

In this interim rule, we have also added a definition of *processed animal protein* to § 95.1. We have defined that term to mean meat meal, bone meal, meat and bone meal, blood meal, dried plasma and other blood products, hydrolyzed proteins, poultry meal, feather meal, fish meal, and any other similar products.

**Reasons for Additional Prohibitions**

We consider it necessary to expand the importation prohibitions in § 95.4(a) to include certain products derived from animals other than ruminants because of the possibility that those products may have been cross-contaminated by products derived from ruminants.

A ban on the feeding of ruminant products to other ruminants was enacted in the United Kingdom in 1988 and in certain other European countries in the early 1990's. A ban on the feeding of all mammalian products to ruminants was enacted in the European Union (EU) in 1994. However, several EU countries have identified cases of BSE in animals born after these bans were imposed. This has led to the conclusion among experts studying these cases that feed that was not prohibited by the bans was cross-contaminated by feed of ruminant origin. It appears likely that such cross-contamination occurred at facilities that process both prohibited and nonprohibited products.

Opinions issued in July and November 2000 by the European Commission's (EC's) Scientific Steering Committee stated that such cross-contamination has prolonged the BSE epidemic in Europe. In December 2000, the EC announced a temporary prohibition on the feeding of processed animal protein to all farmed animals. This prohibition became effective on January 1, 2001.

Because of the possibility that animal-based feeds or other processed animal proteins have been cross-contaminated by ruminant material, we have established (effective as of December 7, 2000) the prohibitions set forth in this interim rule to prohibit, with certain limited exceptions, the importation of the products described above under the heading ''Additions to List of Prohibited Items.'' We are taking this action on an emergency basis to help ensure that the BSE agent is not introduced into the United States. If, as further information becomes available to us, we determine that any of the prohibited products can be brought into the United States without risk of introducing the BSE agent into this country, we will initiate rulemaking to amend the regulations to allow the importation of those products, along with any conditions necessary to reduce the disease risk associated with such importations to a negligible level.

**Tallow**

Prior to this interim rule, the regulations in § 95.4 prohibited the importation of fat from ruminants that have been in any region listed in § 94.18(a). We are clarifying in this interim rule that tallow—which, according to standard dictionary definition, is rendered fat—is included among the materials to which the prohibitions of § 95.4 apply. However, we are excluding tallow derivatives from this prohibition, because such

products are so highly processed that it is highly unlikely they contain any protein. Further, we are not prohibiting all tallow, but only that tallow that is in a form that can be incorporated into feed, such as, but not limited to, bulk tallow. Generally, tallow is used for many industrial purposes, such as in soaps, candles, and lubricants for industrial equipment. These products would pose no risk of infecting animals in the United States with the BSE agent, and tallow in such forms will not be prohibited importation into the United States. However, we consider it necessary to prohibit the tallow if it could be used in feed of any type, because of the risk that tallow used in feed for animals other than ruminants might be diverted for use as ruminant feed.

**Fat Tissue and Glands**

The prohibitions in this interim rule regarding the importation of glands and unprocessed fat tissue apply only if such materials are derived from ruminants; they do not apply to glands and unprocessed fat tissue derived from any other animal species. We do not consider it necessary to prohibit the importation of glands and unprocessed fat tissue from animal species other than ruminants because those articles are, by standard collection methods, not combined with any other materials. However, the prohibitions in this rule do apply to fat from any animal species if the fat has been processed in any way, because processed fat from various species may be commingled with or cross-contaminated by processed fat from ruminants.

**Exceptions for Materials From Certain Facilities**

With certain exceptions discussed in this supplementary information, we are applying the prohibitions contained in § 95.4 to materials derived from all animal species because of the risk the materials could become cross-contaminated by materials derived from ruminants. However, in certain situations, we consider there to be a negligible risk that materials that would otherwise be prohibited importation by this interim rule will be cross-contaminated by materials derived from ruminants. In those situations, we do not consider it necessary to prohibit the importation of such materials.

Specifically, the importation prohibition will not apply to materials if, prior to importation, the following conditions have been met:

1. The materials are derived from a nonruminant species, or from a ruminant species if the ruminants have never been in any region listed in § 94.18(a) of the regulations.

2. All steps of processing and storing the material are carried out in a foreign facility that has not been used for the processing and storage of materials derived from ruminants that have been in any region listed in § 94.18(a) of the regulations.

3. The facility has demonstrated to APHIS that the materials intended for exportation to the United States were transported to and from the facility in a manner that would prevent cross-contamination by or commingling with prohibited materials.

4. If the facility processes or handles any materials derived from mammals, the facility has entered into a cooperative service agreement executed by the operator of the facility and APHIS. Under that cooperative service agreement, the facility is current in paying all costs for a veterinarian of APHIS to inspect the facility (we anticipate that such inspections will occur approximately once per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including excess baggage provisions of up to 150 pounds). Additionally, the facility has on deposit with APHIS an unobligated amount equal to the cost for APHIS personnel to conduct one inspection. As funds from that amount are obligated, a bill for costs incurred based on official accounting records will be issued to restore the deposit to the original level, revised as necessary to allow for inflation or other changes in estimated costs. To be current, bills must be paid within 14 days of receipt.

5. The foreign facility allows periodic APHIS inspection of its facilities, records, and operations.

6. Each shipment to the United States is accompanied by an original certificate signed by a full-time, salaried veterinarian of the government agency responsible for animal health in the region of export certifying that conditions 1, 2, and 3, above, have been met.

7. The person importing the shipment has applied for and obtained from APHIS a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3. (VS Form 16–3 may be obtained from APHIS, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231, or electronically at http://www.aphis.usda.gov/ncie.)

**Materials Used for Cosmetics and Insulin for Personal Use**

Animal-derived materials that are used for cosmetics will continue to be allowed importation into the United States under the existing conditions in § 94.5, because such use should not allow the materials to come into contact with animals. For the same reason, we are adding a new § 95.4(e), so as not to prohibit under § 95.4(a) the importation of insulin for the personal medical use of the person importing it (i.e., small quantities of ready-to-administer insulin). (Please note: We have determined that insulin for personal medical use that is imported in accordance with the regulations should not pose a risk to livestock. This does not imply endorsement of the safety of such insulin for human use. Further, importation of insulin for personal medical use may be prohibited by other Federal laws, including the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 *et seq.*, which is administered by the FDA.) A permit will continue to be required for the importation of materials to be used for cosmetics, and will also be required for the importation of insulin for personal medical use.

**Certification Requirements**

We are also adding a new § 95.29 to help ensure that products that are prohibited from being imported into the United States under § 95.4(a) due to their origin are not moved to a country not listed in § 94.18(a) and then to the United States. We are providing in new § 95.29 that each shipment of the following material from any region not listed in § 94.18(a) must be accompanied by an original certificate signed by a full-time salaried veterinarian of the agency responsible for animal health in the exporting region:

1. Processed animal protein, offal, tankage, processed fats and oils, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which such materials are derived; and glands and unprocessed fat tissue derived from ruminants.

2. Derivatives of processed animal protein, offal, and tankage, regardless of the animal species from which the material is derived; and derivatives of glands from ruminants.

3. Products containing any of the materials included in items 1 or 2 above.

The certification would have to include the following information:

- The animal species from which the material was derived;

• The region where any facility in which the material was processed is located;

• That the material was derived only from animals that have never been in any region listed in § 94.18(a);

• That the material did not originate in, and was never stored, rendered, or otherwise processed in, a region listed in § 94.18(a);

• That the material was not otherwise associated with a facility located in a region listed in § 94.18(a), or with any materials included in items 1, 2, or 3, above, that have been in a region listed in § 94.18(a).

As part of our ongoing efforts to ensure that the BSE agent is not introduced into the United States, we are in the process of obtaining data from each of our trading partners regarding all of the factors that could contribute to the risk that a country or other region might contain animals or products contaminated with the BSE agent. If this information demonstrates that a particular country or region poses an unacceptable risk of introducing BSE into the United States, we will take action to restrict or prohibit animals and animal products from that country or region.

Among the requirements that might be considered for imports would be certification by the exporting country that ruminant material imported into the United States comes from ruminants that have never been fed ruminant material from BSE-affected regions. At this time, evidence does not exist to indicate that countries from which imports are currently not restricted due to BSE pose enough of a risk to make such a certification requirement an effective or justifiable mitigation measure for exports from these countries. However, as part of our ongoing BSE-prevention program, we welcome comment from the public on the need for or effectiveness of such measures, as well as on any other issues related to mitigating the risk of the introduction of the BSE agent into the United States.

**Nonsubstantive Changes**

We are making a nonsubstantive change to the definition of *Animal and Plant Health Inspection Service* in § 95.1 to indicate that the acronym ''APHIS'' can be used in the regulations in place of the full name of the agency.

Additionally, we are clarifying in § 94.18(b) that the term ''fresh meat'' as used in that paragraph means chilled or frozen meat. This clarification makes the wording in § 94.18(b) consistent with the wording used elsewhere in part 94.

**Emergency Action**

This rulemaking is necessary on an emergency basis to ensure that materials that contain the BSE agent are not imported into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**. We are making this action effective retroactively to December 7, 2000, except for the certification requirement of § 95.29, which is effective upon publication. December 7, 2000, is the date APHIS issued a policy stating it had stopped issuing import permits for, and would prohibit the importation of, the materials covered by this interim rule. These effective dates are necessary to ensure that animal products containing the BSE agent are not imported into the United States.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We are amending the regulations to prohibit, with limited exceptions, the importation into the United States of certain animal materials and their derivatives, and any products they are used in, if, because of origin, processing, or other handling, the item intended for importation presents an unacceptable risk of containing the BSE agent. The types of prohibited materials include: Processed animal protein (including poultry meal and fish meal), offal, tankage, processed fats and oils, and tallow (other than tallow derivatives), unless the tallow cannot be used in feed, regardless of the animal species from which such materials are derived; and glands and unprocessed fat tissue derived from ruminants.

The following economic analysis provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act.

As one major exception to the prohibitions imposed by this rule, we will allow the importation of materials derived from nonruminant species, or from ruminant species if the ruminants have never been in any region listed in § 94.18(a) of the regulations, if all steps of processing and storing the material are carried out in a foreign facility that has not been used for the processing and storage of materials derived from ruminants that have been in any region listed in § 94.18(a) of the regulations.

Additionally, we are requiring that such materials imported from regions other than those in which BSE exists or that present an undue risk of introducing BSE into the United States be accompanied by government certification regarding the animal species of origin, processing, handling, and region of origin of the animals from which the materials were derived.

Information on import levels is more readily available for some materials affected by this rule than for others. Our discussion of potential imports is based on data for the principal commodity categories expected to be affected. Additionally, we identify other potentially affected commodity categories.

The principal commodity categories of prohibited items for which an assessment of imports from Europe is possible (none of these categories of commodities is imported from Oman) are the following: Powder and waste of bones; lard and other fat; flours, meals, and pellets containing meat or meat offal; flours, meals, and pellets containing fish or crustaceans; dog or cat food; and animal feed preparations other than dog or cat food. For each of these commodity categories except animal feed preparations other than dog or cat food, the percentage of U.S. imports supplied by Europe is minor—about 1 percent or less for lard and for flours, meals, and pellets made of meat or meat offal, and of fish or crustaceans; about 6 percent for powder and waste of bones and for dog or cat food. The average annual value, from 1997 to 1999, of animal feed preparations other than dog or cat food that were supplied by Europe was about $49 million, and represented about 22 percent of such imports.

About 18 percent of animal feed preparations imported by the United States, by value, is composed of prepared poultry and swine feed. These types of feed comprise about one-third of the animal feed preparations imported from Europe. (Other products used in animal feed preparations

include egg, milk, or vegetable products.)

The United States is a net exporter of all of the above categories of commodities. For dog or cat food and for animal feed preparations other than dog or cat food—the two categories with the highest import volumes—annual import values were about 22 and 40 percent of export values, respectively.

The relatively small value of dog or cat food and of other animal feed preparations imported from Europe is apparent when compared to the value of annual U.S. exports of these products. Imports from Europe comprise only about 0.1 percent of the value of U.S. exports of dog or cat food. For other animal feed preparations, imports from Europe are less than 0.3 percent of the value of U.S. exports.

In addition to the principal commodity categories discussed above, it is possible there will be other items whose importation will be prohibited by this interim rule, such as certain other animal fat products and certain animal-derived substances used in medicament preparations. We are unable to identify affected products under these headings, nor the value of any such products supplied by Europe.

The Regulatory Flexibility Act requires that agencies assess the potential economic effects of rules on small entities. Whether affected entities within a particular industry are considered small by the U.S. Small Business Association depends either on the number of employees or annual gross receipts. Two industries that will likely be affected are ''dog and cat food manufacturing'' and ''other animal food manufacturing,'' for both of which the criterion for being considered a small entity is whether the establishment has 500 or fewer employees. The 1997 ''Economic Census'' reports that 186 of the 188 dog and cat food manufacturing establishments in the United States had 500 or fewer employees, and that all of the 1,514 establishments categorized as ''other animal food manufacturing establishments'' had 500 or fewer employees.

Other entities that may be affected by this rule are livestock producers who use nonruminant animal feed preparations that have been imported from Europe. U.S. dairy, beef, and hog producers are predominantly small entities, based on the criterion of having annual gross receipts of $500,000 or less. Cattle feedlot operations that could also be affected are predominantly small entities, based on the criterion of having annual gross receipts of $1.5 million or less.

Although manufacturing establishments and agricultural firms that could be affected by this rule are predominantly small entities, the fact that very small volumes of the items prohibited under this interim rule are imported from Europe suggests that any effects will be similarly small. For manufacturers of dog or cat food and other animal feed preparations, imports from Europe are but a fraction of 1 percent of industry sales. Nonruminant lard imports and imports of animal feed preparations from Europe are also small compared to overall import levels. Additionally, although we are unable to assess at this time the possible effects of the provisions in this interim rule with regard to certain exceptions to the general prohibitions (e.g., for nonmammalian materials processed in a plant dedicated to processing only nonmammalian animal species), they can be expected to reduce any economic effects of this rule even further.

For the commodities examined, some U.S. small entities are likely to be affected by this rule. However, the volumes imported from Europe suggest that a substantial number of entities will not be affected, and that those that are will not be affected significantly.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has retroactive effect to December 7, 2000; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579–0183 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following addresses: (1) Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503; and (2) Docket No. 00–121–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 00–121–1 and send your comments within 60 days of publication of this rule.

This interim rule prohibits the importation of certain animal materials into the United States because of the risk of the introduction of BSE into this country. Additionally, it requires that certain animal materials imported into the United States be accompanied by certification by the veterinary authorities of the national government of the country from which the materials are shipped regarding the origin and processing of the products. We are soliciting comments from the public, as well as affected agencies, concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

*Estimate of burden:* Public reporting burden for this collection of information is estimated to average 10 minutes per response.

*Respondents:* Producers and importers of certain animal products.

*Estimated annual number of respondents:* 1,000.

*Estimated annual number of responses per respondent:* 9.

*Estimated annual number of responses:* 9,000.

*Estimated total annual burden on respondents:* 1,500 hours.

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

**List of Subjects**

*9 CFR Part 94*

Animal diseases, Imports, Livestock, Poultry and poultry products,

Quarantine, Reporting and recordkeeping requirements.

*9 CFR Part 95*

Animal feeds, Hay, Imports, Livestock, Reporting and recordkeeping requirements, Straw, Transportation.

Accordingly, we are amending 9 CFR parts 94 and 95 as follows:

## PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY; PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

### § 94.18 [Amended]

2. In § 94.18, paragraph (b) is amended by removing the words ''fresh, frozen, and chilled'' and adding in their place the words ''fresh (chilled or frozen)''.

## PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

3. The authority citation for part 95 continues to read as follows:

**Authority:** 21 U.S.C. 111, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

4. In § 95.1, the definition of *Animal and Plant Health Inspection Service* is revised and a new definition of *processed animal protein* is added, in alphabetical order, to read as follows:

### § 95.1 Definitions.

* * * * *

*Animal and Plant Health Inspection Service (APHIS)* means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

* * * * *

*Processed animal protein* means meat meal, bone meal, meat and bone meal, blood meal, dried plasma and other blood products, hydrolyzed proteins, hoof meal, horn meal, poultry meal, feather meal, fish meal, and any other similar products.

* * * * *

5. Section 95.4 is revised to read as follow:

### § 95.4 Restrictions on the importation of processed animal protein, offal, tankage, fat, glands, certain tallow other than tallow derivatives, and serum due to bovine spongiform encephalopathy.

(a) Except as provided in paragraphs (c) through (f) of this section, the importation of the following is prohibited:

(1) Any of the materials listed in paragraphs (a)(1)(i) through (a)(1)(iv) of this section that have been derived from animals that have been in any region listed in § 94.18(a) of this chapter:

(i) Processed animal protein, tankage, offal, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which the material was derived;

(ii) Glands and unprocessed fat tissue derived from ruminants;

(iii) Processed fats and oils, and derivatives of processed animal protein, tankage, and offal, regardless of the animal species from which the material was derived; and

(iv) Derivatives of glands from ruminants.

(2) Any of the materials listed in paragraphs (a)(2)(i) through (a)(2)(iv) of this section that have been stored, rendered, or otherwise processed in a region listed in § 94.18(a) of this chapter, or that have otherwise been associated with a facility in a region listed in § 94.18(a) of this chapter or with any material listed in paragraph (a)(1) through (a)(3) of this section:

(i) Processed animal protein, tankage, offal, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which the material was derived;

(ii) Glands and unprocessed fat tissue derived from ruminants;

(iii) Processed fats and oils, and derivatives of processed animal protein, tankage, and offal, regardless of the animal species from which the material was derived; and

(iv) Derivatives of glands from ruminants.

(3) Products containing any of the items listed in paragraphs (a)(1) and (a)(2) of this section.

(b) Except as provided in paragraphs (d) and (f) of this section, the importation of serum from ruminants that have been in any region listed in § 94.18(a) of this chapter is prohibited, except that serum from ruminants may be imported for scientific, educational, or research purposes if the Administrator determines that the importation can be made under conditions that will prevent the introduction of bovine spongiform encephalopathy into the United States. Serum from ruminants imported in accordance with this paragraph must be accompanied by a permit issued by APHIS in accordance with § 104.4 of this chapter, and must be moved and handled as specified on the permit.

(c) Materials that are otherwise prohibited importation into the United States under paragraph (a) of this section may be imported into the United States if the following conditions are met prior to importation:

(1) The material is derived from a nonruminant species, or from a ruminant species if the ruminants have never been in any region listed in § 94.18(a) of this chapter.

(2) All steps of processing and storing the material are carried out in a foreign facility that has not been used for the processing and storage of materials derived from ruminants that have been in any region listed in § 94.18(a) of this chapter.

(3) The facility demonstrates to APHIS that the materials intended for exportation to the United States were transported to and from the facility in a manner that would prevent cross-contamination by or commingling with prohibited materials.

(4) If the facility processes or handles any material derived from mammals, the facility has entered into a cooperative service agreement executed by the operator of the facility and APHIS. In accordance with the cooperative service agreement, the facility must be current in paying all costs for a veterinarian of APHIS to inspect the facility (it is anticipated that such inspections will occur approximately once per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including excess baggage provisions up to 150 pounds). In addition, the facility must have on deposit with APHIS an unobligated amount equal to the cost for APHIS personnel to conduct one inspection. As funds from that amount are obligated, a bill for costs incurred based on official accounting records will be issued to restore the deposit to the original level, revised as necessary to allow for inflation or other changes in estimated costs. To be current, bills must be paid within 14 days of receipt.

(5) The facility allows periodic APHIS inspection of its facilities, records, and operations.

(6) Each shipment to the United States is accompanied by an original certificate signed by a full-time, salaried veterinarian of the government agency responsible for animal health in the

region of export certifying that the conditions of paragraphs (c)(1) through (c)(3) of this section have been met.

(7) The person importing the shipment has applied for and obtained from APHIS a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3. (VS Form 16–3 may be obtained from APHIS, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231, or electronically at http://www.aphis.usda.gov/ncie.)

(d) The importation of serum albumin, serocolostrum, amniotic liquids or extracts, and placental liquids derived from ruminants that have been in any region listed in § 94.18(a) of this chapter, and of collagen and collagen products that meet any of the conditions listed in paragraphs (a)(1) through (a)(3) of this section, is prohibited unless the following conditions have been met:

(1) The article is imported for use as an ingredient in cosmetics;

(2) The person importing the article has obtained a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3 (VS Form 16–3 may be obtained from APHIS, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231, or electronically at http://www.aphis.usda.gov/ncie.); and

(3) The permit application states the intended use of the article and the name and address of the consignee in the United States.

(e) Insulin otherwise prohibited from importation into the United States under paragraph (a) of this section is not prohibited from importation under that paragraph if the insulin is for the personal medical use of the person importing it and if the person importing the shipment has applied for and obtained from APHIS a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3. (VS Form 16–3 may be obtained from APHIS, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231, or electronically at http://www.aphis.usda.gov/ncie. **Note:** Insulin that is not prohibited from importation under this paragraph may be prohibited from importation under other Federal laws, including the Federal Food, Drug, and Cosmetic Act, 21 U.S.C, 321 *et seq.*)

(f) Articles that are prohibited importation into the United States in accordance with this section may transit the United States for immediate export if the following conditions are met:

(1) The person moving the articles has obtained from APHIS a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3. (VS Form 16–3 may be obtained from APHIS, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231, or electronically at http://www.aphis.usda.gov/ncie.)

(2) The articles are sealed in leakproof containers bearing serial numbers during transit. Each container remains sealed during the entire time that it is in the United States.

(3) The person moving the articles notifies, in writing, the Plant Protection and Quarantine Officer at both the place in the United States where the articles will arrive and the port of export prior to such transit. The notification includes the:

(i) United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors permit number;

(ii) Times and dates of arrival in the United States;

(iii) Times and dates of exportation from the United States;

(iv) Mode of transportation; and

(v) Serial numbers of the sealed containers.

(4) The articles transit the United States in Customs bond.

(Approved by the Office of Management and Budget under control numbers 0579–0015 and 0579–0183)

6. A new § 95.29 is added to read as follows:

**§ 95.29 Certification for certain materials.**

(a) In addition to meeting any other certification or permit requirements of this chapter, the following articles may be imported into the United States from any region not listed in § 94.18(a) only if they are accompanied by a certificate, as described in paragraph (b) of this section:

(1) Processed animal protein, tankage, offal, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which the material is derived;

(2) Glands and unprocessed fat tissue derived from ruminants;

(3) Processed fats and oils, and derivatives of processed animal protein, tankage, and offal, regardless of the animal species from which the material is derived;

(4) Derivatives of glands from ruminants; and

(5) Any product containing any of the materials listed in paragraphs (a)(1) through (a)(4) of this section.

(b) The certificate required by paragraph (a) of this section must be an original official certificate, signed by a full-time, salaried veterinarian of the agency responsible for animal health in the exporting region, that states the following:

(1) The animal species from which the material was derived;

(2) The region in which any facility where the material was processed is located;

(3) That the material was derived only from animals that have never been in any region listed in § 94.18(a) of this chapter, with the regions listed in § 94.18(a) specifically named;

(4) That the material did not originate in, and was never stored in, rendered or processed in, or otherwise associated with a facility in a region listed in § 94.18(a); and

(5) The material was never associated with any of the materials listed in paragraph (a) of this section that have been in a region listed in § 94.18(a).

(c) The certification required by paragraph (a) of this section must clearly correspond to the shipment by means of an invoice number, shipping marks, lot number, or other method of identification.

(Approved by the Office of Management and Budget under control number 0579–0183)

Done in Washington, DC, this 8th day of August 2001.

**Bill Hawks,**

*Under Secretary for Marketing and Regulatory Programs.*

[FR Doc. 01–20399 Filed 8–13–01; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

**[CGD01–01–125]**

## Drawbridge Operation Regulations: Piscataqua River, ME

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Sara Long (Route 1

Bypass) Bridge, mile 4.0, across the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire. This deviation from the regulations, effective on September 20, 2001, allows the bridge to need not open for vessel traffic between 8 a.m. and 6 p.m. This temporary deviation is necessary to facilitate necessary repairs at the bridge.

**DATES:** This deviation is effective on September 20, 2001.

**FOR FURTHER INFORMATION CONTACT:** John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

**SUPPLEMENTARY INFORMATION:** The Sara Long (Route 1 Bypass) Bridge, mile 4.0, across the Piscataqua River has a vertical clearance in the closed position of 10 feet at mean high water and 18 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.531.

The bridge owner, New Hampshire Department of Transportation (NHDOT), requested a temporary deviation from the drawbridge operating regulations to facilitate modifications to the new generator system at the bridge.

This deviation to the operating regulations, effective on September 20, 2001, allows the Sara Long (Route 1 Bypass) Bridge to need not open for vessel traffic between 8 a.m. and 6 p.m.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 6, 2001.

**G.N. Naccara,**

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

[FR Doc. 01–20316 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–15–P**

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## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

**[CGD01–01–129]**

## Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Marine Parkway (Gil Hodges Memorial) Bridge, mile 3.0, across Rockaway Inlet in New York. This deviation will allow the bridge to remain in the closed to navigation position from 8 a.m. on August 20, 2001 through 4:30 p.m. on August 25, 2001. This temporary deviation is necessary to facilitate emergency repairs at the bridge.

**DATES:** This deviation is effective from August 20, 2001 through August 25, 2001.

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

**SUPPLEMENTARY INFORMATION:** The Marine Parkway (Gil Hodges memorial) Bridge, at mile 3.0, across Rockaway Inlet has a vertical clearance in the closed position of 55 feet at mean high water and 59 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.795(a).

The bridge owner, Triborough Bridge and Tunnel Authority, requested a temporary deviation from the drawbridge operating regulations to facilitate emergency replacement of the lift span clutch shaft bearings at the bridge.

This deviation to the operating regulations allows the Marine Parkway (Gil Hodges Memorial) Bridge to remain in the closed to navigation position from 8 a.m. on August 20, 2001 through 4:30 p.m. on August 25, 2001.

The bridge owner did not provide the required thirty-day notice to the Coast Guard for this temporary deviation; however, this deviation was approved because the repairs are vital unscheduled repairs that must be performed without delay to insure bridge operating safely and to prevent an unscheduled closure due to component failure.

This temporary deviation from the drawbridge operation regulations is authorized under 33 CFR 117.35 and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: August 6, 2001.

**G.N. Naccara,**

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

[FR Doc. 01–20318 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–15–P**

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## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[CGD01–01–131]**

**RIN 2115–AA97**

## Safety Zone; Oak Bluffs Fireman's Civic Association, Oak Bluffs, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone within a 250-yard radius of the fireworks barge, located at Oak Bluffs, Massachusetts, on August 17, 2001, with a rain date of August 18, 2001. The safety zone is needed to safeguard the public from possible hazards associated with a fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port, Providence, Rhode Island.

**EFFECTIVE DATE:** This rule is effective from 8 p.m. on August 17, 2001, through 10 p.m. on August 18, 2001.

**ADDRESSES:** Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Marine Safety Office Providence, 20 Risho Avenue, E. Providence, RI. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT David Barata at Marine Safety Office Providence, (401) 435–2335.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

Pursuant to 5 U.S.C. 553, a notice proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Details regarding this event were not provided to the Coast Guard in sufficient time to draft or publish a NPRM or a final rule 30 days in advance of its effective date. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display.

### Background and Purpose

This regulation establishes a safety zone in all waters within a 250-yard radius of the fireworks barge at Oak Bluffs, Massachusetts, in approximate

position 41°27′12″N, 070°33′15″W, on August 17, 2001, and August 18, 2001, from 8 p.m. until 10 p.m. The Oak Bluff's Fireman's Civic Association has scheduled fireworks for August 17, 2001, and the regulation will be enforced from 8 p.m. to 10 p.m. on August 17, 2001. Alternately, if the event is rescheduled due to weather, the safety zone will be enforced from 8 p.m. until 10 p.m. on August 18, 2001. This safety zone is needed to protect the maritime community from possible hazards associated with a fireworks display that will be shot from the barge off Oak Bluffs Beach, Oak Bluffs, Massachusetts. No vessel may enter the safety zone without permission of the Captain of the Port (COTP), Providence, Rhode Island.

**Regulatory Evaluation**

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves a very small area of Nantucket Sound, Oak Bluffs, Massachusetts. The effect of this regulation will not be significant as the safety zone is effective for only 2 hours; it takes place late in the evening; it involves a very small area of Nantucket Island Sound, Oak Bluffs, Massachusetts, thus allowing vessel traffic to safely transit around this safety zone; and extensive maritime advisories will be made in advance of the event.

**Small Entities**

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit Oak Bluffs, Massachusetts in the fireworks area. The safety zone will not have a significant impact on a substantial number of small entities for the following reasons: the safety zone is effective for only 2 hours; it takes place late in the evening; the safety zone involves a very small area of Nantucket Sound, Oak Bluffs, Massachusetts, thus allowing vessel traffic to safely transit around this safety zone; and extensive maritime advisories will be made in advance of the event.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization would be affected by this rule and you have any questions concerning its provisions or options for compliance, please call LT David Barata at (401) 435–2335. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

**Collection of Information**

This rule calls for no collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

**Federalism**

We have analyzed this action under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

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

**Taking of Private Property**

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

**Civil Justice Reform**

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

**Protection of Children**

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

**Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**Environment**

The Coast Guard has considered the environmental impact of implementing this temporary rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket.

**Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it

does not require a Statement of Energy Effects under Executive Order 13211.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. From 8 p.m. on August 17, 2001, to 10 p.m. on August 18, 2001, add temporary § 165.T01–131 to read as follows:

**§ 165.T01–131 Safety zone: fireworks display, Oak Bluffs, MA.**

(a) *Location.* All waters within a 250-yard radius of the fireworks barge located off Oak Bluffs Beach, Oak Bluffs, Massachusetts, in approximate position 41°27′12″N, 070°33′15″W.

(b) *Enforcement dates and times.* This section will be enforced from 8 p.m. until 10 p.m. on both August 17, 2001, and August 18, 2001.

(c) *Regulations.*

(1) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 3, 2001.

**Mark G. VanHaverbeke,**

*Captain, U.S. Coast Guard, Captain of the Port, Marine Safety Office Providence.*

[FR Doc. 01–20315 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[CGD09–01–112]**

**RIN 2115–AA97**

## Safety Zone; Maumee River, Toledo, Ohio

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Maumee River, Toledo, Ohio. This zone is intended to restrict vessels from a portion of the Maumee River during the City of Toledo's September 2, 2001, fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

**DATES:** This rule is effective from 12:30 p.m. until 10 p.m. on September 2, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–01–112] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Toledo, 420 Madison Ave, Suite 700, Toledo, Ohio, 43604 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Herb Oertli, Chief of Port Operations, Marine Safety Office, 420 Madison Ave, Suite 700, Toledo, Ohio 43604; (419) 418–6050.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard had insufficient advance notice to publish an NPRM followed by a temporary final rule. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property.

### Background and Purpose

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading and launching of a fireworks display in conjunction with the City of Toledo's September 2 Fireworks. The fireworks display will occur between 12:30 p.m. and 10 p.m. on September 2, 2001.

This safety zone encompasses all waters and the adjacent shoreline of the Maumee River, Toledo, Ohio, extending from the bow of the museum ship SS WILLIS B. BOYER at 41° 38′ 35″ N, 083° 31′ 54″ W, then north north-east to the south end of the City of Toledo Street at 41° 38′ 51″ N, 083° 31′ 50″ W, then south-west to Maumee River Buoy #64 (LLNR 6361) at approximate position 41° 38′ 48″ N, 083° 31′ 58″ W, then returning south south-east to the museum ship SS WILLIS B. BOYER. These coordinates are based upon North American Datum 1983 (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Toledo or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

### Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). This finding is based on the historical lack of vessel traffic during this time of year.

### Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small

entities: the owners and operators of vessels intending to transit or anchor in a portion of the Maumee River off Toledo, Ohio.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will be in effect for less than 10 hours for one event and vessel traffic can pass safely around the safety zone. In the event that shipping is affected by this temporary safety zone, commercial vessels may request permission from the Captain of the Port Toledo to transit through the safety zone.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Toledo (see **ADDRESSES**).

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

**Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

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

**Taking of Private Property**

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

**Civil Justice Reform**

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

**Protection of Children**

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

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Indian Tribal Governments This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–6, 160.5; 49 CFR 1.46.

2. Add a new temporary § 165.T09–991 to read as follows:

**§ 165.T09–991 Safety zone: Maumee River, Toledo, Ohio.**

(a) *Location.* All waters and the adjacent shoreline of the Maumee River, Toledo, Ohio, extending from the bow of the museum ship SS WILLIS B. BOYER at 41°38′35″N, 083°31′54″W, then north north-east to the south end of the City of Toledo Street at 41°38′51″N, 083°31′50″W, then south-west to the Maumee River Buoy #64 (LLNR 6361) at approximate position 41°38′48″N, 083°31′58″W, then returning south south-east to the museum ship SS WILLIS B. BOYER. All geographic coordinated are North American Datum of 1983 (NAD 1983).

(b) *Effective period.* This section is effective from 12:30 p.m. until 10 p.m., September 2, 2001.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: August 6, 2001.

**David L. Scott,**

*Commander, U.S. Coast Guard, Captain of the Port.*

[FR Doc. 01–20427 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–15–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MO 118–1118a; FRL–7032–2]**

## Approval and Promulgation of Implementation Plans; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Missouri. This approval pertains to revisions to a rule which controls emissions from the manufacture of paints, varnishes, lacquers, enamels, and other allied surface coating products in the St. Louis, Missouri, area. The effect of this approval is to ensure Federal enforceability of the state air program rules and to maintain consistency between the state-adopted rules and the approved SIP.

**DATES:** This direct final rule will be effective on October 15, 2001 unless EPA receives adverse comments by September 13, 2001. If adverse comments are 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:** Comments may be mailed to Wayne Kaiser, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551–7603.

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever ''we, us, or our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval of a state regulation mean to me?
What is being addressed in this action?
Have the requirements for approval of a SIP revision been met?
What action is EPA taking?

## What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

## What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

## What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

## What Is Being Addressed in This Document?

On September 27, 2000, we received a request from the Missouri Department of Natural Resources to approve as a SIP revision rule 10 CSR 10–5.390, ''Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products.''

This rule specifies operating equipment requirements and operating procedures for the reduction of volatile organic compounds from the manufacture of paints, varnishes, lacquers, enamels, and other allied surface coating products in the St. Louis metropolitan area.

The rule was revised to clarify the intent of the rule and to clearly define the requirements of compliance. Consequently, paragraph (4)(F)(1) was revised to make the requirements clear for both batch and continuous processes and to clearly state a 95 percent overall removal efficiency, which is consistent with reasonably available control technology requirements. No other revisions were made to the rule. There will be no emissions increase from the single source affected by this revision.

## Have the Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

## What Action Is EPA Taking?

We are processing this action as a final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments.

## 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. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). 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 preexisting requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. 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, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have 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 CAA. 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, we have 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. We will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 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 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: July 27, 2001.

**William Rice,**

*Acting Regional Administrator, Region 7.*

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 AA—Missouri

2. In § 52.1320(c) the table is amended under Chapter 5 by revising the entry for ''10–5.390'' to read as follows:

**§ 52.1320 Identification of plan.**

* * * * *

(c) * * *

EPA—APPROVED MISSOURI REGULATIONS

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Missouri Department of Natural Resources** | | | | |
| * | * | * | * | * |
| **Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area** | | | | |
| * | * | * | * | * |
| 10–5.390 | Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products. | 08/30/00 | 08/14/01 66 FR 42607. | |
| * | * | * | * | * |

* * * * *

[FR Doc. 01–20257 Filed 8–13–01; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 60

**[FRL–7033–8]**

**RIN 2060–AJ22**

## Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978; and Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; removal of provisions.

**SUMMARY:** This action removes certain provisions of the nitrogen oxides ( $NO_X$) emission standards for new electric utility steam generating units and industrial-commercial-institutional steam generating units, which were promulgated on September 16, 1998. Specifically, we are removing the provisions of the final rules applicable to electric utility steam generating units and industrial-commercial-institutional steam generating units for which modification was commenced after July 9, 1997. The removal of the provisions is based on the issuance of an order by the United States Court of Appeals for the District of Columbia Circuit in *Lignite Energy Council, et al.,* v. *Environmental Protection Agency,* No. 98–1525 (and consolidated cases) on September 21, 1999, granting summary vacatur of the provisions. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for removal of these provisions without prior proposal and opportunity for comment because the changes to the rules are minor, noncontroversial in nature, and do not substantively change the requirements of the revised $NO_X$ NSPS. Thus, notice and public procedure are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

**EFFECTIVE DATE:** August 14, 2001.

**ADDRESSES:** Docket number A–92–71, containing supporting information used in the development of the rulemaking is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday (excluding Federal holidays) at the following address: U.S. EPA, Air and Radiation Docket and Information Center (6102), 401 M Street, SW., Washington, DC 20460; telephone number (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Eddinger, Combustion Group, Emission Standards Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5426; facsimile number (919) 541–5450; electronic mail address ''eddinger.jim@epa.gov''.

**SUPPLEMENTARY INFORMATION:** *Docket.* The dockets are organized and complete files of all the information submitted to or otherwise considered by EPA in the development of the standards. The docket is a dynamic file because material is added throughout the rulemaking process. The principal purposes of the docket are to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process; and to serve as the record in case of judicial review.

*Regulated Entities.* Categories and entities potentially regulated by this action include:

| Category | Examples of regulated entities |
|---|---|
| Industry * * * | Electric utility steam generating units, industrial steam generating units, commercial steam generating units and institutional steam generating units. |

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in §§ 60.40a and 60.40b of the rules. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

*Judicial Review.* Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this nationally applicable final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by October 15, 2001. Under section 307(b)(2) of the CAA, the requirements that are subject to this action may not be challenged later in civil or criminal proceedings brought by EPA to enforce the requirements.

*World Wide Web (WWW).* In addition to being available in the docket, an electronic copy of this final rule will also be available through the Technology Transfer Network (TTN). Following promulgation, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules (http://www.epa.gov/ttn/oarpg/t3pfpr.html). The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

### I. Why Are We Taking This Action?

Acting in accordance with sections 407(c) and 111 of the CAA, the EPA published proposed revisions to the emission standards for $NO_X$ contained in the standards of performance for new electric utility steam generating units and industrial-commercial-institutional steam generating units, 40 CFR part 60, subparts Da and Db, respectively, at 62 FR 36948 on July 9, 1997. Under section 111(a)(2) of the CAA, any stationary source, as identified in a proposed new source performance standard (NSPS), on which construction, modification or reconstruction is commenced after the date of proposal of that NSPS is subject to any final standards promulgated by EPA. See *United States of America* v. *City of Painesville, Ohio,* 644 F.2d 1186 (6th Cir. 1981). Thus, any affected facility, as defined in the proposed rule, on which construction, modification or reconstruction was or is commenced after July 9, 1997, would normally be subject to the standards of performance as promulgated. Modification means ''any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.'' (see CAA section 111(a)(4)). See also 40 CFR 60.14, ''a physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act.''

On September 16, 1998 (63 FR 49553), we published final rules revising the nitrogen oxides emission standards in subparts Da and Db. Following

promulgation of the final rules, a number of industry groups (Petitioners) filed petitions for review pursuant to CAA section 307(b) in the United States Court of Appeals for the District of Columbia Circuit. Those petitions were subsequently consolidated by the court; *Lignite Energy Council, et al.,* v. *United States Environmental Protection Agency,* No. 98–1525 and consolidated cases. Petitioners filed their initial brief in the case on May 28, 1999. We filed our initial brief on July 30, 1999. At the same time we filed our initial brief, we also filed a motion for partial voluntary remand that requested that the court remand the standards, as applied to modified or reconstructed boilers, to EPA for further consideration and explanation. In our motion, we explained that in light of issues raised in the Petitioners' brief, we recognized that in the final rules we provided an inadequate explanation of the standards as applied to modified or reconstructed boilers. We further informed the court that we believed that a remand of the standards, as applied to modified or reconstructed boilers, was appropriate to allow us to further consider the matter and articulate more fully the basis for our action. In response to our motion, the Petitioners filed a motion for partial summary vacatur of the standards as applied to modified boilers. On September 21, 1999, the court issued an order granting the Petitioners' motion for summary vacatur of the provisions of the final rules pertaining to modified boilers, thereby vacating the provisions of the final rules applicable to boilers modified after July 9, 1997.

We are taking today's action pursuant to our general rulemaking authority under section 301(a) of the CAA, 42 U.S.C. 7601(a). Section 301(a) grants the Administrator of EPA the authority ''to prescribe such regulations as are necessary to carry out [her] functions under this Act.''

## II. What Is the Legal Authority for Promulgating an Immediately Effective Final Rule Without Prior Notice and Opportunity for Public Comment?

Section 307(d) of the CAA generally requires that we provide notice of our intent to revise standards of performance and an opportunity for interested persons to comment thereon before promulgating such revisions. Section 307(d) expressly does not apply in circumstances where we make a good cause determination under 5 U.S.C. 553(b), which authorizes an agency to forego the otherwise applicable requirement for providing notice of proposed rulemaking in the **Federal Register** and an opportunity for interested persons to comment on the proposed rulemaking ''when the agency for good cause finds (and incorporates the finding and a brief statement of the reason therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Section 111(b)(1)(B) of the CAA expressly makes revisions to standards of performance ''effective upon promulgation.'' (see 42 U.S.C. 7411(b)(1)(B)).

We believe that there is good cause for not providing notice and an opportunity for comment for the following reason. As a matter of law, the order issued by the United States Court of Appeals for the District of Columbia Circuit on September 21, 1999 vacated the provisions of the final rules applicable to modified boilers thereby making them not binding and unenforceable. It is, therefore, unnecessary to provide notice and an opportunity for comment on this action which merely carries out the court's order.

As indicated above, section 111(b)(1)(B) of the CAA expressly provides that revisions to standards of performance become effective upon promulgation, in this case publication in the **Federal Register**.

## III. What Does the Final Rule Withdrawal of Provisions Do and What Are Its Consequences?

### *A. To Whom Does the Final Rule Withdrawal of Provisions Apply?*

This final rule withdrawal of provisions applies only to the owners and operators of electric utility steam generating units and industrial-commercial-institutional steam generating units on which modification is commenced after July 9, 1997. We plan to further consider the issues associated with modified boilers and will develop standards as appropriate in the future. It does not affect 40 CFR part 60, subparts Da and Db, as they apply to the owners and operators of new and reconstructed electric utility steam generating units and industrial-commercial-institutional steam generating units on which construction or reconstruction is commenced after July 9, 1997.

### *B. What Standards Are Being Withdrawn?*

Section 60.44a(d)(2) of 40 CFR is amended by removing the language relating to modified boilers. Section 60.44b(l) of 40 CFR is amended by removing the language relating to modified boilers.

### *C. Are There Any Other Impacts on Affected Facilities on Which Modification Is Commenced After July 9, 1997?*

Owners and operators of electric utility steam generating units on which modification is commenced after July 9, 1997 will be required to comply with the applicable $NO_X$ emission limits specified in the pre-existing NSPS (40 CFR 60.44a(a) and (c)). Similarly, owners and operators of industrial-commercial-institutional steam generating units on which modification is commenced after July 9, 1997 will be required to comply with the applicable $NO_X$ emission limits specified in the pre-existing NSPS (40 CFR 60.44b(a), (b), (c), (d) and (e)). Each of the cited subsections contains different requirements. The subsection that applies to a particular affected facility is determined based on the type or combination of fuel being used.

## IV. Administrative Requirements

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

This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (15 U.S.C. 272) do not apply. This action also does not involve special consideration of environmental justice related issues as

required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this action, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the taking implications of these rule withdrawal of provisions 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 action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The EPA's compliance with these statues and Executive Orders for the underlying rule is discussed in the September 16, 1998 **Federal Register** document.

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, the EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 14, 2001. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the technical correction in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 60**

Environmental protection, Air pollution control, Electric power plants.

Dated: August 7, 2001.

**Christine Todd Whitman,**

*Administrator.*

For the reasons set out in the preamble, title 40, chapter 1, part 60 of the Code of Federal Regulations is amended as follows.

## PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

## Subpart Da—[Amended]

2. Section 60.44a is amended by revising paragraph (d)(2) to read as follows:

**§ 60.44a Standard for nitrogen oxides.**

* * * * *

(d)(1) * * *

(2) On and after the date on which the initial performance test required to be conducted under § 60.8 is completed, no existing source owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility for which reconstruction commenced after July 9, 1997 any gases which contain nitrogen oxides (expressed as $NO_2$) in excess of 65 ng/Jl (0.15 pounds per million Btu) heat input, based on a 30-day rolling average.

## Subpart Db—[Amended]

3. Section 60.44b is amended by revising paragraph (l) to read as follows:

**§ 60.44b Standard for nitrogen oxides.**

* * * * *

(l) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8, whichever date comes first, no owner or operator of an affected facility which commenced construction or reconstruction after July 9, 1997 shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides (expressed as $NO_2$) in excess of the following limits:

(1) If the affected facility combusts coal, oil, or natural gas, or a mixture of these fuels, or with any other fuels: A limit of 86 ng/$J_I$ (0.20 lb/million Btu) heat input unless the affected facility has an annual capacity factor for coal, oil, and natural gas of 10 percent (0.10) or less and is subject to a federally enforceable requirement that limits operation of the facility to an annual capacity factor of 10 percent (0.10) or less for coal, oil, and natural gas; or

(2) If the affected facility has a low heat release rate and combusts natural gas or distillate oil in excess of 30 percent of the heat input from the combustion of all fuels, a limit determined by use of the following formula:

$$E_n = [(0.10 * H_{go}) + (0.20 * H_r)]/(H_{go} + H_r)$$

*Where:*

$E_n$ is the $NO_X$ emission limit, (lb/million Btu),

$H_{go}$ is the heat input from combustion of natural gas or distillate oil, and

$H_r$ is the heat input from combustion of any other fuel.

[FR Doc. 01–20260 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 300

**[FRL–7033–2]**

## National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final notice of deletion of the Tronic Plating Co., Inc. Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II announces the direct final notice of deletion of the Tronic Plating Co., Inc. Superfund Site (Site) from the National Priorities List (NPL).

The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is Appendix B of 40 CFR Part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of New York through the New York State Department of Environmental Conservation (NYSDEC) because EPA has determined that all appropriate response actions under CERCLA have been completed, and therefore, further remedial action pursuant to CERCLA is not appropriate.

**DATES:** This direct final deletion will be effective October 15, 2001 unless EPA receives adverse comments by September 13, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

**ADDRESSES:** Comments may be mailed to: Gloria M. Sosa, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II 290

Broadway, 20th Floor, New York, New York 10007–1866.

Information Repositories: Comprehensive information on this Site is available for viewing and copying at the Site information repository located at: U.S. Environmental Protection Agency, Region II, Superfund Records Center 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308, Hours: 9 am to 5 pm, Monday through Friday.

Information on the Site is also available for viewing at the following information repository: Farmingdale Public Library 274 Main Street, Farmingdale, New York 11735, (516) 249–9090, Hours: 9 am–9 pm, Friday and Saturday, 9 am–5 pm.

**FOR FURTHER INFORMATION CONTACT:** Gloria M. Sosa, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866; by phone at, (212) 637–4283, by fax at (212) 637–4284.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

I. Introduction
II. National Priorities List Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

## I. Introduction

EPA Region II announces the deletion of the Tronic Plating Co., Inc. Superfund Site (Site), located in Farmingdale, Suffolk County, New York, from the NPL and requests public comment on this action.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective October 15, 2001 unless EPA receives adverse comments by September 13, 2001 on this document. If adverse comments are received within the 30-day public comment period of this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, if appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Tronic Plating Co., Inc. Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

## II. NPL Deletion Criteria

Section 300.425 (e)(1)(i)–(iii) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the NYSDEC, will consider whether any of the following criteria has been met:

i. Responsible or other parties have implemented all appropriate response actions required; or

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425 (e)(3) of the NCP states: ''All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the H[azard] R[anking] S[ystem].''

## III. Deletion Procedures

The following procedure apply to the deletion of the Site.

(1) EPA Region II issued a Record of Decision on September 27, 1993 describing the selected remedy for the Site, which was a no-further-action remedy;

(2) NYSDEC has concurred with the deletion in a letter dated June 14, 2001;

(3) Concurrently with the publication of this direct final notice of deletion, a notice is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL;

(4) The Region has made all relevant documents available in the Regional Office and the local site information repositories listed previously;

(5) If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely notice of withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

## IV. Basis for Intended Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

### *A. Site Location*

The Tronic Plating Co., Inc. Superfund Site is located at 168 Central Avenue, Farmingdale, Suffolk County, New York, in an industrial/commercial area. The Site was used in electroplating and metal anodizing from 1968 to 1984. The building that housed the Tronic Plating Co., Inc. is owned by Commerce Holding Company, Inc., which currently leases the building to several light-industrial manufacturers.

### *B. Site History*

The Tronic Plating Co., Inc. operated at the Central Avenue facility from 1968 until 1984. Administrative Orders were issued to the Tronic Plating Co., Inc. by both the Suffolk County Department of Health Services (SCDHS) and the NYSDEC regarding unpermitted releases of industrial waste. In 1984, NYSDEC conducted an inspection of the Tronic Plating Co., Inc. facility. The Site was placed on the NPL for Superfund cleanup on June 10, 1986.

### *C. Remedial Investigation/Feasibility Study*

A Remedial Investigation/Feasibility Study (RI/FS) was performed by Commerce Holding Company, Inc. in two phases between 1987 and 1992. The results of the RI indicated that ground water, soils and storm-drain sediments were contaminated with varying levels of volatile organic compounds and metals. However, a risk assessment performed by EPA in 1992 demonstrated that the risks associated

with the Site were within EPA's acceptable risk range. Nevertheless, EPA identified several areas (three on-site storm drains, a sanitary leaching pool and a drywell) that were potential sources for metal contamination in the ground water. Commerce Holding Co. agreed to remove the contaminated sediments in the several identified areas.

*D. Removal Action*

On May 7, 1993, Commerce Holding Company, Inc. entered into an Administrative Order on Consent (AOC) with EPA to remove contaminated sediment and soil from each of the three on-site storm drains and the three adjoining overflow drains, the sanitary leaching pool and the drywell. Soil samples were collected from the bottom of the excavations and analyzed to determine the levels of cadmium, lead and chromium present. The AOC specified the following cleanup goals developed by EPA and NYSDEC: Cadmium—10 parts per million (ppm); lead—200 ppm; and, chromium—98 ppm.

Pursuant to the AOC, Commerce Holding Company, Inc. began the removal work on July 22, 1993 and satisfactorily completed it on August 13, 1993. Storm water was removed from the on-site storm drains and sanitary leaching pool. A vacuum truck was used to remove contaminated sediments and soils from the storm drains, sanitary leaching pool and drywell. An X-ray fluorescence (XRF) field-screening device was employed to determine the depth of the excavation. The XRF results indicated that these cleanup goals had been met. Confirmatory soil samples were taken at the bottom of each excavation and sent for laboratory analysis to ensure that the cleanup goals developed by EPA and NYSDEC were met. Results from the analysis of these confirmatory samples agree with the field-screening results. All procedures and protocols for sampling and testing were done using EPA analytical methods and a Contract Laboratory. EPA and NYSDEC believe that analytical results are accurate to the degree necessary to ensure cleanup goals were met.

*E. Record of Decision Findings*

A Record of Decision signed on September 27, 1993 selected ''No Further Action'' as a remedy for the Site. Based upon a review of all the available data, including the findings of the RI and the risk assessment, and the analytical results of confirmatory samples taken after the removal of contaminated sediments and soils, EPA determined that a no-further-action remedy was protective of human health and the environment. In addition, NYSDEC continued to monitor the site to verify the effectiveness of the remedy until 1997 when the site was delisted from the New York State Registry of Inactive Hazardous Waste Disposal Sites.

*F. Future Activity*

The Site has been utilized throughout the remedial process. Several light industries occupy the property. The metal contamination in the drywells has been removed. There is no need for institutional controls at this Site. The ground water does not exceed MCLs. Therefore, no well restrictions are necessary. EPA will not conduct Five-Year Reviews at this Site.

**V. Deletion Action**

The EPA, with concurrence of the State of New York, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective October 15, 2001 unless EPA receives adverse comments by September 13, 2001. If adverse comments are received within the 30-day public comment period on the proposal, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. If appropriate, EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 13, 2001.

**Kathleen C. Callahan,**

*Acting Regional Administrator, Region II.*

For the reasons set out in this document, 40 CFR Part 300 is amended as follows:

## PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR. 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Appendix B—[Amended]**

2. Table 1 of Appendix B to Part 300 is amended under (''NY'') by removing the site Tronic Plating Co., Inc. Farmingdale.

[FR Doc. 01–20255 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 01–1895 MM Docket No. 99–318, RM–9745]**

## Digital Television Broadcast Service; Panama City, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Waitt License Company of Florida, Inc., licensee of station WPGX(TV), substitutes DTV channel 9 for DTV 29c at Panama City, Florida. *See* 64 FR 60149, November 4, 1999. DTV channel 9 can be allotted to Panama City in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (30–13–45 N. and 85–23–20 W.) with a power of 130, HAAT of 264 meters and with a DTV service population of 312 thousand.

With this action, this proceeding is terminated.

**DATES:** Effective September 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99–318, adopted August 8, 2001, and released August 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

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

## PART 73—[AMENDED]

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

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

### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Florida, is amended by removing DTV channel 29c and adding DTV channel 9 at Panama City.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01–20290 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

**[DOT Docket No. NHTSA–01–10367]**

**RIN: 2127–AH15**

## Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** In this document, we (NHTSA) amend the Federal motor vehicle safety standard on motorcycle brakes by reducing the minimum hand lever force from 5 pounds (presently specified) to 2.3 pounds and the minimum foot pedal force from 10 pounds (presently specified) to 5.6 pounds in the fade recovery and water recovery tests. The new force levels are low enough to accommodate new braking systems that are combined or ''linked'' (i.e., the hand and foot brakes working in tandem). Compared with older motorcycle braking systems, combined or ''linked'' braking systems do not need as much force exerted on them to be effective. Yet the force levels are still high enough to ensure that motorcycles utilizing more mature technologies will not have problems with overly sensitive brakes. This rulemaking was initiated in response to a petition from American Honda Motor Co., Inc.

**DATES:** This rule is effective August 14, 2002. Optional early compliance with the changes made in this final rule is permitted beginning August 14, 2001. Any petitions for reconsideration of this final rule must be received by NHTSA not later than September 28, 2001.

**ADDRESSES:** Petitions for reconsideration should refer to the docket number for this action and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. Copies of the Final Regulatory Evaluation for this rule can be obtained from: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. You may call the Docket at 202–366–9324. You may visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday. The Docket is closed on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, you may call Mr. Joseph Scott, Office of Crash Avoidance Standards at (202) 366-8525. His FAX number is (202) 493–2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366–2992. Her FAX number is (202) 366–3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

### Background

Federal Motor Vehicle Safety Standard No. 122, *Motorcycle brake systems,* (49 CFR § 571.122) took effect on January 1, 1974 (see **Federal Register** notice of June 16, 1972, 37 FR 1973). Standard No. 122 specifies performance requirements for motorcycle brake systems. The purpose of the standard is to provide safe motorcycle braking performance under normal and emergency conditions. The safety afforded by a motorcycle's braking system is determined by several factors, including stopping distance, linear stability while stopping, fade resistance, and fade recovery. A safe system should have features that both guard against malfunction and stop the vehicle if a malfunction should occur in the normal service system. Standard No. 122 covers each of these aspects of brake safety, specifying equipment and performance requirements appropriate for two-wheeled and three-wheeled motorcycles.

Among other requirements, the motorcycle manufacturer must be sure that each motorcycle meets requirements under the conditions specified in S6 of the Standard and the test procedures and sequence specified in S7. Two of the tests specified in S7 are the fade and recovery test and the water recovery test.

The fade and recovery test compares the braking performance of the motorcycle before and after ten 60 mile per hour stops at a deceleration of not less than 15 feet per second per second ($fps^2$). As a check test, three baseline stops [1] are conducted from 30 miles per hour at 10 to 11 $fps^2$, with the maximum brake lever and maximum pedal forces recorded during each stop, and averaged over the three baseline stops. Ten 60-mile-per-hour stops are then conducted at a deceleration rate of 14 to 17 $fps^2$, followed immediately by five fade recovery stops from 30 miles per hour at a deceleration rate of 10 to 11 $fps^2$. The maximum brake pedal and lever forces measured during the fifth recovery stop must be within plus 20 pounds and minus 10 pounds of the baseline average maximum brake pedal and lever forces.

The water recovery test compares the braking performance of the motorcycle before and after the motorcycle brakes are immersed in water for two minutes. Three baseline stops are conducted from 30 miles per hour at 10 to 11 $fps^2$, with the maximum brake lever and pedal forces recorded during each stop, and averaged over the three baseline stops. The motorcycle brakes are then immersed in water for two minutes, followed immediately by five water recovery stops from 30 miles per hour at a deceleration rate of 10 to 11 $fps^2$. The maximum brake pedal and lever forces measured during the fifth recovery stop must be within plus 20 pounds and minus 10 pounds of the baseline average maximum brake pedal force and the lever force.

### American Honda Motor Co., Inc. Petition for Rulemaking

In a submission dated November 3, 1997, American Honda Motor Co., Inc. (Honda) petitioned us to amend Standard No. 122 to eliminate the minimum hand lever force of 5 pounds and the minimum foot pedal force of 10 pounds for the fade recovery and water recovery tests.[2] Honda requested these

[1] The baseline check is used to establish a specific motorcycle's pre-test performance to provide a basis for comparison with post-test performance. This comparison is intended to ensure adequate brake performance, at reasonable lever and pedal forces, after numerous high speed or wet condition stops.

[2] Prior to submitting that petition for rulemaking, Honda petitioned for a temporary exemption for its motorcycle. In a **Federal Register** notice dated October 7, 1997 (62 FR 52372) (No DOT Docket No.), we granted Honda a temporary exemption from the following Standard No. 122 provisions for the CBS100XX motorcycle: S5.4.1 Baseline check—minimum and maximum pedal forces, S5.4.2 Fade, S54.3 Fade recovery, S5.7.2 Water recovery test,

Continued

changes in order to facilitate the U.S. sale of the Honda CBR1100XX, a high performance motorcycle, and to avoid having to manufacture two separate versions of the vehicle, one for the United States and another for Europe. Honda's stated rationale for the proposed changes was to provide the motorcycle rider with a more linear braking lever input force, so that the safety advantages of the CBR1100XX Combined Brake System (CBS) can be fully utilized. The safety advantages cited were enhanced motorcycle stability and decreased stopping distance. Honda stated that the CBS provides the advantages by applying braking to both wheels when either the hand lever or the foot pedal is applied.

In its petition, Honda stated that: ''when Standard No. 122 was originally drafted, it was clearly based on motorcycle independent front and rear brake systems, and did not anticipate or fully address the current generation of relatively advanced braking systems.'' Honda explained that the CBS allows the rider to apply the brakes to both wheels by activating either the hand lever or the foot pedal. When Standard No. 122 was first promulgated, all motorcycles used independent controls, i.e., the hand lever controlled the front brakes and the foot pedal controlled the rear brakes. On the CBR1100XX, in contrast, the brake forces are applied to both the front and the rear brakes. The way in which brake forces are apportioned between them depends on whether the hand lever or the foot pedal is used. For example, if the motorcyclist applies only the hand lever, the greater portion of the braking occurs at the front wheel. Similarly, if the motorcyclist applies only the foot pedal, most of the braking will occur at the rear wheel. These results are achieved by using multi-piston brake calipers at each wheel, which can be partially or fully applied, depending on whether the hand lever or the foot pedal is applied.

Honda stated that the requested amendments to Standard No. 122 are needed because of the gradual reduction in the motorcycle operator force levels (in advanced designs such as the CBR1100XX) needed for brake actuation. Honda explained that reductions in force levels are possible because of technological advances such as better brake pads, rotor designs and materials; better brake hose materials; stiffer caliper designs and attachments; improved motorcycle tire design, construction, and compounds; and the CBS. Honda asserts that its CBS represents a technological improvement for motorcycles. With its new system, motorcycle operator control and braking characteristics are similar to those of an automobile driver, i.e., one input results in braking at all wheels.

Honda also stated that a minimum lever or pedal force is not required in the European motorcycle regulation, ECE Regulation 78, and that no related safety problems or ''excessively sensitive brakes'' have been reported in Europe or elsewhere. Honda stated its belief that the elimination of a minimum force requirement in Standard No. 122 would increase global harmonization.

In a letter dated July 13, 1998, Honda amended its petition, requesting that, in Standard No. 122, the minimum hand lever force be reduced to 10 Newtons (2.3 pounds) and the minimum foot pedal force be reduced to 25 Newtons (5.6 pounds).

In a letter dated March 16, 1999, NHTSA granted Honda's petition for rulemaking.

**Notice of Proposed Rulemaking**

On November 17, 1999, we published in the **Federal Register** (64 FR 626220) (DOT Docket No. NHTSA–99–6472) a notice of proposed rulemaking to amend Standard No. 122 by reducing the minimum hand lever force to 10 Newtons (2.3 pounds), and reducing the minimum foot pedal force to 25 Newtons (5.6 pounds). We explained why we did not propose to completely eliminate a minimum braking force for the hand lever and for the foot pedal, and why we believed there are benefits to specifying lower minimum hand lever and foot pedal forces.

*Determination of Minimum Hand Lever and Foot Pedal Forces*

We provided the following explanation of how we recalculated the fade recovery (S5.4.3) and the water recovery (S5.7.2) test ranges to take into account the lower minimum hand lever and foot pedal forces. As earlier noted, the fade recovery and the water recovery tests include a range within which the hand lever and foot pedal forces must be for the fifth recovery stop. At present, Standard No. 122 specifies a 30-pound range with upper and lower limits of plus 20 pounds to minus 10 pounds, respectively, of the baseline check average force obtained from conducting the baseline checks. We proposed to revise the limits to correspond with the proposed minimum lever and pedal brake forces.

We noted that Standard No. 122 was developed using the ''Report of the Motorcycle Committee and Brake Committee''; July 1969 from the Society of Automotive Engineers (SAE). For foot pedals, the current lower limit value specified, minus 10 pounds, is based on the minimum foot pedal force level required for the brake actuation forces for the baseline check stops. Since the baseline check average for the foot pedal force is required to be at least 10 pounds, a lower limit of minus 10 pounds, therefore, allows the pedal force achieved during the fifth recovery stop to be zero pounds. Similarly, the baseline check average for the hand lever force is required to be at least five pounds. However, within the specified range of plus 20 pounds and minus 10 pounds, the hand lever force for the fifth recovery stop could theoretically be as low as minus five pounds. It is physically impossible for the lever force to be less than zero. Thus, the practical range of the hand lever force for the fifth recovery is reduced from 30 pounds to 25 pounds. For hand lever forces of 10 pounds or more achieved during the baseline check stop, the range for the resulting forces during the fifth recovery stop would be 30 pounds.

We proposed to maintain this 30-pound range in the braking forces. The 30-pound range in metric measurement is 135 Newtons. For the hand lever forces, different upper and lower values for the range are proposed to ensure that the force in the fifth recovery stop could not be specified as less than zero Newtons. Taking into consideration the proposed reductions in the minimum foot pedal and hand lever forces for the baseline check stops, we proposed revised upper and lower limits accordingly, so that the forces obtained in the fifth recovery stop could not be theoretically less than zero Newtons.

For the proposed 25 Newton (5.6 pounds) foot pedal minimum, we proposed as limits plus 110 Newtons (24.7 pounds) and minus 25 Newtons (5.6 pounds). For the proposed 10 Newton (2.3 pounds) hand lever minimum, we proposed as limits plus 125 Newtons (28.1 pounds) and minus 10 Newtons (2.3 pounds).

We stated our belief that these limits more appropriately reflect the corresponding minimum lever and pedal efforts proposed for the baseline check stops.

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and S6.10 Brake actuation forces. The one-year exemption expired on September 1, 1998.

Honda was granted additional temporary exemptions from the above specified Standard No. 122 provisions until September 1, 1999 (63 FR 65272, November 25, 1998) (Docket No. NHTSA–98–4275; Notice 2); September 1, 2000 (See 64 FR 44263, August 13, 1999) (Docket No. NHTSA 99–5698; Notice 2) and until December 1, 2001 (See 66 FR 2046, January 10, 2001) (Docket No. NHTSA 2000–8090; Notice 2).

*Striking a Balance Between Mature and State-of-the-Art Technologies*

In the NPRM, we cited as an important reason for retaining minimum braking forces, the fact that motorcycles are still being manufactured that do not have the linked braking system found on the Honda CBR1100XX. For model year 1999, cable-actuated brakes and drum brakes (the predominant technology at the time Standard No. 122 was issued) continue to be used on many new motorcycles. In the NPRM, we sought a common ground between the old and new technologies, ensuring that Standard No. 122's safety requirements remain applicable to motorcycles manufactured with mature technology, but are flexible enough to ensure that motorcycles manufactured with new technology meet the need for safety. Maintaining a minimum hand lever and foot pedal force will ensure that motorcycles using mature technology will not have problems with overly sensitive brakes.

We stated that for motorcycles using state-of-the-art technologies, we foresee a continuing trend towards lower braking forces. We stated our belief that in the future, electronic braking technology could become commercially available on motorcycles. That application might allow motorcyclists to stop their motorcycles using less hand lever or foot pedal force. Even with these trends toward lower brake forces, the minimum forces proposed in the NPRM are for a deceleration rate of 10 to 11 $fps^2$ and would therefore always be greater than the lever and pedal forces needed for the onset of braking.

*International Harmonization Issues*

In the NPRM, we cited information from the United Nations' Economic Commission for Europe (ECE) and Dr. Nicholas Rogers, Secretary General of the International Motorcycle Manufacturers' Association (in Geneva). We stated our understanding that minimum hand lever or foot pedal forces are not required in ECE Regulation 78. However, even though minimum forces are not specified in the European regulation, that does not mean that current production European motorcycles' braking systems are activated with extremely low lever or pedal forces. For example, on a European version of the Honda CBR1100XX, the minimum hand lever force measured for the fade and water recovery tests is 4.6 pounds, a force close to the 5 pound hand lever force minimum presently in Standard No. 122.

*Human Factors Issues*

In the NPRM, we noted that eliminating minimum hand lever and foot pedal forces might raise a human factors concern for American riders who are not accustomed to the lower hand and foot forces that European motorcyclists have experienced. We specifically sought public comment on this issue. With regard to lower minimum forces, however, many motorcyclists have noted that reduced hand lever and foot pedal braking forces may result in better control, a safety benefit. We also noted that increasing numbers of motorcyclists are older persons (older than 65 years of age) and women, population groups which may welcome the availability of motorcycles with linked braking systems and the reduced braking inputs required at the lever and the pedal. As earlier noted, linked braking systems such as Honda's CBS can balance the undesired handling and braking characteristics of ''sensitive brakes'' by applying the brakes at both wheels when either the lever or pedal is applied.

*Other Rulemaking Issues*

Finally, our review of Standard No. 122 disclosed that the introductory text to S6, *Test conditions,* had been inadvertently removed. We therefore proposed to restore the removed language.

*Leadtime*

We recommended that the proposed amendments, if made final, take effect one year after the publication of the final rule. We stated our belief that manufacturers were already making motorcycles that can meet the proposed minimum braking forces. In the event changes in design or manufacturing procedures are necessary, we stated our belief that one year would be enough lead time for industry to make any necessary changes. Motorcycle manufacturers would be given the option of complying immediately with the new requirements.

**Public Comments and NHTSA's Response**

In response to the NPRM, we received comments from American Honda Motor (Honda), American Suzuki Corporation (Suzuki), Kawasaki Motors Corporation (Kawasaki), and from the Motorcycle Industry Council (the Council). Each commenter supported our proposal to lower the minimum hand lever force and minimum foot pedal force for the fade recovery and water recovery tests. Specifically, the Council stated that the ''amendment will facilitate the manufacture of motorcycles with linked, combined, or proportional brake systems.''

However, no commenter supported our proposal to change the allowable range of hand lever and foot pedal forces for the fifth recovery stop. The commenters stated that in conducting compliance testing, they found that the average baseline check forces are significantly higher than the required minimum forces. Honda, Kawasaki, and Suzuki provided data showing that it is possible that some motorcycles certified to Standard No. 122 (as presently specified) may not be able to meet the new force requirements for the fifth recovery stop proposed in the NPRM. The Council wrote that if NHTSA's concern were with the matter of a negative force value, language could be added to S5.4.3 and S5.7.2 to provide that the foot pedal force and hand lever force is within * * * ''but not less than 0 pounds'' * * *, which the Council suggested would address the problem.

For more background information on the motorcycle manufacturers' concerns about the proposed force requirements for the fifth recovery stop, NHTSA consulted with Dr. Nicholas Rogers of the International Motorcycle Manufacturers' Association (IMMA) about motorcycle fade recovery hand lever and pedal efforts being lower than the baseline. Dr. Rogers indicated in a telephone conversion that with certain types of friction materials used on motorcycle brake linings, there is a tendency of the friction between the brake lining and the disc to rise with temperature. This could result in a reduction of the hand lever and foot pedal efforts achieved during the baseline check. We found IMMA's information to be informative, and counter-intuitive, based on our knowledge of fade recovery performance on other motor vehicles.

Fade recovery performance requirements in NHTSA's other brake standards (i.e., Standards Nos. 105, *Hydraulic and electric brake systems;* Standard No. 121, *Air brake systems;* and Standard No. 135, *Passenger car brake systems.*) are based on the premise that motor vehicle stopping distance tends to increase with increasing brake lining temperature. However, as the commenters and IMMA indicated, the premise is not necessarily true for all motorcycle braking systems. With this information, we better understand the industry's desire to keep the same allowable range for the hand lever and foot pedal forces for the fifth recovery stop. Therefore, for the fifth recovery stop, we are not revising the upper and lower limits of the hand lever and foot pedal efforts in this final rule (i.e., the

limits of the lever and pedal efforts remain at plus 89 Newtons (20 pounds) and minus 44 Newtons (10 pounds) of the baseline check average force (See S7.6.1)). We have added a qualification to the final rule that the hand lever or foot pedal efforts cannot be less than 0 Newtons (0 pounds). We did this to avoid any possible misinterpretation that lever or pedal braking forces can be negative.

**Regulatory Analyses and Notices**

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866, ''Regulatory Planning and Review.'' Further, we have determined that this action is not ''significant'' within the meaning of the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

For the following reasons, NHTSA believes that this final rule will not have any cost effect on motorcycle manufacturers. We believe that all motorcycle manufacturers are already manufacturing motorcycles that meet the new minimum hand lever and foot pedal forces established in this final rule.

Because the economic impacts of this final rule are so minimal, no further regulatory evaluation is necessary.

*Executive Order 13132 (Federalism)*

Executive Order 13132 requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, we may not issue a regulation with Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or unless we consult with State and local officials early in the process of developing the proposed regulation.

This final 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. The reason is that this final rule applies to manufacturers of motorcycles, and not to States or local governments. Thus, the requirements of Section 6 of the Executive Order do not apply.

*Executive Order 13045*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866. It does not involve decisions based on health risks that disproportionately affect children.

*Executive Order 12778*

Pursuant to Executive Order 12778, ''Civil Justice Reform,'' we have considered whether this final rule will have any retroactive effect. We conclude that it will not have such an effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

*Regulatory Flexibility Act*

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

The Head of the Agency has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The factual statement that is the basis for this certification is that since all motorcycle manufacturers, including small manufacturers, are already manufacturing motorcycles that meet the new minimum braking forces established in this final rule, any changes made by this rule will have no substantive effect on small motorcycle manufacturers. The U.S. Small Business

Administration's size standards (at 13 CFR § 121.201) defines a small motorcycle manufacturer (under Standard Industrial Classification Code 3711 ''Motor Vehicles and Passenger Car Bodies'') as a business operating primarily in the United States that has fewer than 1,000 employees. Accordingly, the agency believes that this final rule will not affect the costs of the motorcycle manufacturers considered to be small business entities.

*National Environmental Policy Act*

We have analyzed this final rule for the purposes of the National Environmental Policy Act and determined that it will not have any significant impact on the quality of the human environment.

*Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule does not include any new information collection requirements.

*National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in our regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have determined that there are no available and applicable voluntary consensus standards that we can use in this final rule.

*Unfunded Mandates*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

For the reasons stated above, this final rule does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

*Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, Federal Motor Vehicle Safety Standards (49 CFR Part 571), is amended as set forth below.

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

**§ 571.122 [Amended]**

2. Section 571.122 is amended by revising S5.4.3, revising S5.7.2, adding S6., and revising the first sentence of S6.10 to read as follows:

**§ 571.122 Standard No. 122; Motorcycle braking systems.**

* * * * *

S5.4.3 *Fade recovery.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 400 Newtons (90 pounds), and a hand lever force that does not exceed 245 Newtons (55 pounds) for any of the first four recovery stops and that for the fifth recovery stop, is within, plus 89 Newtons (20 pounds) and minus 44 Newtons (10 pounds) of the fade test baseline check average force (S7.6.3), but not less than 0 Newtons (0 pounds).

* * * * *

S5.7.2 *Water recovery test.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 400 Newtons (90 pounds), and hand lever force that does not exceed 245 Newtons (55 pounds), for any of the first four recovery stops, and that for the fifth recovery stop, is within, plus 89 Newtons (20 pounds) and minus 44 Newtons (10 pounds) of the water recovery baseline check average force (S7.10.2), but not less than 0 Newtons (0 pounds).

* * * * *

S6 *Test conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the motorcycle shall be capable of meeting the requirements at all points within the range.

* * * * *

S6.10 *Brake actuation forces.* Except for the requirements of the fifth recovery stop in S5.4.3 and S5.7.2 (S7.6.3 and S7.10.2), the hand lever force is not less than 10 Newtons (2.3 pounds) and not more than 245 Newtons (55 pounds) and the foot pedal force is not less than 25 Newtons (5.6 pounds) and not more than 400 Newtons (90 pounds). * * *

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Issued on: August 7, 2001.

**L. Robert Shelton,**

*Executive Director.*

[FR Doc. 01–20428 Filed 8–13–01; 8:45 am]

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# Proposed Rules

Federal Register
Vol. 66, No. 157
Tuesday, August 14, 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 71

**[Airspace Docket No. 00–ANM–31]**

## Proposed Establishment of Class E Airspace; Bellingham, WA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at the surface at Bellingham International Airport when the Bellingham Airport Traffic Control Tower (ATCT) is closed. The intended effect of this action is to clarify when two-way radio communication with Bellingham ATCT is required and to provide adequate Class E controlled airspace between the surface and the en route phase of flight for aircraft executing Instrument Flight Rules (IFR) operations at Bellingham International Airport, Bellingham, WA, when the Bellingham ATCT is closed. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace.

**DATES:** Comments must be received on or before September 28, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–31, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–31, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–31.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E controlled airspace at Bellingham, WA. Bellingham ATCT recently changed its operating hours to less than a 24 hour-a-day operation. In the absence of the Class D airspace, Class E controlled airspace is required for aircraft executing IFR operations at Bellingham International Airport when the ATCT is closed. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Bellingham International Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as surface areas, are published in Paragraph 6002, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

## PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6002 Class E airspace designated as surface area for an airport.*

* * * * *

**ANM WA E2 Bellingham, WA [New]**

Bellingham International Airport
(Lat. 48°47′37″N., long. 122°32′19″W.
Whatcom VORTAC
(Lat. 48°56′43″N., long. 122°34′45″W.

Within a 4-mile radius of Bellingham International Airport, and within the 1.8 miles each side of the Whatcom VORTAC 169° radial extending north from the 4-mile radius of the Bellingham International Airport to 2.7 miles south of the VORTAC. This Class E airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Seattle, Washington, on August 3, 2001.

**Dan A. Boyle,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 01–20311 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–13–M

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 01–ANM–14]**

## Proposed Modification of Class E Airspace, Logan, UT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class E airspace at Logan, UT. Newly developed Area Navigation (RNAV) approach and Departure Procedure (DP) at the Logan-Cache Airport has made this proposal necessary. Additional Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS)) RWY 35 and FELDI RNAV DP at Logan-Cache Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Logan-Cache Airport, Logan, UT.

**DATES:** Comments must be received on or before September 28, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 01–ANM–14, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–14, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–ANM–14.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Logan, UT. Newly developed Area Navigation (RNAV) approach and Departure Procedure (DP) at the Logan-Cache Airport has made this proposal necessary. Additional Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (GPS) RWY 35 and FELDI RNAV DP, at Logan-Cache Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Logan-Cache Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700-feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

## PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

* * * * *

**ANM UT E5 Logan, UT [Revised]**

Logan-Cache Airport, UT
(Lat. 41°47′16″N., long. 111°51′10″W.)

That airspace extending upward from 700-feet above the surface bounded by a line beginning at lat. 42°03′30″N., long. 112°00′00″W.; to lat. 42°02′42″N., long. 111°46′00″W.; to lat. 41°07′30″N., long. 111°46′00″W.; to lat. 41°07′30″N., long. 111°57′23″W.; to lat. 41°47′30″N., long. 112°03′00″W.; to lat. 42°01′20″N., long. 112°03′00″W.; to lat. 42°03′15″N., long. 112°00′00″W.; thence to point of origin; and that airspace extending upward from 1,200 feet above the surface bounded on the north by south edge of V–4, on the east by long. 111°40′33″W., on the south by the north edge of V–288, on the west by the east edge of V–21; that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V–142, on the west by long. 111°40′33″W., and on the south by the north edge of V–288, excluding that airspace within the Evanston, WY, Class E airspace area.

* * * * *

Issued in Seattle, Washington, on July 16, 2001.

**Dan A. Boyle,**

*Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 01–20430 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–13–M

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MO 118–1118; FRL–7032–1]**

## Approval and Promulgation of Implementation Plans; State of Missouri

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Missouri. This approval pertains to revisions to a rule which controls emissions from the manufacture of paints, varnishes, lacquers, enamels, and other allied surface coating products in the St. Louis, Missouri, area. In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant 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 action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed action must be received in writing by September 13, 2001.

**ADDRESSES:** Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551–7603.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: July 27, 2001.

**William Rice,**

*Acting Regional Administrator, Region 7.*

[FR Doc. 01–20258 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 300

**[FRL–7033–1]**

## National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

**ACTION:** Notice of intent to delete the Tronic Plating Co., Inc. Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II is issuing a notice of intent to delete the Tronic Plating Co., Inc. Superfund Site (Site) located in Farmingdale, New York, from the National Priorities List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found as Appendix B of 40 CFR Part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of New York , through the New York State Department of Environmental Conservation (NYSDEC), have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future options under Superfund.

In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final notice of deletion of the Site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no significant adverse comment. We have explained our reasons for this deletion in the preamble

to the direct final deletion. If we receive no adverse comment(s) on this notice of intent to delete or the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments. If, after evaluating public comments, EPA decides to proceed with deletion, we will do so in a subsequent final notice based on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

**DATES:** Comments concerning this Site must be received by September 13, 2001.

**ADDRESSES:** Written comments should be addressed to: Gloria M. Sosa, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, New York 10007–1866.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gloria M. Sosa at the address provided above; or by telephone at (212) 637–4283 or by fax at (212) 637–4284.

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

Information Repositories: Comprehensive information on this Site is available for viewing and copying at the following information repository located at: U.S. Environmental Protection Agency, Region II, Superfund Records Center, 290 Broadway, Room 1828, New York, New York 10007–1866, (212) 637–4308, Hours: 9 a.m. to 5 p.m., Monday through Friday.

Information on the Site is also available for viewing at the following information repository: Farmingdale Public Library, 274 Main Street, Farmingdale, New York 11735, (516) 249–9090, Hours: 9 a.m.–9 p.m., Friday and Saturday, 9 a.m.–5 p.m.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Dated: July 13, 2001.

**Kathleen C. Callahan,**

*Acting Regional Administrator, Region II.*

[FR Doc. 01–20256 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 01–1864; MM Docket No. 01–142; RM–10144]**

### Radio Broadcasting Services; Comfort, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document dismisses a petition for rule making filed by Charles Crawford requesting the allotment of Channel 291A at Comfort, Texas. *See* 66 FR 35925, July 10, 2001. Due to a lapse in Commission records which did not show that allotment of Channel 291A at Kerrville, Texas, at coordinates 30–01–54 and 99–09–01, Channel 291A cannot be allotted to Comfort, Texas, in compliance with the Commission's spacing requirements.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in MM Docket No. 01–142, adopted July 25, 2001, and released August 3, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

**List of Subjects in 47 CFR Part 73**

Radio Broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–20291 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 01–1863; MM Docket No. 01–183; RM–10192]**

### Radio Broadcasting Services; Rule, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Katherine Pyeatt, requesting the allotment of Channel 239C2 to Rule, Texas, as that community's first local aural transmission service. This proposal requires a site restriction 12.7 kilometers (7.9 miles) east of the community at coordinates 33–13–01 NL and 99–45–45 WL.

**DATES:** Comments must be filed on or before September 24, 2001, and reply comments on or before October 9, 2001.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas 75214.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–183, adopted July 25, 2001, and released August 3, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

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

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

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Rule, Channel 239C2.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–20292 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 01–1861; MM Docket No. 01–177, RM–10196; MM Docket No. 01–178, RM–10195]**

## Radio Broadcasting Services; Screven, GA; and Wadley, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes new allotments to Screven, GA and Wadley, GA. The Commission requests comments on a petition filed by International Systems Corp., proposing the allotment of Channel 260A at Screven, Georgia, as the community's first local aural transmission service. Channel 260A can be allotted to Screven in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for Channel 260A at Screven are 31–29–10 North Latitude and 82–01–02 West Longitude. The Commission requests comments on a petition filed by Data+Corp. proposing the allotment of Channel 227A at Wadley, Georgia, as the community's first local aural transmission service. Channel 227A can be allotted to Wadley in compliance with the Commission's minimum distance separation requirements without any site restrictions. The coordinates for Channel 227A at Wadley are 32–52–00 North Latitude and 82–24–15 West Longitude.

**DATES:** Comments must be filed on or before September 24, 2001, and reply comments on or before October 9, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: International Systems Corp.; c/o The Office of Dan J. Alpert, 2120 N. 21st Road, Arlington, Virginia 22201; and Data+Corp.; c/o The Office of Dan J. Alpert, 2120 N. 21st Road, Arlington, Virginia 22201.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–177 and MM Docket No. 01–178, adopted July 25, 2001, and released August 3, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

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

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

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

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Screven, Channel 260A; and Wadley, Channel 227A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–20293 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 01–1860; MM Docket No. 01–176; RM–10191]**

## Radio Broadcasting Services; Sykesville, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed on behalf of Sykesville Broadcasting, requesting the allotment of Channel 240A to Sykesville, Pennsylvania, as that community's first local aural transmission service. Coordinates used for this proposal are 41–03–01 NL and 78–49–21 WL. Sykesville is located within 320 kilometers (200 miles) of the U.S.-Canadian border and therefore, concurrence of the Canadian government to this proposal must be obtained.

**DATES:** Comments must be filed on or before September 24, 2001, and reply comments on or before October 9, 2001.

**ADDRESSES:** Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: A. Wray Fitch, III, Esq., Gammon & Grange, P.C., 8280 Greensboro Drive, 7th Floor, McLean, VA 22102–3807.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–176, adopted July 25, 2001, and released August 3, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex

parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts.

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

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Pennsylvania, is amended by adding Sykesville, Channel 240A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–20294 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 01–1859; MM Docket No. 01–175, RM–10197]**

## Radio Broadcasting Services; Old Fort, Fletcher, and Asheville, NC; Surgoinsville, TN; and Augusta, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition jointly filed by Dolphin Communications, North Carolina, Clear Channel Broadcasting Licenses, Inc., and Capstar TX Limited Partnership, proposing the reallotment of Channel 282A from Old Fort to Fletcher, North Carolina, and the modification of Station WQNQ–FM's license accordingly. To accommodate the reallotment, petitioners also propose (a) the reallotment of Channel 260C from Asheville to Old Fort, North Carolina, as a replacement service, and the modificaton of Station WKSF(FM)'s license accordingly; (b) the modification of the transmitter site of Station WEYE–FM, Channel 282A, Surgoinsville, Tennessee; and (c) the modification of the transmitter site of Station WBBQ–FM, Channel 282C, Augusta, Georgia. Channel 282A can be reallotted to Fletcher in compliance with the Commission's minimum distance separation requirements without the imposition of site restriction at petitioners' requested site. *See* Supplementary Information, *infra.*

**DATES:** Comments must be fled on or before September 24, 2001, and reply comments on or before October 9, 2001.

**ADDRESSES:** Federal Communications Commission, Washington DC 20054. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark N. Lipp, and J. Thomas Nolin, Esqs, Shook, Hardy & Bacon, 600 14th Street, NW., Suite 800, Washington, DC 20005–2004 (Counsel for Petitioners).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–175, adopted July 25, 2001, and released August 3, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

To accommodate the reallotments, the reference coordinates for Channel 282A at Surgoinsville; and the reference coordinates for Channel 282C at Augusta, Georgia, can be modified at petitioners' requested sites. The reference coordinates for Channel 282A at Fletcher are 35–32–28 North Latitude and 82–32–32. Additionally, the reference coordinates for Channel 260C at Old Fort are 35–25–32 North Latitude and 82–45–25 West Longitude. The modified reference coordinates for Channel 282A at Surgoinsville are 36–33–11 North Latitude and 82–51–23 West Longitude; and the modified reference coordinates for Channel 282C at Augusta are 33–34–24 North Latitude and 81–54–17 West Longitude. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 282A at Fletcher, North Carolina, or Channel 260C at Old Fort, North Carolina.

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

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

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

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 282A at Old Fort and adding Channel 260C at Old Fort; removing Asheville, Channel 260C; and adding Fletcher, Channel 282A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01–20295 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

# Notices

Federal Register

Vol. 66, No. 157

Tuesday, August 14, 2001

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of availability and intent.

**SUMMARY:** Notice is hereby given that the Federally owned invention disclosed in U.S. Patent Application Serial No. 09/819,992, ''Process for the Deagglomeration and the Homogeneous Dispersion of Starch Particles,'' filed March 29, 2001, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Sage V Foods of Los Angeles, California, an exclusive license to this invention.

**DATES:** Comments must be received no later than November 13, 2001.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1158, Beltsville, Maryland 20705–5131.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5257.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Sage V Foods has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 01–20319 Filed 8–13–01; 8:45 am]

BILLING CODE 3410–03–M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. 00–070–3]**

### Mycogen c/o Dow and Pioneer; Availability of Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance and Glufosinate Herbicide Tolerance

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that the Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., corn line designated as line 1507, which has been genetically engineered for insect resistance and tolerance to the herbicide glufosinate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., in their petition for a determination of nonregulated status and our analysis of other scientific data. This notice also announces the availability of our written determination document and a finding of no significant impact.

**EFFECTIVE DATE:** June 14, 2001.

**ADDRESSES:** You may read the determination, an environmental assessment and finding of no significant impact, and the petition in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.gov/ppd/rad/webrepor.html.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan Koehler, Biotechnology Assessments Section, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–4886. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@aphis.usda.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 15, 2000, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 00–136–01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen c/o Dow), of Indianapolis, IN, and Pioneer Hi-Bred International, Inc. (Pioneer), of Johnston, IA, seeking a determination that a corn line designated as *Zea mays* L. cultivar line 1507 (line 1507), which has been genetically engineered for resistance to certain lepidopteran insect species and tolerance to the herbicide glufosinate, does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On September 6, 2000, APHIS published a notice in the **Federal Register** (65 FR 53976–53977, Docket No. 00–070–1) announcing that the Mycogen c/o Dow and Pioneer petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether corn line 1507 posed a plant pest risk. The comments were to have been received by APHIS on or before November 6, 2000. APHIS received no comments on the subject petition during the designated 60-day comment period.

APHIS then published a notice in the **Federal Register** on April 18, 2001 (66 FR 19915–19916, Docket No. 00–070–2), announcing the availability for public

comment of an environmental assessment (EA) for a proposed determination that corn line 1507 would no longer be considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Comments were to have been received by APHIS on or before May 18, 2001. We received no comments on the EA during the designated 30-day comment period.

**Analysis**

Corn line 1507 has been genetically engineered to express a Cry1F insecticidal protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *aizawai (Bt aizawai).* The Cry1F protein is said to be effective in controlling the larvae of common pests of corn such as European corn borer, southwestern corn borer, black cutworm, fall armyworm, and corn ear worm. The subject corn line also contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes.* The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) protein, which confers tolerance to the herbicide glufosinate. Expression of the added genes is controlled in part by gene sequences from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens.* The microprojectile bombardment method was used to transfer the added genes into the recipient inbred corn line Hi-II.

Corn line 1507 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, evaluation of data from field tests conducted under APHIS notifications since 1997 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of the subject corn line.

**Determination**

Based on its analysis of the data submitted by Mycogen c/o Dow and Pioneer and a review of other scientific data and field tests of the subject corn line, APHIS has determined that corn line 1507: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than insect-resistant and herbicide-tolerant corn varieties developed by traditional plant breeding; (3) is unlikely to increase the weediness potential for any sexually compatible cultivated or wild species; (4) will not cause damage to raw or processed agricultural commodities; (5) will not harm nontarget organisms, including threatened or endangered species or organisms that are recognized as beneficial to the agricultural ecosystem; and (6) should not reduce the ability to control insects or weeds in corn or other crops. Therefore, APHIS has concluded that the subject corn line and any progeny derived from hybrid crosses with other corn varieties will be as safe to grow as corn in traditional breeding programs that is not subject to regulation under 7 CFR part 340.

The effect of this determination is that the Mycogen c/o Dow and Pioneer corn line 1507 is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject corn line or its progeny. However, importation of corn line 1507 or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

**National Environmental Policy Act**

An EA has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the Mycogen c/o Dow and Pioneer corn line 1507 and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 2nd day of August 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01–20307 Filed 8–13–01; 8:45 am]

BILLING CODE 3410–34–P

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## DEPARTMENT OF AGRICULTURE

## Forest Service

## Herger-Feinstein Quincy Library Forest Recovery Act Forest Plan Amendment

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement.

**SUMMARY:** The Department of Agriculture, Forest Service, Lassen National Forest, Plumas National Forest, and Tahoe National Forest will prepare a supplemental environmental impact statement (EIS) in response to a recent United States District Court Decision in CALIFORNIANS FOR ALTERNATIVES TO TOXICS v. MICHAEL DOMBECK NO. CIV. S–00–605 LKK/PAN. This supplemental EIS will address maintenance of defensible fuels profile zones (DFPZs) in the Herger-Feinstein Quincy Library Forest Recovery Act Pilot Project Area.

**DATES:** The public is not asked to provide any additional information at this time. A draft supplemental environmental impact statement will be circulated for public review in October 2001. The comment period for the supplemental draft environmental impact statement will extend 45 days from the date its availability is published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Contact David Arrasmith, Team Leader, USDA Forest Service, 801 I Street, Room 419, Sacramento, CA 95814. Phone number (916) 492–7559.

**SUPPLEMENTARY INFORMATION:**

**Background**

In October 1998, Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG Act) became law as part of the Department of the Interior and Related Agencies Appropriations Act. The HFQLG Act required the Forest Service to conduct a 5-year pilot project to implement certain resource protection measures and management activities on the Plumas, Lassen, and Tahoe National Forests. Based on the direction in the HFQLG Act, the Forest Service prepared an environmental impact statement (EIS) evaluating the impacts of, among other things, the creation of fuelbreaks, or defensible fuel profile zones (DFPZs), over the 5-year pilot project period. IN August 1999, the Lassen, Plumas, and Tahoe Forest Supervisors issued the Record of Decision (ROD) and the Final Environmental Impact Statement (FEIS) for pilot project implementation.

In a recent court decision, based on a lawsuit filed by the Californians for Alternatives to Toxics (CAT), the Forest Service was directed to undertake supplementation of the EIS to analyze the need for, and environmental effects of, maintaining DFPZs in the HFQLG Forest Recovery Act Pilot Project Area.

**Purpose and Need for Action**

The purpose of and need for action is to undertake supplementation of the Final EIS for the HFQLG Act pilot project in accordance with United States District Court Decision in CALIFORNIANS FOR ALTERNATIVES TO TOXICS v. MICHAEL DOMBECK NO. CIV. S–00–605 LKK/PAN. This supplementation will disclose options for maintaining DFPZs and analyze the likely environmental impacts of DFPZ maintenance.

In proposing the alternatives, the agency is responding in part to an underlying purpose outlined in the Quincy Library Group Community Stability Proposal, November 1993, as referenced in the Act (Title IV, Section 401(b)(1) and to concerns identified by the Public as required by law. The underlying need for the pilot project is to fulfill the Secretary of Agriculture's statutory duty under the Act, consistent with applicable Federal law.

**Proposed Action**

The Forest Service proposes to establish guidelines for maintaining DFPZs in the HFQLG Act pilot project area.

**Scoping Process**

This Notice of Intent will not initiate any additional scoping processes. The Judge's order in CALIFORNIANS FOR ALTERNATIVES TO TOXICS v. MICHAEL DOMBECK identifies the scope of the supplemental draft EIS and significant environmental issues related to the proposed action. No additional public comment is invited on this proposal to prepare the supplemental draft EIS.

**Decision To Be Made and Responsible Official(s)**

The Forest Supervisors of the Lassen, Plumas and Tahoe National Forests will decide whether or not to amend management direction in their land and resource management plans to address DFPZ maintenance within the Herger-Feinstein Quincy Library Group Pilot Project Area.

The responsible officials are Forest Supervisors Mark J. Madrid, Plumas National Forest, PO Box 11500, Quincy, CA 95971–6025, Edward C. Cole, Lassen National Forest, 2550 Riverside Drive, Susanville, CA 96130 and Steven T. Eubanks, Tahoe National Forest, 631 Coyote Street, Nevada City, CA 95959–6003.

**Coordination With Other Agencies**

The Forest Service is the lead agency with responsibility to prepare this supplemental draft EIS; however, the U.S. Environmental Protection Agency, U.S.D.I Fish and Wildlife Service, California Department of Forestry and Fire Protection, and California Department of Fish and Game will be asked to participate as cooperating agencies (40 CFR part 1501.6), as needed. Each agency will participate as resources and competing demands permit. Other agencies and local and county governments will be invited to participate, as appropriate.

**Commenting**

A supplemental draft environmental impact statement is expected to be available for public review and comment in October 2001, and a final environmental impact statement in January 2002. The comment period for the supplemental draft environmental impact statement will extend 45 days from the date its availability is published in the Federal Register.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address.

The Forest Service believes that it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewer's position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. City of Angoon v. Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when the Agency can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the supplemental draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: July 31, 2001.

**Mark J. Madrid,**

*Forest Supervisor, Plumas National Forest.*

Dated: July 27, 2001.

**Jack T. Walton,**

*Acting Forest Supervisor, Lassen National Forest.*

Dated: July 25, 2001.

**Steven T. Eubanks,**

*Forest Supervisor, Tahoe National Forest.*

[FR Doc. 01–20249 Filed 8–13–01; 8:45 am]

BILLING CODE 3410–11–M

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## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

### Notice of Intent To Request an Extension of a Currently Approved Information Collection

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request an extension of a currently approved

information collection, the Mink Survey, that expires December 31, 2001.

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

**ADDRESSES:** Comments may be sent to Ginny McBride, NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5330B South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024 or gmcbride@nass.usda.gov.

**FOR FURTHER INFORMATION CONTACT:** Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333.

**SUPPLEMENTARY INFORMATION:**

*Title:* Mink Survey.

*OMB Control Number:* 0535–0212.

*Approval Expires:* December 31, 2001.

*Type of Request:* Extension of a Currently Approved Information Collection.

*Abstract:* The primary objective of the National Agricultural Statistics Service is to prepare and issue state and national estimates of crop and livestock production. The Mink Survey collects data on the number of mink pelts produced, the number of females bred, and the number of mink farms. Mink estimates are used by the federal government to calculate total value of sales and total cash receipts, by state governments to administer fur farm programs and health regulations, and by universities in research projects. The Mink Survey was approved by OMB for a 3-year period in 1998. NASS intends to request that the survey be approved for another 3 years.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 10 minutes per response.

*Respondents:* Farmers.

*Estimated Number of Respondents:* 425.

*Estimated Total Annual Burden on Respondents:* 71 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the Agency OMB Clearance Officer, at (202) 720–5778. 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 become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, August 6, 2001.

**Ron Bosecker,**

*Administrator.*

[FR Doc. 01–20393 Filed 8–13–01; 8:45 am]

**BILLING CODE 3410–20–P**

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## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

### Notice of Intent To Reinstate a Previously Approved Information Collection

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request reinstatement of a previously approved information collection, the National Childhood Injury and Occupational Injury Survey of Farm Operators.

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

**ADDRESSES:** Comments may be sent to Ginny McBride, NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5330B South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024 or gmcbride@nass.usda.gov.

**FOR FURTHER INFORMATION CONTACT:** Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333.

**SUPPLEMENTARY INFORMATION:**

*Title:* National Childhood Injury and Occupational Injury Survey of Farm Operators.

*OMB Number:* 0535–0235.

*Type of Request:* Reinstatement of a Previously Approved Information Collection.

*Abstract:* The National Childhood Injury and Occupational Injury Survey of Farm Operators is designed to: (1) Provide estimates of childhood nonfatal injury incidence and description of injury occurring to children less than 20 years of age who reside, work, or visit farms and (2) describe the occupational injury experience of all farm operators. Data will be collected by telephone from all 50 states with 25,000 operations receiving a Childhood Injury version only and 25,000 receiving a combined Childhood Injury and Occupational Injury version. Questions will relate to injury problems occurring during the 2001 calendar year. These data will update and enhance existing data series used by the National Institute of Occupational Safety and Health to: (1) Establish a measure of the number and rate of childhood injuries associated with farming operations and study the specific types of injuries sustained and (2) describe the scope and magnitude of occupational injuries associated with farming operations. The collection combines the youth and occupational injury studies to reduce the number of contacts on the targeted farm population. Reports will be generated and information disseminated to all interested parties concerning the finding of this study.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3 minutes per response for the childhood injury questions and 10 minutes for the combined interview. Demographic data will be collected from all respondents although screen-outs will be allowed early in both instruments if no injuries were incurred.

*Respondents:* Farm Operators.

*Estimated Number of Respondents:* 50,000.

*Estimated Total Annual Burden on Respondents:* 5,400 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, the

Agency OMB Clearance Officer, at (202) 720–5778.

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 become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, August 6, 2001.

**Ron Bosecker,**

*Administrator.*

[FR Doc. 01–20394 Filed 8–13–01; 8:45 am]

**BILLING CODE 3410–20–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–847]**

### Persulfates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On April 9, 2001, the Department of Commerce published the preliminary results of its third administrative review of the antidumping duty order on persulfates from the People's Republic of China. The merchandise covered by this order are persulfates, including ammonium, potassium, and sodium persulfates. The period of review is July 1, 1999, through June 30, 2000.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins are listed below in the section entitled ''Final Results of the Review.''

**EFFECTIVE DATE:** August 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Dinah McDougall or Shawn Thompson, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3773 or (202) 482–1776, respectively.

**SUPPLEMENTARY INFORMATION:**

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the regulations of the Department of Commerce (the Department) are to 19 CFR Part 351 (2000).

#### Background

On April 9, 2001, the Department published the preliminary results of the 1999–2000 administrative review of the antidumping duty order on persulfates from the People's Republic of China (PRC). *See Persulfates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, and Partial Rescission of Administrative Review*, 66 FR 18439 (April 9, 2001) (*Preliminary Results*). We gave interested parties an opportunity to comment on our preliminary results. The Department has conducted this administrative review in accordance with section 751 of the Act.

#### Scope of Review

The products covered by this review are persulfates, including ammonium, potassium, and sodium persulfates. The chemical formula for these persulfates are, respectively, $(NH_4)_2S_2O_8$, $K_2S_2O_8$, and $Na_2S_2O_8$. Ammonium and potassium persulfates are currently classified under subheading 2833.40.60 of the Harmonized Tariff Schedule of the United States (HTSUS). Sodium persulfate is classified under HTSUS subheading 2833.40.20. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

#### Separate Rates

Shanghai Ai Jian Import & Export Corporation (Ai Jian) has requested a separate, company-specific antidumping duty rate. In our preliminary results, we found that Ai Jian had met the criteria for the application of a separate antidumping duty rate. *See Preliminary Results* 65 FR at 18440. We have not received any other information since the preliminary results which would warrant reconsideration of our separate rates determination with respect to this company. We therefore determine that Ai Jian in this administrative review should be assigned an individual dumping margin.

With respect to Sinochem Jiangsu Wuxi Import and Export Corporation (Wuxi), which did not respond to the Department's questionnaire, we determine that this company does not merit a separate rate. The Department assigns a single rate to companies in a non-market economy, unless an exporter demonstrates an absence of government control. We determine that Wuxi is subject to the country-wide rate for this case because it failed to demonstrate an absence of government control.

#### Use of Facts Available

As explained in the preliminary results, the use of facts available is warranted in this case because Wuxi, which is part of the PRC entity (*see* the ''Separate Rates'' section above), has failed to respond to the original questionnaire and has refused to participate in this administrative review. Therefore, in accordance with sections 776(a)(2)(A) and (C) of the Act, we find that the use of total facts available is appropriate for the PRC-wide rate. Furthermore, in the preliminary results we determined that Wuxi did not cooperate to the best of its ability with our requests for necessary information. Therefore, in accordance with section 776(b) of the Act, we applied adverse inferences when selecting among the facts available. As adverse facts available in this proceeding, in accordance with the Department's practice, we preliminarily assigned Wuxi and all other exporters subject to the PRC-wide rate the petition rate of 119.02 percent, which is the PRC-wide rate established in the less than fair value (LTFV) investigation, and the highest dumping margin determined in any segment of this proceeding. As explained in the preliminary results, we determined that this margin was corroborated in accordance with section 776(c) of the Act in the LTFV investigation. *See Preliminary Results*, 65 FR at 18441. We have determined that no evidence on the record warrants revisiting this issue in these final results, and no interested party submitted comments on our use of

adverse facts available. Accordingly, we continue to use the petition rate from the LTFV investigation of 119.02 percent.

**Analysis of Comments Received**

All issues raised in the case briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (Decision Memo) from Richard W. Moreland, Deputy Assistant Secretary, Group I, to Faryar Shirzad, Assistant Secretary for Import Administration, dated August 7, 2001, which is adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in Room B–099 of the main Commerce Building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov. The paper copy and electronic version of the Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the ''Margin Calculations'' section of the Decision Memo.

**Final Results of the Review**

We determine that the following percentage weighted-average margins exist for the period July 1, 1999 through June 30, 2000:

| Manufacturer/exporter | Margin (percent) |
|---|---|
| Shanghai Ai Jian Import & Export Corporation | *0.04 |
| PRC-wide Rate | 119.02 |

*de minimis.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. With respect to export price sales, we aggregated the dumping margins for the reviewed sales and divided this amount by the total quantity of those sales for each importer. We will direct Customs to assess the resulting unit margins against the entered Customs quantities for the subject merchandise on each of that importer's entries under the relevant order during the review period.

**Cash Deposit Requirements**

The following deposit requirements will be effective upon publication of this notice of final results of this antidumping duty administrative review for all shipments of persulfates from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) For Ai Jian, the cash deposit rate will be zero because Ai Jian's margin is *de minimis*; (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters, including Wuxi, will be 119.02 percent, the PRC-wide rate established in the LTFV investigation; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections section 751(a)(1) and 777(i) of the Act.

Dated: August 7, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

**Appendix—Issues in Decision Memo**

*Comments*

Comment 1: Ocean Freight Valuation
Comment 2: Electricity Valuation
Comment 3: Wood Pallet Valuation
Comment 4: Indirect Labor Calculation
Comment 5: Surrogate Data Used for Selling, General, and Administrative Expenses

[FR Doc. 01–20412 Filed 8–13–01; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Secretarial Business Development Mission to Russia

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** Secretary of Commerce, Donald L. Evans will lead a senior-level business development mission to Moscow, Russia on October 14–16, 2001. The focus of the mission will be to assist U.S. businesses to explore trade and investment opportunities resulting from the positive political and economic changes that have taken place in Russia. The delegation will include approximately 15 U.S. based senior executives of small, medium and large sized U.S. firms representing, but not limited to, the following key growth sectors: aerospace; agribusiness; automotive parts and equipment; energy; engineering; technology and service industries.

**DATES:** All applications must be submitted by September 5, 2001 by close of business.

**ADDRESSES:** Office of Business Liaison, Room 5062, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 482–1360, Fax: (202) 482–4054.

**SUPPLEMENTARY INFORMATION:**

**Secretarial Business Development Mission to Russia**

October 14–16, 2001

*Mission Statement*

**I. Description of the Mission**

At the request of President Bush, Secretary of Commerce Donald L. Evans will lead a senior-level business development mission to Moscow, Russia on October 14–16, 2001. The focus of the mission will be to assist U.S. businesses to explore trade and investment opportunities resulting from the positive political and economic changes that have taken place in Russia. The delegation will include approximately 15 U.S. based senior executives of small, medium and large sized U.S. firms representing, but not

limited to, the following key growth sectors: aerospace; agribusiness; automotive parts and equipment; energy; engineering; technology and service industries.

The mission will reaffirm U.S. Government support of Russia's economic reforms and free market growth and seek to improve access by U.S. businesses to the Russian market.

**II. Commercial Setting for the Mission**

The effects of the 1998 financial crisis are continuing to dissipate. Economic and political factors should be increasingly favorable for business in Russia for the near term, if the new Russian administration can make good on its design for reform. Favorable signs include economic growth likely to top 4% this year; annual inflation at 22% in the first half of 2001 (compared to 85% at the end of 1998); a large balance of payments surplus, and real investment up 4.5%, the first increase since 1990. Moreover, on the policy front, President Putin's Administration has declared its intention to improve the business climate and seek more foreign investment, and it has produced an economic strategy document spelling out its plans. The Putin Administration has delivered the first installments on these commitments by recently pushing through a major tax reform and maintaining tight fiscal discipline for the past year.

Nevertheless, a number of factors could limit the prospects for economic growth, including slow progress in restructuring the banking sector, failure to adopt international accounting and business standards, insufficient protection of intellectual property rights, and the lack of enforcement of court judgments and arbitral awards.

On balance, however, the 2001–2002 period could see an improved climate for U.S. business interests in Russia. In the wake of the economic crisis, U.S. exports fell by about half to $2.1 billion in 1999, but recovered moderately in 2000 to $2.3 billion, and continue to show growth in 2001. The pace of U.S. investments recovered from the fall of 1999 to $2.92 billion, 30% above 1998 and nearly equaling 1997. Cumulative foreign direct investment into Russia amounted to $14.5 billion in the beginning of 2001, with the United States accounting for $5.5 billion.

**III. Goals for the Mission**

The mission aims to further both U.S. commercial policy objectives and advance specific U.S. business interests. The mission will:

- Assess the commercial climate and investment opportunities in Russia
- Advance specific U.S. business interests of the mission members by introducing them to key host government decision-making officials and to potential business partners.
- Assist new-to-market firms to gain a foothold in Russia and increase the visibility of U.S. companies already operating in Russia in this very competitive market.
- Support U.S. Government efforts to eliminate market access problems encountered by U.S. firms in Russia.
- Encourage continued progress in economic reforms in Russia.
- Interface with the private sector led Russian-American Business Dialogue.

**IV. Scenario for the Mission**

The Business Development Mission will provide participants with exposure to high level contacts and access to the Russian market. American Embassy officials and local U.S. businesses will provide a detailed briefing on the economic, commercial and political climate, and current trade and investment opportunities. Meetings will be arranged with appropriate government ministers and other senior level government officials. In addition, private meetings will be scheduled with potential business partners. Representational events will also be organized to provide mission participants with opportunities to meet Russian business and government representatives as well as U.S. business people living and working in Russia.

Secretary Evans will meet with his trade counterparts and other senior government officials to encourage free market reforms beneficial to the U.S. private sector. The Secretary will also urge host government officials to eliminate market access problems encountered by American firms and to take steps to liberalize Russian trade and investment regimes. Secretary Evans and mission participants will meet with members of the new Russian-American Business Dialogue. Organized by the private sector in both countries, the Dialogue is a vehicle to expand bilateral business opportunities and to introduce new participants into U.S.-Russian trade and investment relations. The Secretary will also meet with resident American business representatives.

The Department of Commerce U.S. Commercial Service will provide logistical support for these activities.

**V. Criteria for Participant Selection**

The recruitment and selection of private sector participants for this mission will be conducted according to the ''Statement of Policy Governing Department of Commerce-Overseas Trade Missions'' established in March 1997. Approximately 15 companies will be selected for the mission. Companies will be selected according to the criteria set out below.

*Eligibility*

Participating companies must be incorporated in the United States. A company is eligible to participate if the products and/or services that it will promote (a) are manufactured or produced in the United States; or (b) if manufactured or produced outside the United States, are marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service.

*Selection Criteria*

Companies will be selected for participation in the mission on the basis of:

- Consistency of company's goals with the scope and desired outcome of the mission;
- Relevance of a company's business and product line to the identified growth sectors;
- Senior representative of the designated company;
- Past, present, or prospective international business activity;
- Diversity of company size, type, location, demographics, and traditional under-representation in business.

An applicant's partisan, political activities (including political contributions) are irrelevant to the selection process.

**VI. Time Frame for Applications**

Applications for the Russia Business Development mission will be made available on or about August 13, 2001. The fee to participate in this mission has not yet been determined, but will be approximately $5,000–$10,000. The fees will not cover travel or lodging expenses, which will be the responsibility of each participant. For additional information on the trade mission or to obtain an application, contact the Office of Business Liaison at 202–482–1360. Applications should be submitted to the Office of Business Liaison by September 5, 2001, in order to ensure sufficient time to obtain in-country appointments for applicants selected to participate in the mission. Applications received after that date will be considered only if space and scheduling constraints permit.

Contact: Office of Business Liaison, Room 5062, U.S. Department of Commerce Washington, D.C. 20230,

Telephone: (202) 482–1360, Fax: (202) 482–4054.

Dated:August 10, 2001.

**Jerry K. Mitchell,**

*Deputy Director General, the Commercial Service.*

[FR Doc. 01–20542 Filed 8–13–01; 8:45 am]

BILLING CODE 3510–FP–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Advanced Technology Program (ATP) Advisory Committee

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Request for nominations of members to serve on the Advanced Technology Program Advisory Committee.

**SUMMARY:** NIST invites and requests nomination of individuals for appointment to the Advanced Technology Program Committee. NIST will consider nominations received in response to this notice for appointment to the Committee, in addition to nominations already received.

**DATES:** Please submit nominations on or before August 29, 2001.

**ADDRESSES:** Please submit nominations to Mr. Marc Stanley, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4700, Gaithersburg, MD 20899–4700. Nominations may also be submitted via FAX to 301–869–1150.

Additional information regarding the Committee, including its charter and current membership list may be found on its electronic home page at: http://www.atp.nist.gov/atp/adv_com/ac_menu.htm.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marc Stanley, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4700, Gaithersburg, MD 20899–4700; telephone 301–975–4644, fax 301–301869–1150; or via email at marc.stanley@nist.gov.

**SUPPLEMENTARY INFORMATION:** The Committee will advise the Director of the National Institute of Standards and Technology (NIST) on ATP programs, plans, and policies.

The Committee will consist of not fewer than six nor more than twelve members appointed by the Director of NIST and its membership will be balanced to reflect the wide diversity of technical disciplines and industrial sectors represented in ATP projects.

The Committee will function solely as an advisory body, in compliance with the provisions of the Federal Advisory Committee Act.

**Authority:** Federal Advisory Committee Act: 5 U.S.C. App. 2 and General Services Administration Rule: 41 CFR Subpart 101–6.10.

Dated: August 7, 2001.

**Karen Brown,**

*Acting Director.*

[FR Doc. 01–20416 Filed 8–13–01; 8:45 am]

BILLING CODE 3510–13–M

## DEPARTMENT OF COMMERCE

### National Technical Information Service

**[Docket No. 010719182–1182–01]**

**RIN 0692–XX08**

### Information Dissemination Activities; New Method of Disseminating an Information Product

**AGENCY:** National Technical Information Service, Technology Administration, U.S. Department of Commerce.

**ACTION:** Notice; Request for comment.

**SUMMARY:** In accordance with provisions of the Paperwork Reduction Act, NTIS is seeking public comment on its proposal to (a) Make a portion of the NTIS Database available to the public at its web site and (b) assist users in locating free copies of reports described in that portion of the Database.

**DATES:** Comments must be received not later than September 13, 2001.

**ADDRESSES:** Comments should be addressed to Mr. Walter L. Finch, Associate Director for Business Development, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or sent by e-mail to *wfinch@ntis.gov.*

**FOR FURTHER INFORMATION CONTACT:** Walter L. Finch, (703) 605–6507.

**SUPPLEMENTARY INFORMATION:** Section 3506(d)(2) of Title 44, United States Code, directs agencies to solicit and consider public input on their dissemination activities. Section 3506(d)(3) of that Title directs them to notify the public when initiating, substantially modifying, or changing an information product. In accordance with those provisions, NTIS is seeking public comment on its proposal to (a) make a portion of the NTIS Database available to the public at its web site and (b) assist users in locating free copies of reports described in that portion of the Database.

NTIS produces a Database of records describing approximately three million scientific and technical reports, most of which were prepared by or for federal agencies. The reports are available from NTIS for sale to the public. The NTIS Database aids the researcher in identifying relevant material by providing essential bibliographic information about each report as well as a detailed abstract of its technical content. Revenue from the sale of the individual reports supports NTIS, which receives no appropriated funds.

The NTIS Database is disseminated to the public through information vendors who typically charge for access to it and such other databases as they may carry. A portion of the fee is returned to NTIS to support the continued development and maintenance of the Database.

NTIS makes the Database available to any vendor under standard terms but does not now provide free public access to it. It does provide a search engine that allows the public to search for titles and topics of all items entered into the Database since 1990, but not the abstracts. Researchers who require full access to the entire Database may purchase an economical one-day pass.

NTIS is proposing to make available at its web site without charge complete bibliographic information, including abstracts, about all technical reports entered into its collection since 1997, when NTIS began scanning all new acquisitions into electronic format. In addition, if the agency that created the document makes it available for downloading at that agency's web site, NTIS expects to provide a cross-link that takes the user to that site. The link will be permanent, ensuring the availability of that document even if the agency that created it moves it or takes it off the Web.

*Request for Comments:* Persons interested in commenting on the proposed action should submit their comments in writing to the above address. All comments received in response to this notice will become part of the public record and will be available for inspection and copying at the Department of Commerce Central Reference and Records Inspection facility, room 6228, Hoover Building, Washington, D.C. 20230.

Dated: August 2, 2001.

**Ron Lawson,**

*Director.*

[FR Doc. 01–20417 Filed 8–13–01; 8:45 am]

BILLING CODE 3510–04–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 01–22]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, transmittal 01–22 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 8, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001–08–M**

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

2 AUG 2001
In reply refer to:
I-01/006981

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-22, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services estimated to cost $27 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Tome H Walters Jr

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

**Transmittal No. 01-22**

**Notice of Proposed Issuance of Letter of Offer**
**Pursuant to Section 36(b)(1)**
**of the Arms Export Control Act**

(i) Prospective Purchaser: Japan

(ii) Total Estimated Value:

| | |
|---|---|
| Major Defense Equipment* | $23 million |
| Other | $ 4 million |
| TOTAL | $27 million |

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: Sixteen SM-2 Block IIIA STANDARD missiles, 16 MK 13 MOD 0 canisters, containers, spare and repair parts, supply support, U.S. Government and contractor technical assistance and other related elements of logistics support

(iv) Military Department: Navy (AOO)

(v) Prior Related Cases, if any:
FMS case AKV - $12 million - 24Mar92
FMS case ALI - $ 7 million - 28Oct92
FMS case ALT - $10 million - 27Aug93
FMS case AMZ - $ 7 million - 17Oct94
FMS case ANU - $17 million - 21Dec98
FMS case AOB - $16 million - 9Dec99
FMS case AOI - $17 million - 1Nov00

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached

(viii) Date Report Delivered to Congress: 2 AUG 2001

* as defined in Section 47(6) of the Arms Export Control Act.

## POLICY JUSTIFICATION

### Japan - SM-2 Block III STANDARD Missiles

The Government of Japan has requested a possible sale of 16 SM-2 Block IIIA STANDARD missiles, 16 MK 13 MOD 0 canisters, containers, spare and repair parts, supply support, U.S. Government and contractor technical assistance and other related elements of logistics support. The estimated cost is $27 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the East Asia.

Japan will use these missiles to update older or less reliable missiles currently in the Japanese Self Defense Force fleet. Japan, which already has STANDARD missiles in its inventory, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems Company in Tucson, Arizona. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

**Transmittal No. 01-22**

**Notice of Proposed Issuance of Letter of Offer**
**Pursuant to Section 36(b)(1)**
**of the Arms Export Control Act**

**Annex**
**Item No. vi**

(vi) Sensitivity of Technology:

1. The possible sale of STANDARD SM-2 missiles will result in the transfer of sensitive technology and information as well as classified and unclassified defense equipment and technical data. The STANDARD missile guidance section, Target Detecting Device (TDD), warhead, rocket motor, steering control section, safety and arming unit, and auto-pilot battery unit are classified Secret. Certain operating frequencies and performance characteristics are classified Secret. STANDARD missile documentation to be provided will include:

a. Parametric documents (C)
b. Missile Handling Procedures (U)
c. General Performance Data (C)
d. Firing Guidance (C)
e. Dynamics Information (C)
f. Flight Analysis Procedures (C)

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Japan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.



[FR Doc. 01–20370 Filed 8–13–01; 8:45 am]
BILLING CODE 5001–08–C

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Local Redevelopment Authority (LRA)

**ACTION:** Notice.

**SUMMARY:** Pursuant to Section 2905(b)(7)(B)(ii) of the defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended, this notice provides the point of contact, address, and telephone number for the Local Redevelopment Authority (LRA) that the Department of Defense has recognized for planning the redevelopment of the Davis Global Communications Site, a part of the closure of McClellan Air Force Base. Representatives of state and local governments and homeless providers interested in the reuse of this installation should contact the person or organization listed. The following information will be published in a newspaper of general circulation in the area of the installation.

**EFFECTIVE DATE:** June 19, 2001.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. O'Brien, Office of Deputy Under Secretary of Defense (Installations and Environment), Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202 (703) 604–6020.

*Installation Name:* Davis Global Communications Site.

*LRA Name:* Yolo County Board of Supervisors.

*Point of Contact:* Honorable Tom Stallard, Chair.

*Address:* 625 Court Street, Room 204, Woodland, CA 95695.

*Phone:* (530) 666–8193

Dated: August 8, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 01–20369 Filed 8–13–01; 8:45 am]

BILLING CODE 5001–08–M

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0045]**

### Federal Acquisition Regulation; Submission for OMB Review; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance (9000–0045).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning bid guarantees, performance and payment bonds, and alternative payment protections. A request for public comments was published at 66 FR 32605, June 15, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, 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; ways to enhance the quality, utility, and clarity of the information to be collected; 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.

**DATES:** Submit comments on or before September 13, 2001.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Beverly Cromer, Acquisition Policy Division, GSA (202) 208–6750.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

These regulations implement the statutory requirements of the Miller Act (40 U.S.C. 270a-270e), which requires performance and payment bonds for any construction contract exceeding $100,000, unless it is impracticable to require bonds for work performed in a foreign country, or it is otherwise authorized by law. In addition, the regulations implement the note to 40 U.S.C. 270a, entitled ''Alternatives to Payment Bonds Provided by the Federal Acquisition Regulation,'' which requires alternative payment protection for construction contracts that exceed $25,000 but do not exceed $100,000. Although not required by statute, under certain circumstances the FAR permits the Government to require bonds on other than construction contracts.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows:

*Respondents:* 11,304.

*Responses Per Respondent:* 5.

*Total Responses:* 56,520.

*Hours Per Response:* .42.

*Total Burden Hours:* 23,738.

*Obtaining Copies of Proposals:* Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0045, Bid, Performance, and Payment Bonds, in all correspondence.

Dated: August 8, 2001.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 01–20303 Filed 8–13–01; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0027]**

### Federal Acquisition Regulation; Submission for OMB Review; Value Engineering Requirements

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance (9000–0027).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning value engineering requirements. A request for public comments was published at 66 FR 32606, June 15, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, 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; ways to enhance the quality, utility, and clarity of the information to be collected; 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.

**DATES:** Submit comments on or before September 13, 2001.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Davis, Acquisition Policy Division, GSA, (202) 219–0202.

**SUPPLEMENTARY INFORMATION:**

## A. Purpose

Value engineering is the technique by which contractors (1) voluntarily suggest methods for performing more economically and share in any resulting savings or (2) are required to establish a program to identify and submit to the Government methods for performing more economically. These recommendations are submitted to the Government as value engineering change proposals (VECP's) and they must include specific information. This information is needed to enable the Government to evaluate the VECP and, if accepted, to arrange for an equitable sharing plan.

## B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

*Respondents: 400.*
*Responses Per Respondent: 4.*
*Total Responses: 1,600.*
*Hours Per Response: 30.*
*Total Burden Hours: 48,000.*
*Obtaining Copies of Proposals:* Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0027, Value Engineering Requirements, in all correspondence.

Dated: August 8, 2001.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 01–20304 Filed 8–13–01; 8:45 am]

BILLING CODE 6820–EP–P

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0138]**

## Federal Acquisition Regulation; Submission for OMB Review; Contract Financing

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0138).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension to a currently approved information collection requirement concerning contract financing. A request for public comments was published at 66 FR 22218, May 3, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, 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; ways to enhance the quality, utility, and clarity of the information to be collected; 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.

**DATES:** Submit comments on or before September 13, 2001.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Jerry Olson, Acquisition Policy Division, GSA (202) 501–3221.

**SUPPLEMENTARY INFORMATION:**

## A. Purpose

The Federal Acquisition Streamlining Act (FASA) of 1994, Pub. L. 103–355, provided authorities that streamlined the acquisition process and minimized burdensome Government-unique requirements. Sections 2001 and 2051 of FASA substantially changed the statutory authorities for Government financing of contracts. Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items, and sections 2001(b) and 2051(b) substantially revised the authority for Government financing of purchases of non-commercial items.

Sections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items. These paragraphs authorize the Government to provide contract financing with certain limitations.

Sections 2001(b) and 2051(b) also amended the authority for Government financing of non-commercial purchases by authorizing financing on the basis of certain classes of measures of performance.

To implement these changes, DOD, NASA, and GSA amended the FAR by revising Subparts 32.0, 32.1, and 32.5; by adding new Subparts 32.2 and 32.10; and by adding new clauses to 52.232.

The coverage enables the Government to provide financing to assist in the performance of contracts for commercial items and provide financing for non-commercial items based on contractor performance.

**B. Annual Reporting Burden**

Public reporting burden for this collection of information is estimated to average *2* hours per request for commercial financing and *2* hours per request for performance-based financing, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden for commercial financing is estimated as follows:

*Respondents: 1,000.*
*Responses Per Respondent: 5.*
*Total Responses: 5,000.*
*Hours Per Response: 2.*
*Total Burden Hours: 10,000.*

The annual reporting burden for performance-based financing is estimated as follows:

*Respondents: 500.*
*Responses Per Respondent: 12.*
*Total Responses: 6,000.*
*Hours Per Response: 2.*
*Total Burden Hours: 12,000.*

*Obtaining Copies of Proposals:* Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0138, Contract Financing, in all correspondence.

Dated: August 8, 2001.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 01–20305 Filed 8–13–01; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Notice of Meeting

**AGENCY:** Department of Defense (DoD) Medicare-Eligible Retiree Health Care Board of Actuaries.

**ACTION:** Notice of meeting.

**SUMMARY:** A meeting of the Board has been scheduled to execute the provisions of Chapter 56, Title 10, United States Code (10 U.S.C. 1111 et seq.). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of benefits under DoD retiree health care programs for Medicare-eligible beneficiaries. Persons desiring to: (1) attend the DoD Medicare-Eligible Retiree Health Care Board of Actuaries meeting or, (2) make an oral presentation or submit a written statement for consideration at the meeting must notify Joel Sitrin at (703) 696–7412 by August 31, 2001.

Notice of this meeting is required under the Federal Advisory Committee Act.

**DATES:** September 14, 2001, 1:00 p.m. to 3:00 p.m.

**ADDRESSES:** Pentagon, Room 1E801.

**FOR FURTHER INFORMATION CONTACT:** Joel Sitrim, Deputy Chief Actuary, DoD Office of the Actuary, 1555 Wilson Boulevard, Suite 701, Arlington, VA 22209–2405, (703) 696–7412.

Dated: August 8, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer.*

[FR Doc. 01–20368 Filed 8–13–01; 8:45 am]

BILLING CODE 5001–08–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### Membership of the Performance Review Board

**AGENCY:** Defense Finance and Accounting Service.

**ACTION:** Notice.

This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Finance and Accounting Service. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Board (PRB) provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Director, DFAS.

**EFFECTIVE DATE:** August 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** Lisa Shipe, Outreach Division, Human Resources Directorate, Defense Finance and Accounting Service, Arlington, Virginia, (703) 607–3829.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Defense Finance and Accounting Service PRB: Executives listed will serve a one-year renewable term, effective August 24, 2001.

**List All Members of PRB**

Susan J. Grant (Chairperson)
JoAnn R. Boutelle
Edward T. Grysavage
Leon J. Krushinski

Dated: August 8, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, DoD.*

[FR Doc. 01–20371 Filed 8–13–01; 8:45 am]

BILLING CODE 5001–08–M

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Intent To Prepare a Draft Supplemental Environmental Impact Statement (DSEIS) for Proposed Changes to the Chickamauga Lock Project, Hamilton County, TN

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The Corps of Engineers, Nashville District, and the Tennessee Valley Authority (Cooperating Agency) will prepare a Draft Supplemental Environmental Impact Statement (DSEIS) to the 1996 Environmental Impact Statement titled Chickamauga Dam—Navigation Lock Project Final Environmental Impact Statement (FEIS). This supplement is necessary to provide information unknown and not required at the time the FEIS was completed.

**DATES:** Written comments must be received by the Corps of Engineers on or before September 10, 2001.

**ADDRESSES:** Written comments on issues to be considered in the SEIS shall be mailed to: Wayne Easterling or Patty Coffey, Project Planning Branch, Nashville District Corps of Engineers, P.O. Box 1070 (PM–P), Nashville, Tennessee 37202–1070.

**FOR FURTHER INFORMATION CONTACT:** For additional information concerning the notice and meeting announcement, please contact Wayne Easterling, Environmental Team, (615) 736–7847, or Patty Coffey, Environmental Team, (615) 736–7865.

**SUPPLEMENTARY INFORMATION:**

1. The intent of the Supplemental EIS is to provide National Environmental Policy Act coverage for the Chickamauga Lock project that were unknown or not required when the original EIS was prepared. The original EIS for Chickamauga Lock was completed in 1995 and a Record of Decision signed in 1996. The original EIS considered four alternatives including no action (closing the existing lock), constructing a new 110 x 600 foot lock (preferred alternative), constructing a new 60 x 360 foot lock (replacement in kind) and constructing a new 75 x 400 foot lock. The SEIS now proposed

will cover cumulative effects and compliance with Section 106 of the Historic Preservation Act. Coordination with the U.S. Fish and Wildlife Service will include a Biological Assessment/Opinion for Endangered Species Act and a Fish and Wildlife Coordination Act Report.

2. This notice serves to solicit comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received by us will be considered during the preparation of this Supplemental Environmental Impact Statement.

**Luz D. Ortiz,**

*Army Federal Register Liaison.*

[FR Doc. 01–20380 Filed 8–13–01; 8:45 am]

BILLING CODE 3710–GF–M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Correction notice.

**SUMMARY:** On August 7, 2001, a 60-day notice inviting comment from the public was inadvertently published for the Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Form in the **Federal Register** (Volume 66, Number 152) dated August 7, 2001. This notice amends the public comment period to 30 days. The Leader, Regulatory Information Management, Office of the Chief Information Officer, hereby issues a correction notice 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 September 6, 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.

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 5624, Regional Office Building 3, Washington, DC 20202–4651 or should be electronically mailed to the internet address OCIO_IMB_Issues@ed.gov, or should be faxed to 202–708–9346.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schubart at his internet address Joe.Schubart@ed.gov.

Dated: August 8, 2001.

**John Tressler,**

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

[FR Doc. 01–20359 Filed 8–13–01; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–331–001]**

### Algonquin Gas Transmission Company; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 3, 2001, Algonquin Gas Transmission Company (Algonquin) tendered for filing pro forma tariff sheets in compliance with Order No. 637 et seq. and in conformance with order of the Commission issued in the captioned docket on June 13, 2001.

Algonquin states that the purpose of this filing is to comply with the requirement of Order No. 637 *et seq.* to file pro forma tariff sheets for the purpose of implementing certain tariff changes relating to scheduling procedures, capacity segmentation, imbalance management, and penalties, or to explain why the Order No. 637 requirements do not apply to the pipeline's tariff and operating practices and with the Commission's June 13, 2001 order to refile, as appropriate, Order No. 637 pro forma tariff sheets.

Algonquin states that copies of its filing have been mailed to all affected customers and interested state commissions.

Pursuant to customer requests and the procedures established by the Commission for Order No. 637 compliance filings, interested parties will have thirty days within which to submit comments regarding this filing. Algonquin has 20 days to respond to any comments received in response to this filing. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary,*

[FR Doc. 01–20342 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP98–42–021]**

### ANR Pipeline Company; Notice of Refund Report

August 8, 2001.

Take notice that on July 30, 2001, ANR Pipeline Company (ANR), tendered for filing its Refund Report in the referenced proceeding related to the settlement of Kansas *ad valorem* refunds.

ANR states that it dispersed refunds, with interest, to producers/working interest owners entitled to a refund on June 30, 2001 with supporting schedules in accordance with the Stipulation in the above-referenced proceeding.

ANR states that a copy of this filing including the Appendix A of the Stipulation has been mailed to each affected state regulatory commission and to ANR's customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before August 14, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20346 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–460–001]**

### Canyon Creek Compression Company; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 6, 2001, Canyon Creek Compression Company (Canyon) tendered for filing to be part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective July 23, 2001.

Canyon states that the purpose of this filing is to comply with the Commission's Letter Order in Docket No. RP01–460–000 issued on July 20, 2001.

Canyon states that copies of the filing are been mailed to each person designated on the official service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20334 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–347–001]**

### Canyon Creek Compression Company; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 1, 2001, Canyon Creek Compression Company (Canyon) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing.

Canyon states that the purpose of this filing is to comply with the Commission's ''Order on Compliance with Order Nos. 637, 587–G and 587–L,'' issued in the captioned docket on July 2, 2001.

Canyon states that copies of the filing are been mailed to each person designated on the official service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20340 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–345–003]**

### Columbia Gas Transmission Corporation; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 6, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Second Sub Tenth Revised Sheet No. 456, bearing a proposed effective date of May 1, 2001.

Columbia states that the instant filing is being made to comply with an Order issued by the Commission on July 25, 2001. On May 9, 2001 Columbia made a filing (filing) with the Commission to revise certain tariff sheets that it had filed previously to incorporate Version 1.4 of the consensus industry standards, promulgated by the Gas Industry Standards Board (GISB). The filing was accepted on July 25, 2001, subject to Columbia re-filing Sheet No. 456. In the May 9, 2001 filing, Columbia inadvertently made reference to Section 284.10 instead of Section 284.12. The tariff sheet in the instant filing is being made to correct this oversight.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20335 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–327–002]**

### Columbia Gas Transmission Corporation; Notice of Compliance Filing

August 8, 2001.

Take notice that on July 31, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, revised pro forma tariff sheets, listed in Appendix A to the filing, in compliance with Order Nos. 637 and 637–A.

Columbia states that the filing is made to revise various pro forma tariff sheets filed in Docket No. RP00–327–000 on June 15, 2000 in compliance with Order No. 637 et al., and to make other revisions to tariff sheets that were not included in the June 15, 2000 filing.

Columbia states that copies of its filing have been mailed to all firm customers, interruptible customers, parties on the official service list in this proceeding, and affected state commissions.

Pursuant to customer requests and the procedures established by the Commission for Order No. 637 compliance filings, interested parties will have thirty days within which to submit comments regarding this filing. Columbia Gas has 20 days to respond to any comments received in response to this filing. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20343 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–326–001]**

### Columbia Gulf Transmission Company; Notice of Compliance Filing

August 8, 2001.

Take notice that on July 31, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, revised pro forma tariff sheets, listed in Appendices A and B to the filing, in compliance with Order Nos. 637 and 637–A.

Columbia Gulf states that the filing is made to revise various pro forma tariff sheets filed in Docket No. RP00–326–000 on June 15, 2000 in compliance with Order No. 637, and to make other revisions to tariff sheets that were not included in the June 15, 2000 filing.

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers, parties to the official service list of this proceeding, and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20325 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP96–389–029]**

### Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

August 8, 2001.

Take notice that on August 3, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to the following contract for disclosure of a recently negotiated rate transaction:

FTS–1 Service Agreement No. 70902 between Columbia Gulf Transmission Company and PanCanadian Energy Services dated July 17, 2001

Transportation service is to commence November 1, 2001 under the Agreement.

Columbia Gulf states that copies that it has served copies of the filing on all parties identified on the official service list in Docket No. RP96–389.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20348 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP96–389–028]**

### Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

August 8, 2001.

Take notice that on July 31, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction:

FTS–1 Service Agreement between Columbia Gulf Transmission Company and Virginia Power Energy Marketing dated July 27, 2001

Transportation service is to commence August 1, 2001 under the Agreement.

Columbia Gulf states that it has served copies of the filing on all parties identified on the official service list in Docket No. RP96–389.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20349 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP96–389–027]**

### Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

August 8, 2001.

Take notice that on July 31, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction:

FTS–2 Service Agreement between Columbia Gulf Transmission Company and Duke Energy Trading and Marketing, L.L.C. dated July 30, 2001

Transportation service is to commence August 1, 2001 under the Agreement.

Columbia Gulf states that copies of the filing has been served on all parties identified on the official service list in Docket No. RP96–389.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20350 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–1836–000]**

### Community Energy, Inc.; Notice of Issuance of Order

August 8, 2001.

Community Energy, Inc. (Community Energy) submitted for filing a rate schedule under which Community Energy will engage in wholesale electric power and energy transactions at market-based rates. Community Energy also requested waiver of various Commission regulations. In particular, Community Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Community Energy.

On June 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Community Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Community Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Community Energy and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Community Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20326 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–494–000]**

### Dominion Transmission, Inc.; Notice of Tariff Filing

August 8, 2001.

Take notice that on July 31, 2001, Dominion Transmission Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Sheet No. 1000 and First Revised Sheet No. 1162, with an effective date of September 1, 2001.

DTI states that the purpose of this filing is to modify DTI's tariff to provide for a general wavier of the ''shipper must have title rule'' in the event DTI is transporting gas for others on acquired off-system capacity and to include a general statement that DTI will only transport for others using off-system capacity pursuant to its existing tariff and rates. DTI states that it is also making other, related changes to update Section 25 of the General Terms and Conditions of its FERC Gas tariff.

DTI states that copies of its letter of transmittal and enclosures are being mailed to its customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20332 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PR00–344–001]**

### Dominion Transmission, Inc.; Notice of Compliance Filing

August 8, 2001.

Take notice that on July 31, 2001, Dominion Transmission, Inc. (DTI) tendered for filing to be part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised tariff sheets listed on Attachment A to the filing, in order to implement the ''Order on Order No. 637 Settlement'' issued in the captioned proceedings on May 31, 2001. DTI moves to place these tariff sheets into effect on September 1, 2001, consistent with the Commission's Order and DTI's settlement.

DTI submits these tariff sheets to implement the settlement approved by the Commission. DTI states that the filed tariff sheets include two minor changes from the *pro forma* tariff sheets submitted with the settlement, reflecting (1) a clarification to the settlement agreed upon by the parties and approved by the Commission and (2) the correction of certain references to ''a.m.'' to ''p.m.'' in its intraday nomination timeline.

DTI states that copies of its filing have been served on parties on the service list in these proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20341 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP96–383–031]**

### Dominion Transmission, Inc.; Notice of Negotiated Rate

August 8, 2001.

Take notice that on July 31, 2001, Dominion Transmission, Inc. (DTI) tendered for filing the following tariff sheets for disclosure of a recently negotiated transaction with Allegheny Energy Unit 1 and 2, LLC:

Third Revised Sheet No. 1404
Fourth Revised Sheet No. 1300

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boerger,**

*Secretary.*

[FR Doc. 01–20351 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–496–000]**

### El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

August 8, 2001.

Take notice that on July 31, 2001, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheet to become effective August 31, 2001:

Second Revised Sheet No. 211A

El Paso states that the above tariff sheet is being filed to describe its revised scheduling confirmation process.

El Paso states that it the filing has served upon all shippers on El Paso's system, and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions

or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20358 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–463–001]**

### Gulf South Pipeline Company, LP; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 6, 2001, Gulf South Pipeline Company, LP (Gulf South) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets to become effective July 30, 2001:

Substitute Second Revised Sheet No. 4000
Substitute Second Revised Sheet No. 4002
First Revised Sheet No. 4101
First Revised Sheet No. 4102
Substitute First Revised Sheet No. 4301
First Revised Sheet No. 4302
Substitute First Revised Sheet No. 4401
First Revised Sheet No. 4402

Gulf South states that the above tariff sheets have been filed to comply with the Order issued July 27, 2001, 96 FERC ¶ 61,154. In its original filing, Gulf South proposed changes to clarify its interactive auction procedures for PAL and ISS capacity. The Commission's order directed Gulf South to provide a time frame for winning bidder notification and to specify the method of notification. The compliance filing incorporates these changes.

Gulf South was also directed to eliminate from its tariff references to the contractual right of first refusal remaining in its firm pro forma service agreements. Those changes are included.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20333 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–1822–000]**

### Indigo Generation LLC, Larkspur Energy LLC, and Wildflower Energy LP (collectively, Wildflower Entities); Notice of Issuance of Order

August 8, 2001.

Indigo Generation LLC, Larkspur Energy LLC, and Wildflower Energy LP (collectively, ''Wildflower Entities'') submitted for filing three rate schedules under which Wildflower Entities will engage in wholesale electric power and energy transactions at market-based rates. Wildflower Entities also requested waiver of various Commission regulations. In particular, Wildflower Entities requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Wildflower Entities.

On June 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wildflower Entities should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Wildflower Entities is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Wildflower Entities and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Wildflower Entities' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20327 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP01–422–000]**

### Kern River Gas Transmission Company; Notice of Application

August 8, 2001.

Take notice that on August 1, 2001, Kern River Gas Transmission Company (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP01–422–000 an abbreviated application pursuant to Section 7(c) and 7(b) of the Natural Gas Act (NGA) and Part 157A of the Federal Energy Regulatory Commission's (Commission) regulations, for: (1) A certificate of public convenience and necessity authorizing Kern River to construct and operate the additional facilities needed to expand its transportation capacity from Opal, Wyoming to delivery points primarily in California by an additional 885,626 Mcf per day in order to provide up to approximately 906,626 Dth per day of long-term, incremental firm, year round transportation service commencing May 1, 2003 (2003 Expansion); (2) permission and approval to abandon certain facilities that will be replaced by the proposed expansion facilities; (3) approval of levelized, incremental 10-year and 15-year term transportation rates for the 2003 Expansion, associated incremental compressor fuel factors and surcharges, and related tariff sheets; and (4) approval of regulatory asset/liability accounting for differences between book and regulatory depreciation resulting from the proposed levelized rate design and approval of Kern River's proposed accounting treatment for a contribution in aid of construction (''CIAC'') integral to the 2003 Expansion design, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Specifically, Kern River states that it proposes to construct and operate:

(1) Approximately 634.3 miles of 36-inch pipeline to loop Kern River's existing Opal Lateral in Wyoming and about 92% of Kern River's existing mainline (in 11 loops) from Wyoming, through Utah and Nevada, to California;

(2) Approximately 82.4 miles of 42-inch pipeline to loop part of the existing mainline that Kern River jointly owns with Mojave Pipeline Company (Mojave) in California;

(3) Three new mainline compressor stations—the Coyote Creek Compressor Station in Uinta County, Wyoming; the Salt Lake Compressor Station in Salt Lake County, Utah; and the Dry Lake Compressor Station in Clark County, Nevada;

(4) Turbine-driven compressor unit additions, upgrades and/or modifications at four existing compressor stations—the Muddy Creek Compressor Station in Lincoln County, Wyoming; the Fillmore Compressor Station in Millard County, Utah; the Veyo Compressor Station in Washington County, Utah; and the Goodsprings Compressor Station in Clark County, Nevada;

(5) Replacement of the turbine-driven compressor units at the existing Elberta Compressor Station in Utah County, Utah;

(6) Reconfiguration of the existing Daggett Compressor Station to compress only Mojave volumes, with a consequent derating of the electric motor-driven compressor unit;

(7) An approximate 0.8 mile extension of the existing 12-inch Anschutz Lateral to establish an additional mainline tie-in point on the suction side of the proposed Coyote Creek Compressor Station;

(8) Upgrades and modifications of five meter stations—the Opal Meter Station in Lincoln County, Wyoming; the PG&E-Daggett and Daggett Meter Stations in San Bernardino County, California; and the Wheeler Ridge and Kern Front Meter Stations in Kern County, California; and

(9) Various mainline block valves, launcher/receiver facilities and other appurtenances.

Kern River states that the proposed compression additions, upgrades, replacements and modifications will add a net total of 163,700 (ISO rated) horsepower to the Kern River system and that the additional compression and pipeline loops will more than double Kern River's existing summer day design capacity, increasing it from 845,500 Mcf per day (upon completion of the amended 2002 Kern River Expansion Project approved in Docket No. CP01–31–001) to approximately 1,731,126 Mcf per day.

Kern River states that the estimated total cost of the proposed 2003 Expansion facilities, including a proposed $6.25 million CIAC, is approximately $1.26 billion and that for incremental rate design purposes, the 2003 Kern River Expansion Project is allocated approximately $12 million of costs attributable to the 21,000 Mcf per day of California Action Project and 2002 Kern River Expansion Project capacity that is incorporated into the design of the 2003 Expansion upon expiration of the short-term California Action Project service authorized in Docket No. CP01–106–000.

According to Kern River, the proposed initial daily incremental transportation rates for the 2003 Expansion, on a 100% load factor basis and exclusive of fuel, are $0.6997 per Dth for 10-year firm service and $0.5675 per Dth for 15-year firm service. Kern River states that in each case, the rate is comprised of a $0.0573 volumetric charge and a reservation charge for the remainder.

In addition, Kern River states that the 2003 Expansion shippers will be responsible for providing reimbursement of the incremental mainline compressor fuel, both gas and electric, attributable to the expansion. According to Kern River, the proposed initial incremental gas fuel in-kind reimbursement factors by compressor station aggregate to 3.05% for receipts for transportation from Opal to California, with lower aggregate rates for shorter transportation paths. Kern River states that the initial incremental electric fuel surcharge for 2003 Expansion deliveries to points downstream of Daggett is proposed to be $0.0042 per Dth.

Kern River states that it has executed eighteen long-term transportation service agreements under Rate Schedule KRF–1 with seventeen shippers, for a total of 902,626 Dth per day of expansion capacity from Opal, Wyoming to delivery points primarily in California, commencing May 1, 2003. According to Kern River, approximately 85% of the capacity is contracted for 15 years and the remainder for 10 years—over 95% of the capacity has primary delivery points in California, with the flexibility to access secondary delivery points upstream in Nevada and Utah. Kern River states that based upon representations made by the expansion shippers, nearly all of the capacity is projected to be used to serve existing and new power generation markets in California and Nevada.

Any questions regarding this application should be directed to Gary Kotter, Manager, Certificates, Kern River Gas Transmission Company, P.O. Box 58900, Salt Lake City, Utah 84158–0900, at (801) 584–7117 or fax (801) 584–7764.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before August 29, 2001,

file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, 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 under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20330 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–93–002]**

### Kern River Gas Transmission Company; Notice of Correction to Compliance Filing

August 8, 2001.

Take notice that on August 3, 2001, Kern River Gas Transmission Company (Kern River) tendered for filing a correction to its July 16, 2001 filing submitted in compliance with the Commission's June 15, 2001 Order Accepting Filing Subject to Condition.

Kern River states that it has served a copy of this filing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20337 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–497–000]**

### Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

August 8, 2001.

Take notice that on August 1, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Substitute Fourth Revised Sheet No. 2 and Third Revised Sheet No. 251, to be effective on September 1, 2001.

MRT states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on offsystem capacity acquired in its own name without pre-approval pursuant to its existing tariff and rates.

MRT states that copies of the filing are being mailed to each of MRT's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20357 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–495–000]**

### National Fuel Gas Supply Corporation; Notice of Tariff Filing

August 8, 2001.

Take notice that on July 31, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet to become effective August 1, 2001.

Thirty Eighth Revised Sheet No. 9

National states that under Article II, Section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under Section 1 of Article II. The recalculation produced an IG rate of $0.37 per dth. In addition, Article III, Section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20331 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. PR01–18–000]**

### Northwest Natural Gas Company; Notice of Rate Election

August 8, 2001.

Take notice that on July 18, 2001, Northwest Natural Gas Company (NW Natural) filed, pursuant to Section 284.123(b)(2) of the Commission's regulations, an election setting forth proposed rates for bundled firm and interruptible storage and related transportation services in interstate commerce. NW Natural states that its petition for rate approval has been filed in compliance with the Commission's May 17, 2001, order in Docket No. CP00–138–000 granting NW Natural a limited jurisdiction blanket certificate of public convenience and necessity to provide these services under Section 284.224 of the Commission's regulations.

Based on a straight fixed variable rate design, NW Natural proposes a cost-based firm maximum reservation rate of $4.9361 per Dth per month based on maximum daily deliverability for storage withdrawals and a maximum reservation rate of $0.0722 per Dth per month based on maximum storage capacity. NW Natural also proposes maximum cost-based rates for interruptible storage and related transportation services and for authorized overrun service of $0.2275 per Dth. Fuel and tax reimbursement charges are also specified for the FERC jurisdictional services. NW Natural requests that the Commission expedite its review of the proposed rates.

Any person desiring to participate in this rate proceeding must 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 motions must be filed with the Secretary of the Commission on or before August 23, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20338 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–94–001]**

### Northwest Pipeline Corporation; Notice of Compliance Filing

August 8, 2001.

Take notice that on August 1, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing its compliance filing in response to the directives in the Commission's July 2, 2001 Order Accepting Filing Subject to Condition (Order).

Northwest states that the purpose of this filing is to respond to the issues related to imbalance netting and trading that were raised in the body of the Order and to the specific questions listed in the Appendix to the Order.

Northwest states that it has served a copy of this filing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and

Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20336 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–501–000]**

### PG&E Gas Transmission, Northwest Corporation; Notice of Tariff Filing

August 8, 2001.

Take notice that on August 1, 2001, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A , certain tariff sheets listed on Appendix A to the filing, to reflect implementation of Version 1.4 of the Gas Industry Standard's Board (GISB) Standards. GTN requests that these tariff sheets become effective September 1, 2001.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20353 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–1821–000]**

### Power Dynamics, Inc.; Notice of Issuance of Order

August 8, 2001.

Power Dynamics, Inc. (Power Dynamics) submitted for filing a rate schedule under which Power Dynamics will engage in wholesale electric power and energy transactions at market-based rates. Power Dynamics also requested waiver of various Commission regulations. In particular, Power Dynamics requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Power Dynamics.

On June 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Power Dynamics should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Power Dynamics is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Power Dynamics and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Power Dynamics' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20328 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–502–000]**

### Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

August 8, 2001.

Take notice that on August 2, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective September 1, 2001.

REGT states that the purpose of this filing is to reflect the repagination of existing tariff sheets reflecting negotiated rate contracts in order to simplify the pagination process within REGT's tariff. No changes to any of the underlying contracts would be effected by the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's

Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20352 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–498–000]**

### Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

Take notice that on August 1, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheet to be effective on September 1, 2001:

Second Revised Sheet No. 456

REGT states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on offsystem capacity acquired in its own name without pre-approval pursuant to its existing tariff and rates.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20356 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP99–159–003]**

### Southern Natural Gas Company; Notice of Tariff Filing

August 8, 2001.

Take notice that on August 6, 2001, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, Third Substitute Second Revised Sheet No. 45, with an effective date of June 4, 2001.

Southern states that the purpose of the filing is to clarify that the net revenue gain criteria will be met and Southern will pay for the cost of construction in cases where the construction cost is less than the revenue reduction resulting from a shipper reducing its transportation quantity or failing to renew its Service Agreement under Rate Schedule FT. Southern is making this filing in compliance with the Commission's July 25, 2001 Order in this proceeding.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20345 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–485–001]**

### Steuben Gas Storage Company; Notice of Compliance Filing

August 8, 2001.

Take notice that on July 31, 2001, Steuben Gas Storage Company (Steuben), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of September 1, 2001:

Fourth Revised Sheet No. 1
Second Revised Sheet No. 13
First Revised Sheet No. 13B
Second Revised Sheet No. 13C
Second Revised Sheet No. 14
Second Revised Sheet No. 15
Second Revised Sheet No. 18
Third Revised Sheet No. 148
Eighth Revised Sheet No. 154
First Revised Sheet No. 156A
First Revised Sheet No. 156B
Original Sheet No. 156C
Original Sheet No. 156D

Steuben states that the tariff sheets are being filed in compliance with the Commission's July 2, 2001 order to modify the nomination process for prearranged releases, to remove the park and loan services and to remove the OFO penalty and crediting of penalty revenues provisions. This filing also incorporates the required language that Shippers will receive updated information related to issued OFOs and corrects various errors in references to sections of the tariff.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20339 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP97–255–031]**

### TransColorado Gas Transmission Company; Notice of Tariff and Negotiate Rate

August 8, 2001.

Take notice that on August 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-First Revised Sheet No. 21, Twenty-Third Revised Sheet No. 22 and Fourth Revised Sheet No. 22A , to be effective August 1, 2001.

TransColorado states that the filing is made in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97–255–000.

The tendered tariff sheets propose to revise TransColorado's Tariff to reflect two amended negotiated-rate contracts, termination of one contract and a new FT negotiated-rate contract.

TransColorado stated that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and the New Mexico Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20347 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–499–000–1]**

### Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

August 8, 2001.

Take notice that on August 1, 2001, Trunkline Gas Company (Trunkline) tendered for filing the as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets list on Appendix A to the filing, become effective September 1, 2001.

Trunkline states the filing is made in accordance with Section 23 (Miscellaneous Revenue Flowthrough Surcharge Adjustment) of the General Terms and Conditions in its FERC Gas Tariff, First Revised Volume No. 1. These revised tariff sheets listed on Appendix A reflect the following changes to Trunkline's currently effective maximum Reservation Rates under Rate Schedules FT, QNT, EFT and LFT, and the currently effective maximum Usage Rates under Rate Schedules SST, QNIT, IT and FFZ:

1. A ($0.0351) per Dt. reduction from the Base Reservation Rate under Rate Schedules FT, QNT and EFT;
2. A ($0.0236) per Dt. reduction from the Base Reservation Rate under Rate Schedule LFT;
3. A ($0.0019) per Dt. reduction from the Base Rate under Rate Schedule SST;
4. A ($0.0012) per Dt. reduction from the Base Rate under Rate Schedules QNIT, IT-Peak and FFZ; and
5. A ($0.0009) per Dt. reduction from the Base Rate under Rate Schedule IT-Off-Peak.

Trunkline states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20355 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–1804–000]**

### Warren Power, LLC; Notice of Issuance of Order

August 8, 2001.

Warren Power, LLC (Warren Power) submitted for filing a rate schedule under which Warren Power will engage in wholesale electric power and energy transactions at market-based rates. Warren Power also requested waiver of various Commission regulations. In

particular, Warren Power requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Warren Power.

On June 12, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Warren Power should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Warren Power is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Warren Power and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Warren Power's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20329 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP01–500–000]**

### Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

August 8, 2001.

Take notice that on August 1, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet to become effective August 1, 2001:

Third Revised Sheet No. 738

Williston Basin states that it has revised the above-referenced tariff sheet found in the Receipt Point Operational Balancing Agreement Section of its Tariff, to allow the Term of Agreement to continue on a month to month basis after the primary term. This proposed revision will allow the Agreement to remain in effect without the need for the parties to request a formal extension of the Agreement. The proposed revision will simplify the ROBA contract process.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20354 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER01–2756–000, et al.]**

### Camden Cogen, L.P., et al.; Electric Rate and Corporate Regulation Filings

August 7, 2001.

Take notice that the following filings have been made with the Commission:

**1. Camden Cogen, L.P.**

[Docket No. ER01–2756–000]

Take notice that on August 1, 2001, Camden Cogen, L.P. (Camden), filed with the Federal Energy Regulatory Commission an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Camden is a joint venture that owns and operates a 152–MW generating plant located in Camden, New Jersey.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**2. Sierra Pacific Power Company, Nevada Power Company**

[Docket No. ER01–2757–000]

Take notice that on August 1, 2001, Nevada Power Company (Nevada Power) tendered for filing Service Agreements No. 98 and 99 to the Sierra Pacific Resources Operating Companies FERC Electric Tariff, First Revised Volume No. 1, which is Nevada Power's Open Access Transmission Tariff. These Service Agreements are executed Transmission Service Agreements (TSAs) between Nevada Power and Mirant Americas Development, Inc., as General Partner of Mirant Americas Energy Marketing, LP. Nevada Power requests that these TSAs be made effective as of July 1, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**3. Sierra Pacific Power Company, Nevada Power Company**

[Docket No. ER01–2758–000]

Take notice that on August 1, 2001, Nevada Power Company (Nevada Power) tendered for filing Service Agreements No. 95 and 96 to the Sierra Pacific Resources Operating Companies FERC Electric Tariff, First Revised Volume No. 1, which is Nevada Power's Open Access Transmission Tariff. These Service Agreements are unexecuted Transmission Service Agreements (TSAs) between Nevada Power and

Calpine Corporation. Nevada Power requests that these TSAs be made effective as of July 1, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**4. Sierra Pacific Power Company, Nevada Power Company**

[Docket No. ER01–2759–000]

Take notice that on August 1, 2001, Nevada Power Company (Nevada Power) tendered for filing Service Agreement No. 97 to the Sierra Pacific Resources Operating Companies FERC Electric Tariff, First Revised Volume No. 1, which is Nevada Power's Open Access Transmission Tariff. This Service Agreement is an unexecuted Transmission Service Agreement (TSA) between Nevada Power and Duke Energy Trading and Marketing. Nevada Power requests that this TSA be made effective as of July 1, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**5. Handsome Lake Energy, LLC**

[Docket No. ER01–2761–000]

Take notice that on August 1, 2001, Handsome Lake Energy, LLC (Handsome Lake) tendered for filing with the Federal Energy Regulatory Commission an executed service agreement with Constellation Power Source, Inc. (Constellation). The agreement is an umbrella agreement which allows Constellation to take service under Handsome Lake's FERC Electric Tariff, Original Volume No. 1. Handsome Lake respectfully requests an effective date of July 2, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**6. American Transmission Company LLC**

[Docket No. ER01–2762–000]

Take notice that on August 1, 2001, American Transmission Company LLC (ATCLLC) tendered for filing its Second Revised Procedures for Implementing Standards of Conduct and Second Revised Standards of Conduct. ATCLLC requests an effective date of August 1, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**7. Elwood Energy LLC, Elwood Energy II, LLC, Elwood Energy III, LLP, Elwood Energy LLC**

[Docket No. ER01–2763–000]

On August 1, 2001, Elwood Energy LLC (Elwood), Elwood Energy II, LLC (Elwood II) and Elwood Energy III, LLC (Elwood III) filed with the Federal Energy Regulatory Commission Notices of Succession, Notice of Change in Status and amendment to Elwood's market-based rate tariff and two service agreements with Aquila Energy Marketing Corporation and Utilicorp United Inc., under Elwoods's market-based rate tariff that previously has been submitted under the market-based rate tariffs of Elwood II and Elwood III. These filings were made to reflect the mergers of Elwood II and Elwood III with and into Elwood, with Elwood as the sole surviving entity, together with related mergers among certain upstream owners of those entities.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**8. Cinergy Services, Inc.**

[Docket No. ER–2764–000]

Take notice that Cinergy Services, Inc. (Cinergy) and Strategic Energy L.L.C. (Strategic), on August 1, 2001, are submitting a Confirmation Letter of Cinergy's Market-Based Power Sales Tariff Original Volume No. 7–MB, Service Agreement No. 211, dated May 1, 1999.

Cinergy and Strategic are requesting an effective date of July 18, 2001.

*Comment date:* August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

**9. Cedar Brakes II, L.L.C.**

[Docket No. ER01–2765–000]

Take notice that on August 1, 2001, Cedar Brakes II, L.L.C. (CBII), filed with the Federal Energy Regulatory Commission an amended Power Purchase Agreement with Public Service Electric & Gas, an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

CBII is a limited liability company formed under the laws of Delaware. CBII does not own any generating facilities.

*Comment date:* August 22, 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 this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20324 Filed 8–13–01; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

August 8, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* small hydroelectric exemption.

b. *Project No.:* 12094–000.

c. *Date filed:* July 24, 2001.

d. *Applicant:* Hydro Technology Systems, Inc.

e. *Name of Project:* 1910 Meyers Falls Hydroelectric Plant.

f. *Location:* On the Colville River, near the City of Kettle Falls, in Stevens County, Washington. The proposed exemption would not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Michael E. Johnson, Hydro Technology Systems, Inc., P.O. Box 683 Kettle Falls, WA 99141; (509) 738–6544.

i. *FERC Contact:* John B. Smith, (202) 219–2460, *john.smith@ferc.fed.us.*

j. *Deadline for filing additional study requests:* September 22, 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.

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.

Additional study requests 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 (http://www.ferc.gov) under the ''e-Filing'' link.

k. The application is not ready for environmental analysis at this time.

l. The proposed project would consist of: (1) The existing concrete intake structure, restored and equipped with a new trash screen and headgate, located on the south bank of the Colville River between 2 waterfalls; (2) a new 230-foot-long, 42-inch-diameter welded-steel penstock; (3) the existing 60-foot-long by 30-foot-wide concrete powerhouse restored and equipped with a new, horizontal Francis turbine coupled to a generator with an output rating of 300 kilowatts at a design turbine flow of 50 cubic feet per second; (4) a 200-foot-long transmission line; and (5) other appurtenances.

m. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the web at http://www.ferc.gov using the ''RIMS'' link—select ''Docket #'' and follow the instructions (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 *WASHINGTON STATE HISTORIC PRESERVATION OFFICER (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR at 800.4.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01–20344 Filed 8–13–01; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7031–2]**

## Agency Information Collection Activities: Submission for OMB Review; Comment Request; Community Right-To-Know Reporting Requirements Under Sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act (EPCRA)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Community Right-to-Know Reporting Requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), OMB Control Number 2050–0072, expiring August 31, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before September 13, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR No.1352.08 and OMB Control No. 2050–0072, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at Farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1352.08. For technical questions about the ICR, contact Sicy Jacob, Chemical Emergency Preparedness and Prevention Office, (202) 564–8019.

**SUPPLEMENTARY INFORMATION:**

*Title:* Community Right-to-Know Reporting Requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), OMB Control Number 2050–0072; EPA ICR No. 2050–0072, expiring August 31, 2001. This is a request for extension of a currently approved collection.

*Abstract:* The authority for these requirements is sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 1986 (42 U.S.C. 11011, 11012). EPCRA section 311 requires owners and operators of facilities subject to the Occupational Safety and Health Administration Hazard Communications Standard (OSHA HCS) to submit a list of chemicals or Material Safety Data Sheets (MSDSs) (for those chemicals that exceed thresholds, specified in 40 CFR part 370) to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and the local fire department (LFD) with jurisdiction over their facility. This is a one-time requirement unless a new facility becomes subject to the regulations or updating the information by facilities that are already covered by the regulations. EPCRA section 312 requires owners and operators of facilities subject to OSHA HCS to submit an inventory form (for those chemicals that exceed the thresholds, specified in 40 CFR part 370) to the SERC, LEPC, and LFD with jurisdiction over their facility. This activity is to be completed on March 1 of each year, on the inventory of chemicals in the previous calendar year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 6, 2001 (66 FR 9079); three comments were received.

*Burden Statement:* The average burden for MSDS reporting under 40 CFR 370.21 is estimated at 1.6 hours for new and newly regulated facilities and approximately 0.6 hours for those existing facilities that obtain new or revised MSDSs or receive requests for MSDSs from local governments. For new and newly regulated facilities, this burden includes the time required to read and understand the regulations, to determine which chemicals meet or exceed reporting thresholds, and to submit MSDSs or lists of chemicals to SERCs, LEPCs, and local fire departments. For existing facilities, this burden includes the time required to submit revised MSDSs and new MSDSs to local officials. The average reporting burden for facilities to perform Tier I or

Tier II inventory reporting under 40 CFR 370.25 is estimated to be approximately 3.18 hours per facility, including the time to develop and submit the information. There are no recordkeeping requirements for facilities under EPCRA sections 311 and 312 although it is assumed that they will maintain a copy of annual reports to use for future filings. The recordkeeping for MSDSs is mandated under OSHA rules.

The average burden for state and local governments to respond to requests for MSDSs or Tier II information under 40 CFR 370.30 is estimated to be 0.17 hours per request. The average burden for managing and maintaining the reports and MSDS files is estimated to be 32.25 hours. The average burden for maintaining and updating a 312 database is estimated to be 320 hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Facilities that are subject OSHA Hazard Communication Standard that handles hazardous chemicals at or above the thresholds described in 40 CFR part 370, State Emergency Response Commissions and Local Emergency Planning Committees.

*Estimated Number of Respondents:* 563,470.

*Frequency of Response:* Annually.

*Estimated Total Annual Hour Burden:* 2,028,700 hours.

*Estimated Total Annualized Capital, O&M Cost Burden:* $6,400,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1352.08 and OMB Control No. 2050–0072 in any correspondence.

Dated: July 31, 2001.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01–20388 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–07033–5]**

## Determination of the Waste Isolation Pilot Plant's Compliance With Applicable Federal Environmental Laws for the Period 1998 to 2000

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Based on documentation submitted by the U.S. Department of Energy (DOE) for the Waste Isolation Pilot Plant (WIPP), the U.S. Environmental Protection Agency (EPA or ''we'') determined that between 1998 and 2000, DOE operated the WIPP facility in compliance with applicable Federal statutes, regulations, and permit requirements designated in Section 9(a)(1) of the WIPP Land Withdrawal Act, as amended. The Secretary of Energy was notified of the determination via a letter from EPA Administrator Christine Todd Whitman dated August 7, 2001.

We made this determination under the authority of Section 9 of the WIPP Land Withdrawal Act (WIPP LWA). (Public Law 102–579 and 104–201.) Section 9(a)(1) of the WIPP LWA requires that, as of the date of the enactment of the WIPP LWA, DOE shall comply with respect to WIPP with: (1) Regulations for the management and storage of radioactive waste (40 CFR Part 191, Subpart A); (2) the Clean Air Act; (3) the Solid Waste Disposal Act; (4) the Safe Drinking Water Act; (5) the Toxic Substance Control Act; (6) the Comprehensive Environmental Response, Compensation and Liability Act; and (7) all other applicable Federal laws pertaining to public health and safety or the environment. Section 9(a)(2) of the WIPP LWA requires DOE biennially to submit to EPA documentation of continued compliance with the laws, regulations, and permit requirements set forth in section 9(a)(1). (DOE must also submit similar documentation of compliance with the Solid Waste Disposal Act to the State of New Mexico.) Section 9(a)(3) requires the Administrator of EPA to determine on a biennial basis, following the submittal of documentation of compliance by the Secretary of DOE, whether the WIPP is in compliance with the pertinent laws, regulations, and permit requirements, as set forth in section 9(a)(1).

We determined that for the period 1998 to 2000, the DOE-submitted documentation showed continued compliance with 40 CFR part 191, subpart A, the Clean Air Act, the Safe Drinking Water Act, the Toxic Substances Control Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. With respect to other applicable Federal laws pertaining to public health and safety or the environment, as required by section 9(a)(1)(G), DOE's documentation also indicates that DOE was in compliance with the Clean Water Act, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and certain statutes under the jurisdiction of the Department of Interior.

This determination is not in any way related to, or a part of, our certification decision regarding whether the WIPP complies with EPA's disposal regulations for transuranic radioactive waste at 40 CFR part 191. We issued the 1998 WIPP certification decision pursuant to section 8(d) of the WIPP LWA, separate from this regulatory action.

**FOR FURTHER INFORMATION CONTACT:** Nick Stone; telephone number: (214) 665–7226; address: WIPP Project Officer, Mail Code 6PD–N, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, TX 75202.

Materials related to this determination have been placed in docket #A–98–49 located at the U.S. Environmental Protection Agency, Air Docket Section, Room M–1500, 401 M Street, SW., Washington, DC 20460. The docket is open for public inspection from 8 a.m. until 5:30 p.m., Monday through Friday, except on Federal holidays. A reasonable fee may be charged for photocopying services.

Dated: August 7, 2001.

**Christine Todd Whitman,**

*Administrator.*

[FR Doc. 01–20387 Filed 8–13–01; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

## Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

August 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 October 15, 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, Room 1 A–804, 445 Twelfth Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060–0422.

*Title:* Section 68.5, Waivers (Application for Waiver of Hearing Aid Compatibility Requirements).

*Form No.:* N/A.

*Type of Review:* Extension.

*Respondents:* Business or Other for Profit.

*Number of Respondents:* 10.

*Estimated Time Per Response:* 3 hours per response (avg).

*Total Annual Burden:* 30 hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* $0.

*Frequency of Response:* On occasion.

*Needs and Uses:* Telephone manufacturers seeking a waiver of 47 CFR Section 68.4 which requires that certain telephones be hearing aid compatible must demonstrate that compliance with the rule is technologically infeasible or too costly. Information is used by FCC staff to determine whether to grant or dismiss the request.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01–20296 Filed 8–13–01; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

**SUMMARY:** In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the following information collection systems described below.

1. *Type of Review:* Renewal of a currently approved collection.

*Title:* Recordkeeping and disclosure requirements in connection with regulation Z (Truth in Lending).

*OMB Number:* 3064–0082.

*Annual Burden:*

Estimated annual number of respondents: 5,662.

Estimated time per response: 787 hours.

Total annual burden hours: 4,455,994 hours.

*Expiration Date of OMB Clearance:* September 30, 2001.

**SUPPLEMENTARY INFORMATION:** Regulation Z (12 CFR part 226), issued by the Board of Governors of the Federal Reserve System, prescribes uniform methods of computing the cost of credit, disclosure of credit terms, and procedures for resolving billing errors on certain credit accounts.

2. *Type of Review:* Renewal of a currently approved collection.

*Title:* Recordkeeping and disclosure requirements in connection with regulation M (Consumer Leasing).

*OMB Number:* 3064–0083.

*Annual Burden:*

Estimated annual number of respondents: 5,662.

Estimated time per response: 4 hours.

Total annual burden hours: 22,648 hours.

*Expiration Date of OMB Clearance:* September 30, 2001.

**SUPPLEMENTARY INFORMATION:** Regulation M (12 CFR part 2123), issued by the Board of Governors of the Federal Reserve System, implements the consumer leasing provisions of the Truth in Lending Act.

3. *Type of Review:* Renewal of a currently approved collection.

*Title:* Recordkeeping and disclosure requirements in connection with regulation E (Electronic Fund Transfers).

*OMB Number:* 3064–0084.

*Annual Burden:*

Estimated annual number of respondents: ,662.

Estimated time per response: 120.4 hours.

Total annual burden hours: 681,705 hours.

*Expiration Date of OMB Clearance:* September 30, 2001.

**SUPPLEMENTARY INFORMATION:** Regulation E (12 CFR part 205), issued by the Board of Governors of the Federal Reserve System, establishes the rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services.

4. *Type of Review:* Renewal of a currently approved collection.

*Title:* Recordkeeping and Disclosure Requirements in Connection with Regulation B (Equal Credit Opportunity).

*OMB Number:* 3064–0085.

*Annual Burden:*

Estimated annual number of respondents: 5,662.

Estimated time per response: 43 hours.

Total annual burden hours: 243,466 hours.

*Expiration Date of OMB Clearance:* September 30, 2001.

**SUPPLEMENTARY INFORMATION:** Regulation B (12 CFR part 202), issued by the Board of Governors of the Federal Reserve System, prohibits creditors from discriminating against applicants on any of the bases specified by the Equal Credit Opportunity Act, establishes guidelines for gathering and evaluating credit information, and requires creditors to give applicants a written notification of rejection of an application.

*OMB Reviewer:* Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

*FDIC Contact:* Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

*Comments:* Comments on these collections of information are welcome and should be submitted on or before September 13, 2001 to both the OMB reviewer and the FDIC contact listed above.

**ADDRESSES:** Information about this submission, including copies of the proposed collections of information, may be obtained by calling or writing the FDIC contact listed above.

Federal Deposit Insurance Corporation.

Dated: August 8, 2001.

**James D. LaPierre,**

*Deputy Executive Secretary.*

[FR Doc. 01–20361 Filed 8–13–01; 8:45 am]

BILLING CODE 6714–01–P

## FEDERAL MARITIME COMMISSION

**[Docket No. 01–10]**

### Green Master Int'l Freight Services Ltd.—Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984; Notice of Investigation and Hearing

Notice is given that on July 30, 2001, the Federal Maritime Commission served an Order of Investigation on Green Master Int'l Freight Services Ltd. (''Green Master''). It appears that on at least 49 shipments between May 18, 1998 and May 3, 1999, Green Master knowingly and willfully obtained or attempted to obtain ocean transportation at less than the applicable rates by means of accessing service contracts to which Green Master was not a signatory or affiliate. This proceeding therefore seeks to determine (1) whether Green Master violated section 10(a)(1) of the Shipping Act of 1984 (''Shipping Act'') by knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise have been applicable; (2) whether Green Master violated section 10(b)(1) of the Shipping Act by charging, demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its NVOCC tariff; (3) whether, in the event violations of sections 10(a)(1) or 10(b)(1) of the Shipping Act are found, civil penalties should be assessed against Green Master and, if so, the amount of penalties to be assessed; (4) whether, in the event violations of section 10(b)(1) of the Shipping Act are found, the tariff of Green Master should be suspended; and (5) whether, in the event violations are found, an appropriate cease and desist order should be issued. The full text of the Order may be viewed on the Commission's home page at *http://www.fmc.gov/,* or at the Office of the Secretary, Room 1046, 800 N. Capitol Street, NW., Washington, DC. Any person may file a petition for leave to intervene in accordance with 46 CFR 502.72.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 01–20288 Filed 8–13–01; 8:45 am]

BILLING CODE 6730–01–P

## FEDERAL MARITIME COMMISSION

**[Docket No. 01–09]**

### Transglobal Forwarding Co., Ltd.—Possible Violations of Section 10(a)(1) of the Shipping Act of 1984; Notice of Investigation and Hearing

Notice is given than on July 30, 2001, the Federal Maritime Commission served an Order of Investigation on Transglobal Logistic Forwarding Co., Ltd. (''Transglobal''), which is a tariffed and bonded ocean transportation intermediary (''OTI/NVOCC''). It appears that on at least 73 shipments between May 9, 1998 and March 28, 1999, Transglobal knowingly and willfully obtained or attempted to obtain ocean transportation at less than the applicable rates through accessing service contracts to which it was not a signatory or affiliate. This proceeding therefore seeks to determine (1) whether Transglobal violated section 10(a)(1) of the Shipping Act of 1984 (''Shipping Act'') by knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise have been applicable; (2) whether, in the event violations of section 10(a)(1) of the Shipping Act are found, civil penalties should be assessed against Transglobal and, if so, the amount of penalties to be assessed; and (3) whether, in the event violations are found, an appropriate cease and desist order should be issued. The full text of the Order may be viewed on the Commission's home page at *http://www.fmc.gov/,* or at the Office of the Secretary, Room 1046, 800 N. Capitol Street, NW., Washington, DC. Any person may file a petition for leave to intervene in accordance with 46 CFR 502.72.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 01–20289 Filed 8–13–01; 8:45 am]

BILLING CODE 6730–01–P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 10, 2001.

**A. Federal Reserve Bank of Boston** (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

*1. Southern Connecticut Bancorp, Inc.*, New Haven, Connecticut; to become a bank holding company by acquiring 100 percent of the voting

shares of The Bank of Southern Connecticut, New Haven, Connecticut (in organization).

**B. Federal Reserve Bank of Chicago** (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

*1. WB Bancshares, Inc.*, Bloomington, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Woodhouse & Bartley Bank, Bloomington, Wisconsin.

Board of Governors of the Federal Reserve System, August 9, 2001.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 01–20414 Filed 8–13–00; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 29, 2001.

**A. Federal Reserve Bank of New York** (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

*1. Young In Chung*, Warren, New Jersey; to acquire voting shares of BNB Financial Services Corporation, New York, New York, and thereby indirectly acquire voting shares of Broadway National Bank, New York, New York.

Board of Governors of the Federal Reserve System, August 9, 2001.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 01–20415 Filed 8–13–00; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

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

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

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

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 29, 2001.

**A. Federal Reserve Bank of New York** (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

*1. Popular, Inc.*, San Juan, Puerto Rico, Popular International Bank, Inc., San Juan, Puerto Rico, and Popular North America, Inc., Mount Laurel, New Jersey; to acquire through their subsidiary, Equity One , Inc., Mount Laurel, New Jersey, certain assets of Money Line Mortgage, Inc., Englewood, Colorado, and thereby engage in extending credit and servicing loans, pursuant to §§ 225.28(b)(1) and (b)(2) of Regulation Y.

Board of Governors of the Federal Reserve System, August 9, 2001.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 01–20413 Filed 8–13–00; 8:45 am]

BILLING CODE 6210–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

**[Program Announcement 01192]**

### Feasibility Investigation of GAF-Mattel-Tyco Site; Beaverton, Oregon; Site-Specific Health Activities; Notice of Availability of Funds

**A. Purpose**

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to conduct a feasibility investigation at the former GAF-Mattel-Tyco site in Beaverton, Oregon where contamination of trichloroethylene (TCE) in the drinking water was discovered. This program addresses the ''Healthy People 2010'' focus area of Environmental Health.

The purpose of this program is to assess the feasibility of quantifying individual exposure to TCE and to initiate efforts to establish a cohort of all former workers including obtaining demographic information and work histories of all former workers. The information gathered in the development of the cohort will serve as a basis for future studies of this cohort.

**B. Eligible Applicants**

Assistance will be provided only to the Oregon Department of Human Services, Health Division. No other applications are solicited.

The Oregon Department of Human Services, Health Division is the most appropriate and qualified recipient to conduct the activities specified under this cooperative agreement because:

1. The Oregon Department of Human Services, Health Division is involved with this site and has been responding to health concerns of former workers since 1998.

2. The Oregon Department of Human Services has unique access to state records that will be necessary in obtaining needed information on the cohort of former workers.

3. Under the consent decree, the potentially responsible parties are required to compile a database of former workers. The potentially responsible parties are further required to provide the database to Oregon's Department of Environmental Quality (DEQ) (Order on Consent No. WMCSR–NWR–98–17). For the purposes of conducting health studies, DEQ will share the database *only* with ATSDR and the Oregon Department of Human Services. Access

to this database is essential for constructing the cohort of former workers and assessing the feasibility of conducting future health studies.

**Note:** Title 2 of the United States Code, Chapter 26, Section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

### C. Availability of Funds

Approximately $100,000 is available in FY 2001 to fund one award to the Oregon Department of Human Services, Health Division. The award is expected to begin on or about September 30, 2001, and will be made for a 12-month budget within a project period of up to 2 years.

### D. Where To Obtain Additional Information

Program technical assistance may be obtained from:

Curtis Noonan, PhD, Epidemiologist, Division of Health Studies, Agency for Toxic Substances and Disease Registry, Executive Park, Building 4, Suite 1300, Atlanta, GA 30305, Telephone: (404) 498–0588, E-mail Address: cnoonan@cdc.gov

or

Maggie Warren, Funding Resource Specialist, Division of Health Studies, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd., NE., Mail Stop E–31, Atlanta, GA 30333, Telephone: (404) 498–0546, E-mail Address: mcs9@cdc.gov

Business management technical assistance may be obtained from: Nelda Y. Godfrey, Grants Management Specialist, Grants Management Branch, Procurement & Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146. Telephone number: (770) 488–2722. Email address: nag9@cdc.gov

Dated: August 7, 2001.

**Georgi Jones,**

*Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.*

[FR Doc. 01–20372 Filed 8–13–01; 8:45 am]

BILLING CODE 4163–70–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Agency for Toxic Substances and Disease Registry

**[ATSDR–172]**

## Identification of Priority Data Needs for 10 Priority Hazardous Substances

**AGENCY:** Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services (HHS).

**ACTION:** Request for public comments on the identification of priority data needs for 10 priority hazardous substances, and an ongoing call for voluntary research proposals.

**SUMMARY:** This Notice makes available for public comment the priority data needs for 10 priority hazardous substances (see attached Table 1) as part of the continuing development and implementation of the ATSDR Substance-Specific Applied Research Program (SSARP). The Notice also serves as a continuous call for voluntary research proposals. The SSARP is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) or CERCLA, and amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. 9604(i)). This research program was initiated on October 17, 1991. At that time, a list of priority data needs for 38 priority hazardous substances was announced in the **Federal Register** (56 FR 52178). The list was subsequently revised based on public comments and published in final form on November 16, 1992 (57 FR 54150). In 1997, ATSDR finalized the priority data needs for a second list of 12 substances that was subsequently announced in the **Federal Register** (62 FR 40820).

Ten substances constitute the third list of hazardous substances for which priority data needs have been identified by ATSDR. In developing this list, ATSDR solicited input from the Environmental Protection Agency (EPA) and the National Institute of Environmental Health Sciences (NIEHS). The priority data needs documents are available for review by requesting them in writing from ATSDR (see **ADDRESSES** section of this Notice).

The exposure and toxicity priority data needs in this Notice were distilled from data needs identified in the agency's toxicological profiles via a logical scientific approach described in a ''Decision Guide published'' in the **Federal Register** on September 11, 1989 (54 FR 37618). The priority data needs represent essential information to improve the database to conduct public health assessments. Research to address these data needs will help determine the types or levels of exposure that may present significant risks of adverse health effects in people exposed to the subject substances.

The priority data needs identified in this Notice reflect the opinion of the agency, in consultation with other federal programs, of the research needed pursuant to ATSDR's authority under CERCLA. They do not represent the priority data needs for any other program.

Consistent with Section 104(i)(12) of CERCLA as amended [42 U.S.C. 9604(i)(12)], nothing in this research program shall be construed to delay or otherwise affect or impair the authority of the President, the Administrator of ATSDR, or the Administrator of EPA to exercise any authority regarding any other provision of law, including the Toxic Substances Control Act of 1976 (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act of 1972 (FIFRA), or the response and abatement authorities of CERCLA.

In developing this research program, ATSDR has worked with other federal programs to determine common substance-specific data needs, as well as mechanisms to implement research that may include authorities under TSCA and FIFRA, private-sector voluntarism, or the direct use of CERCLA funds.

When deciding the type of research that should be done, ATSDR considers the recommendations of the Interagency Testing Committee established under Section 4(e) of TSCA. Federally funded projects that collect information from 10 or more respondents and that are funded by cooperative agreements are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. If the proposed project involves research on human subjects, the applicants must comply with Department of Health and Human Services regulations (45 CFR part 46) regarding the protection of human subjects. Assurance must be provided that the project will be subject to initial and continuing review by the appropriate institutional review committees. Overall, data generated from this research program will lend support to others conducting human health assessments involving these 10 substances by providing additional scientific information for the risk assessment process.

The 10 substances, which are included in the ATSDR Priority List of Hazardous Substances established by

ATSDR and EPA (64 FR 56792, October 21, 1999), are:

- Asbestos
- Benzidine
- Chlorinated dibenzo-p-dioxins
- 1,2-dibromoethane
- 1,2-dichloroethane
- 1,1-dichloroethene
- Ethylbenzene
- Pentachlorophenol
- 1,1,2,2-tetrachloroethane
- Total xylenes

The priority data needs for these 10 substances are presented in Table 1. We invite comments from the public on individual data needs. After considering the comments, ATSDR will publish the final priority data needs for each substance. These priority data needs will be addressed by the mechanisms described in the ''Implementation of Substance-Specific Applied Research Program'' section of this **Federal Register** Notice.

This Notice also serves as a continuous call for voluntary research proposals. Private-sector organizations may volunteer to conduct research to address specific priority data needs in this Notice by indicating their interest through submission of a letter of intent to ATSDR (see **ADDRESSES** section of this Notice). A Tri-Agency Superfund Applied Research Committee (TASARC) comprised of scientists from ATSDR, the National Toxicology Program (NTP), and EPA will review all proposals.

The substance-specific priority data needs were based on, and determined from, information in corresponding ATSDR toxicological profiles. Background technical information and justification for the priority data needs in this Notice are in the priority data needs documents. These documents are available for review by requesting them in writing from ATSDR (see **ADDRESSES** section of this Notice).

**DATES:** Comments concerning the priority data needs for the 10 substances must be received by November 13, 2001. Regarding ATSDR's call for voluntary research proposals, the agency considers the voluntary research effort to be crucial to the continuing development of the Substance-Specific Applied Research Program, and believes this effort should be an open and continuous one. Therefore, private-sector organizations are encouraged to volunteer to conduct research to address identified data needs, beginning with the publication of this Notice and until that time when ATSDR announces that other research has been initiated for a specific data need.

**ADDRESSES:** Submit comments to Dr. William Cibulas, Chief, Research Implementation Branch, Division of Toxicology, ATSDR, 1600 Clifton Road, NE., Mailstop E–29, Atlanta, GA 30333. Use the same address for requests for priority data needs documents and submission of proposals to conduct voluntary research.

Comments on this Notice will be available for public inspection at ATSDR, Building 4, Suite 2400, Executive Park Drive, Atlanta, Georgia (not a mailing address), from 8 a.m. to 4:30 p.m., Monday through Friday, except for legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. William Cibulas, Chief, Research Implementation Branch, Division of Toxicology, ATSDR, 1600 Clifton Road, NE., Mailstop E–29, Atlanta, GA 30333, telephone (404) 498–0140.

**SUPPLEMENTARY INFORMATION:**

## Background

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) or CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604(i)], requires that ATSDR (1) develop jointly with EPA a list of hazardous substances found at National Priorities List (NPL) sites (in order of priority), (2) prepare toxicological profiles of these substances, and (3) assure the initiation of a research program to address identified priority data needs associated with the substances.

The Substance-Specific Applied Research Program (SSARP) was initiated on October 17, 1991. At that time, a list of priority data needs for 38 priority hazardous substances was announced in the **Federal Register** (56 FR 52178). The list was subsequently revised based on public comments and published in final form on November 16, 1992 (57 FR 54150). In 1997, ATSDR finalized the priority data needs for a second list of 12 substances and announced the list in the **Federal Register** (62 FR 40820). Currently, a total of 201 priority data needs have been identified for these 50 substances.

This ATSDR SSARP supplies necessary information to improve the database to conduct public health assessments. This link between research and public health assessments, and the process for distilling priority data needs for ranked hazardous substances from data needs identified in associated ATSDR toxicological profiles, are described in the ATSDR ''Decision Guide for Identifying Substance-Specific Data Needs Related to Toxicological Profiles'' (54 FR 37618, September 11, 1989).

## Implementation of Substance-Specific Applied Research Program

In Section 104(i)(5)(D), CERCLA states that it is the sense of Congress that the costs for conducting this research program be borne by the manufacturers and processors of the hazardous substances under the Toxic Substances Control Act of 1976 (TSCA) and by registrants under the Federal Insecticide, Fungicide, and Rodenticide Act of 1972 (FIFRA), or by cost recovery from responsible parties under CERCLA. To execute this statutory intent, ATSDR developed a plan whereby parts of the SSARP are being conducted via regulatory mechanisms (TSCA/FIFRA), private-sector voluntarism, and through the direct use of CERCLA funds.

CERCLA also requires that ATSDR consider recommendations of the Interagency Testing Committee (ITC), established under Section 4(e) of TSCA, on the types of research to be done. ATSDR actively participates on this committee; however, none of the proposed 10 substances are now on the ITC priority testing list.

The mechanisms for implementing the SSARP are discussed next. The status of the SSARP in addressing priority data needs of the first 50 priority hazardous substances via these mechanisms was described in a **Federal Register** Notice on January 15, 1999 (64 FR 2760).

### *A. TSCA/FIFRA*

In developing and implementing the SSARP, ATSDR and EPA established procedures to identify those priority data needs of common interest to multiple federal programs. Where practicable, these data needs will be addressed through a program of toxicologic testing under TSCA or FIFRA. This part of the research will be conducted according to established TSCA/FIFRA procedures and guidelines.

### *B. Private-Sector Voluntarism*

As part of the SSARP, on February 7, 1992, ATSDR announced a set of proposed procedures for conducting voluntary research (57 FR 4758). Revisions based on public comments were published on November 16, 1992 (57 FR 54160). ATSDR strongly encourages private-sector organizations to propose research to address data needs at any time until ATSDR announces that research has already been initiated for a specific data need. Private-sector organizations may volunteer to conduct research to address specific priority data needs identified in this Notice by indicating their interest through submission of a letter of intent.

The letter of intent should be a brief statement (1–2 pages) that identifies the priority data need(s) to be filled, and the methods to be used. The Tri-Agency Superfund Applied Research Committee (TASARC) will review these proposals and make recommendations to ATSDR regarding which specific voluntary research projects should be pursued and how they should be conducted with the volunteer organizations. ATSDR will enter into only those voluntary research projects that lead to high quality, peer-reviewed scientific work. Additional details regarding the process for voluntary research are in the **Federal Register** notices cited in this section.

*C. CERCLA*

Those priority data needs that are not addressed by TSCA/FIFRA or initial voluntarism will be considered for funding by ATSDR through its CERCLA budget. A large part of this research program is envisioned to be unique to CERCLA, for example, research on substances not regulated by other programs or research needs specific to public health assessments. Current examples of the direct use of CERCLA funds include interagency agreements with other federal agencies and cooperative agreements and grants with academic institutions.

Mechanisms to address these priority data needs may include a second call for voluntarism. Again, scientific peer review of study protocols and results would occur for all research conducted under this auspice.

**Substance-Specific Priority Data Needs**

The priority data needs are identified in Table 1. Unique identification numbers (37A through 46G) are assigned to the priority data needs for this list of 10 priority hazardous substances; the initial list of 38 substances has identification numbers 1A through 24C (64 FR 2760), and the second list of 12 substances has identification numbers 25A through 36G (64 FR 2760).

As previously stated, segments of the proposed research are unique to CERCLA and may be most appropriately addressed by ATSDR programs as follows.

ATSDR's responsibility as a public health agency addressing environmental health issues is, when appropriate, to collect human data to validate substance-specific exposure and toxicity assumptions. ATSDR will obtain this information by conducting exposure and health effects studies, and by establishing and using substance-specific subregistries of people enrolled in the agency's National Exposure Registry who are potentially exposed to these substances. When a subregistry or a human exposure study is identified as a priority data need, the responsible ATSDR program will determine its feasibility, which depends on identifying appropriate populations and funding.

In addition, the need to collect, evaluate, and interpret environmental data from contaminated media around hazardous waste sites remains a priority data need for all 10 priority hazardous substances ATSDR has identified for this third set. However, some of this information has already been collected through individual state programs and the EPA's CERCLA activities; therefore, ATSDR will evaluate the extant information from these programs to better characterize the need for additional site-specific information.

ATSDR acknowledges that the conduct of human studies to determine possible links between exposure to hazardous substances and human health effects may be accomplished through mechanisms other than agency programs. We encourage private-sector organizations and other governmental programs to use ATSDR's priority data needs to plan their research activities, including identifying appropriate populations and conducting studies to answer specific human health questions.

TABLE 1.—SUBSTANCE-SPECIFIC PRIORITY DATA NEEDS (PDN) FOR THIRD SET OF 10 PRIORITY HAZARDOUS SUBSTANCES

| Substance | PDN ID | Priority data needs |
|---|---|---|
| Asbestos | 37A | Epidemiologic studies of individuals occupationally exposed to asbestos levels lower than those experienced before the institution of current occupational standards governing the use of asbestos, but higher than current levels in the general population. These studies should be performed in conjunction with the immunotoxicity studies. |
| | 37B | Immunotoxicity studies of individuals occupationally exposed to asbestos. |
| | 37C | Development of human and rat lung retention models to aid in extrapolating between rat and human data. |
| | 37D | Improved analytical methods for screening samples and determining the chemical structure of asbestos fibers. Also, techniques are needed to normalize studies in which different analytical methods were employed. |
| | 37E | Exposure levels, fiber size distribution, and asbestos fiber type in areas with natural geologic deposits of friable asbestos and at hazardous waste sites. Also, techniques for estimating air levels of asbestos from soil concentrations and activity scenarios. |
| | 37F | Exposure levels in humans living near hazardous waste sites and in other populations such as humans living in areas with naturally high levels of friable asbestos. |
| | 37G | Potential candidate for subregistry of exposed persons. |
| Benzidine | 38A | Dose-response data for acute-and intermediate-duration exposure via the oral route (the study of subchronic-duration exposure should include evaluation of reproductive and endocrine organ histopathology, lymphoid tissues histopathology as well as examination of relevant blood components, and nervous system histopathology). |
| | 38B | Exposure levels in humans living near hazardous waste sites. |
| | 38C | Exposure levels of children. |
| | 38D | Potential candidate for subregistry of exposed persons. |
| Chlorinated dibenzo-p-dioxins | 39A | Studies via oral exposure designed to assess childhood susceptibility. |
| | 39B | Comparative toxicokinetic studies examining the relative absorption of CDDs across exposure routes and the relative contribution of each exposure route to total body burdens. |
| | 39C | Exposure levels in humans living near hazardous waste sites. |
| | 39D | Exposure levels of children. |

TABLE 1.—SUBSTANCE-SPECIFIC PRIORITY DATA NEEDS (PDN) FOR THIRD SET OF 10 PRIORITY HAZARDOUS SUBSTANCES—Continued

| Substance | PDN ID | Priority data needs |
|---|---|---|
| 1,2-Dibromoethane | 40A | Dose-response data in animals for acute- and intermediate-duration exposure by the oral route (the study of intermediate-duration exposure should include neuropathology and observation for overt signs of neurotoxicity). |
| | 40B | Multigeneration reproductive toxicity studies via oral exposure. |
| | 40C | Developmental toxicity studies via oral exposure. |
| | 40D | Immunotoxicity battery studies via oral exposure. |
| | 40E | Exposure levels in humans living near hazardous waste sites and in other populations such as workers exposed to 1,2-dibromoethane. |
| | 40F | Exposure levels of children. |
| | 40G | Potential candidate for subregistry of exposed persons. |
| 1,2-Dichloroethane | 41A | Dose-response data in animals for acute-duration (14-day) exposure by the inhalation route, including a comparison of young and adult animals. |
| | 41B | Dose-response data in animals for acute-duration (14-day) exposure by the oral route, including a comparison of young and adult animals. |
| | 41C | Dose-response data in animals for intermediate-duration exposure by the inhalation route (the study should be performed in conjunction with the neurotoxicology battery of tests). |
| | 41D | Neurotoxicology battery of tests following inhalation exposure. |
| | 41E | Neurotoxicology battery of tests following oral exposure. |
| | 41F | Dose-response data in animals for chronic-duration exposure by the oral route. |
| | 41G | Developmental toxicity data for inhalation exposure (assessment of developmental cardiotoxicity and neurotoxicity). |
| | 41H | Developmental toxicity data for oral exposure (assessment of developmental cardiotoxicity and neurotoxicity). |
| | 41I | Additional analyses and studies for comparative toxicokinetics across species, ages, routes, and durations. |
| | 41J | Children's susceptibility. |
| | 41K | Exposure levels in humans living near hazardous waste sites. |
| | 41L | Exposure levels of children. |
| | 41M | Potential candidate for subregistry of exposed persons. |
| 1,1-Dichloroethene | 42A | Dose-response data in animals for acute-duration exposure by the inhalation route. |
| | 42B | Dose-response data in animals for chronic-duration exposure by the inhalation route. |
| | 42C | Dose-response data in animals for acute-and intermediate-duration exposure by the oral route. |
| | 42D | Carcinogenicity studies in two species following inhalation exposure. |
| | 42E | Reproductive toxicity studies assessing male and female end points following inhalation exposure. |
| | 42F | Developmental toxicity studies following oral exposure. |
| | 42G | Immunotoxicology battery of tests following oral exposure. |
| | 42H | Battery of neurobehavioral tests following inhalation exposure. |
| | 42I | Children's susceptibility. |
| | 42J | Exposure levels in humans living near hazardous waste sites. |
| | 42K | Exposure levels of children. |
| | 42L | Potential candidate for subregistry of exposed persons. |
| Ethylbenzene | 43A | Dose-response data for acute-duration exposure by the inhalation route. |
| | 43B | Dose-response data for chronic-duration exposure by the inhalation route. |
| | 43C | Dose-response data for acute- and intermediate-duration exposure by the oral route; the study of intermediate-duration exposure should include an evaluation of clinical signs of neurotoxicity and histopathology of reproductive organs, endocrine glands, and nervous system. |
| | 43D | Multigeneration toxicity study examining reproductive end points and indicators of endocrine disruption following inhalation exposure. |
| | 43E | Two-species developmental study with continued assessment of offspring during postnatal development following oral exposure. |
| | 43F | Studies for comparative toxicokinetics. |
| | 43G | Exposure levels in humans living near hazardous waste sites. |
| | 43H | Exposure levels in children. |
| | 43I | Potential candidate for subregistry of exposed persons. |
| Pentachlorophenol | 44A | In vivo endocrine disruptor studies via oral exposure. |
| | 44B | Multigeneration reproduction study involving multiple matings and examining male and female fertility via oral exposure. |
| | 44C | Comparative toxicokinetic studies. |
| | 44D | Exposure levels in humans living near hazardous waste sites. |
| | 44E | Exposure levels of children through play activities near contaminated environmental media. |
| | 44F | Potential candidate for subregistry of exposed persons. |
| 1,1,2,2-Tetrachloroethane | 45A | Two-species developmental toxicity study by the oral route. |
| | 45B | Immunotoxicity battery following oral exposure. |
| | 45C | Mammalian in vivo genotoxicity assays. |
| | 45D | Exposure levels in humans living near hazardous waste sites. |
| | 45E | Exposure levels of children. |
| | 45F | Potential candidate for subregistry of exposed persons. |
| Total xylenes | 46A | Dose-response data for chronic-duration exposure by the oral route. This study should be done in conjunction with the neurotoxicology battery of tests. |
| | 46B | Neurotoxicology battery of tests following oral exposure. |

TABLE 1.—SUBSTANCE-SPECIFIC PRIORITY DATA NEEDS (PDN) FOR THIRD SET OF 10 PRIORITY HAZARDOUS SUBSTANCES—Continued

| Substance | PDN ID | Priority data needs |
|---|---|---|
| | 46C | Two-generation reproductive study following oral exposure. |
| | 46D | Developmental toxicity study that includes neurodevelopmental end points following oral exposure. |
| | 46E | Exposure levels in humans living near hazardous waste sites. |
| | 46F | Exposure levels of children. |
| | 46G | Potential candidate for subregistry of exposed persons. |

Dated: August 7, 2001.

**Georgi Jones,**

*Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.*

[FR Doc. 01–20373 Filed 8–13–01; 8:45 am]

BILLING CODE 4163–70–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 01N–0335]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling: Nutrition Labeling of Dietary Supplements on a ''Per Day'' Basis

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a collection of information on nutrition labeling of dietary supplements on a ''per day'' basis.

**DATES:** Submit written or electronic comments on the collection of information by October 15, 2001.

**ADDRESSES:** Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

**Food Labeling: Nutrition Labeling of Dietary Supplements on a ''Per Day'' Basis**

Section 403(q)(5)(F) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(F)) provides that dietary supplements must bear nutrition labeling in a manner that is appropriate for the product and that is specified in regulations issued by FDA. FDA issued regulations establishing the requirements for dietary supplements in nutrition labeling in 21 CFR 101.36 in the September 23, 1997, final rule (62 FR 49826). FDA published a proposed rule in the **Federal Register** of January 12, 1999 (64 FR 1765), to amend its nutrition labeling regulations for dietary supplements. This amendment would provide that the quantitative amount and the percentage of the daily value of a dietary ingredient may be voluntarily presented on a ''per day'' basis in addition to the required ''per serving'' basis. The proposed rule stated that this voluntary information may be provided if a dietary supplement label recommends that the dietary supplement be consumed more than once per day. These proposed provisions are in response to a citizen petition submitted by a manufacturer and marketer of dietary supplements. This proposed action would provide suppliers of dietary supplements flexibility to present additional label information voluntarily to consumers.

*Respondent Description*: Suppliers of dietary supplements.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| 21 CFR Section | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Operating & Maintenance Costs | Total Hours |
|---|---|---|---|---|---|---|
| 101.36(e) | 85 | 10 | 850 | 0.25 | $83,000 | 213 |

[1] There are no capital costs associated with this collection of information.

These estimates are based on agency communications with industry and FDA's knowledge of, and experience with, food labeling. FDA estimated in the September 23, 1997, final rule (62 FR 49826 at 49846) that there was a maximum of 850 suppliers of dietary supplements and that, on average, each supplier had 40 products whose labels required revision. FDA estimates that only 10 percent, or 85 of the dietary supplement suppliers, would revise the labels of their products to incorporate nutrition levels for the daily use of their products. FDA also estimates that daily use levels for nutrition information would generally be placed on at most 25 percent, or at most 10 of a firm's estimated 40 products, although this number would vary by firm based on the types of products that it produces. FDA also believes that the burden associated with the proposed disclosure of nutrition information on a daily use basis for dietary supplements would be a one-time burden for the small number of firms that would decide voluntarily to add this additional information to the labels for their products. FDA estimates that at least 90 percent of firms would coordinate the addition of daily use nutrition information with other changes in their labels, in which case the voluntary cost of transmitting the information to consumers in labeling would be subsumed almost entirely in the cost of these other voluntary or required labeling changes. The incremental cost for these 76 firms would be approximately $50 per label for 760 labels, or $38,000 total. For the remaining 9 firms that would not coordinate changes with other labeling changes, FDA estimates that the cost would be approximately $500 per label (64 FR 1765 at 1769) for 90 labels, or $45,000 total. The estimated total operating costs in table 1 of this document are, therefore, $83,000. Respondents are already required to disclose the quantitative amount and the percentage of the daily value of a dietary ingredient on a per serving basis as part of the nutrition information for dietary supplements. Respondents may also provide such information on a per unit basis. The information provided for under the proposed rule would be generated by simple extrapolation from that information.

Dated: August 7, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–20299 Filed 8–13–01; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 01N–0050]**

### Agency Information Collection Activities; Announcement of OMB Approval; Premarket Approval of Medical Devices

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Premarket Approval of Medical Devices'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 16, 2001 (66 FR 27147), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0231. The approval expires on August 31, 2004. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 7, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–20301 Filed 8–13–01; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 01N–0078]**

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Assessment of Physician and Patient Attitudes Toward Direct-to-Consumer (DTC) Promotion Drugs; Survey

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Submit written comments on the collection of information by September 13, 2001.

**ADDRESSES:** Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Assessment of Physician and Patient Attitudes Toward Direct-to-Consumer (DTC) Promotion Drugs; Survey**

Under the Federal Food, Drug, and Cosmetic Act (the act), FDA is

responsible for assuring that the labeling and advertising of prescription drugs is truthful and not misleading. Section 502(n) of the act (21 U.S.C 352(n)) prohibits the advertising of prescription drugs that is false or misleading or that fails to provide required information about product risks. Although advertising of prescription drugs was once primarily addressed to health professionals, consumers increasingly have become a primary target audience, and ''direct-to-consumer'' (DTC) advertising has dramatically increased in the past few years. However, DTC advertising raises many questions and issues. While it may alert consumers to new information and facilitate treatment of their medical problems, it also may confuse consumers and adversely impact the relationship between patients and their health care providers. In August 1997, when the agency issued its draft guidance on consumer directed broadcast advertisements, FDA announced that it would evaluate the effects of the guidance and of DTC promotion in general within 2 years of finalizing the guidance.

The guidance was finalized on August 9, 1999 (64 FR 43197). In the **Federal Register** notice announcing availability of the final guidance, FDA reiterated its intent to evaluate the effects of the guidance, including effects on the public health, within 2 years. As part of that evaluation, the agency conducted a baseline public information collection focused on recent patients, concerning the effects of DTC advertising on patient-doctor interactions and attitudes toward DTC advertising in general (OMB Control No. 0910–0399). The purpose of the proposed information collection is to followup on the agency's 1999 patient survey and expand information collection to include physicians. FDA needs information from physicians and patients about their reactions to, and behaviors that stem from, DTC prescription drug advertising in order to develop policy on appropriate requirements for regulating drug product promotional materials.

The collection effort will consist of two separate parts: A patient survey and a physician survey. The patient survey will be conducted through national randomized telephone interviews with a national probability sample with 775 adults 18 years of age and over who have recently visited a physician. The sample will be limited to those respondents who have seen a doctor or other health care professional in the last 3 months. Patient respondents will be asked their views about any prescription drug they may have received and prescription drugs in general, and their attitudes and behavior in relation to DTC advertising. Demographic information will also be collected.

The physician survey will be conducted through telephone interviews with a national probability sample of office based physicians who engage in patient care at least half of the time. The sampling frame of physicians will consist of names drawn from the American Medical Association's physician masterfile. In an effort to maximize the response rate for physicians, prenotification letters will be mailed to all potential physician respondents. The survey itself will cover DTC-related patient interactions, perceived patient outcomes, attitudes toward appropriate DTC categories, and general opinions about DTC advertising. Demographic information will also be collected.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Hours |
|---|---|---|---|---|
| 11,625 (consumer screener) | 1 | 11,625 | .017 | 197.6 |
| 775 (consumer survey) | 1 | 775 | .333 | 258.1 |
| 3,333 (physician screener) | 1 | 3,333 | .017 | 56.7 |
| 500 (physician survey) | 1 | 500 | .250 | 125.0 |
| Total | | | | 637.4 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of March 19, 2001 (66 FR 15494), the agency requested comments on the proposed collections of information. Comments were received from 31 organizations and individuals. The comments were grouped according to similarity.

1. Seven comments were unrelated to the proposed information collection.

2. Sixteen comments addressed general aspects of the information collection. Of these, 12 comments were supportive of the information collection as proposed. Four comments recommended a focus on behaviors rather than attitudes. This included two comments, which suggested a case study design rather than a survey. We note that the proposed physician survey does ask the physician to focus on a specific event when answering questions about their interaction with a patient who had asked about a prescription drug, as well as any specific drugs that were discussed during the interaction. In addition, both the patient and physician surveys ask questions about the effect of DTC advertising on behaviors occurring during an office visit.

3. Eight comments addressed specific aspects of the questionnaire, including wording, sample, and additional areas of inquiry. The questionnaires were extensively revised to reflect these comments.

A pilot test of the questionnaires was conducted by the contractor to confirm estimates of timing, identify problems related to questionnaire wording and order of presentation, and ensure that the questionnaire placed a minimal burden on respondents. The pretest included nine patient test respondents and nine physician test respondents. The pretest revealed that no substantive changes were necessary.

Dated: August 7, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–20363 Filed 8–13–01; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 01N–0196]**

### Phenylpropanolamine; Proposal to Withdraw Approval of New Drug Applications and Abbreviated New Drug Applications; Opportunity for a Hearing

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to withdraw approval of 16 new drug applications (NDAs) and 8 abbreviated new drug applications (ANDAs). These are the approved applications for prescription and over-the-counter (OTC) drug products containing phenylpropanolamine. FDA is offering the holders of the applications an opportunity for a hearing on the proposal. All other drug products containing phenylpropanolamine that are considered new drugs (e.g., extended-release products and any prescription product) are also subject to this notice. FDA is taking this action because of the association of phenylpropanolamine with increased risk of hemorrhagic stroke.

**DATES:** Submit written requests for a hearing by September 13, 2001. Submit data and information in support of the hearing request by October 15, 2001. An applicant planning to withdraw or reformulate a product covered by the applications listed in this notice should inform the agency as early as possible, preferably on or before October 15, 2001.

**ADDRESSES:** A request for a hearing, supporting data, and other comments are to be identified with Docket No. 01N–0196 and submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Communications pertaining to withdrawal or reformulation of products covered by applications listed in this notice should be directed to the Division of Pulmonary and Allergy Drug Products (HFD–570), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, rm. 10B–45, Rockville, MD 20857, or the Office of Generic Drugs (HFD–600), 7500 Standish Pl., Rockville, MD 20855.

**FOR FURTHER INFORMATION CONTACT:**

*For information on medical/scientific issues*: Gerald M. Rachanow or Robert L. Sherman, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

*For general information concerning this notice*: Mitchell Weitzman, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Phenylpropanolamine is an ingredient used in prescription and OTC drug products as a nasal decongestant to relieve stuffy nose or nasal congestion and in OTC weight control drug products to control appetite. Phenylpropanolamine was included in the agency's OTC drug review. Although phenylpropanolamine was regarded as effective for weight control and as a nasal decongestant, final classification of the ingredient was deferred pending the resolution of issues pertaining to its safety.

## II. Products Subject to This Notice

This notice applies to all OTC and prescription immediate-release and extended-release drug products containing phenylpropanolamine that are marketed under approved applications. The agency is aware that a number of prescription products and some OTC extended-release products containing phenylpropanolamine, all of which are considered new drugs, have been marketed without an approved application. This notice also applies to all of these products. This notice does not apply to immediate-release OTC drug products marketed under the OTC drug monograph system; FDA intends to address these products in a separate document to be published in a future issue of the **Federal Register**.

The following applications are affected by this notice:

| Application Number | Drug | Applicant |
|---|---|---|
| NDA 11–694 | Dimetane-DC Syrup | A. H. Robins Co., P.O. Box 8299, Philadelphia, PA 19101. |
| NDA 12–152 | Ornade Extended-Release Capsule | SmithKline-Beecham, 1250 South Collegeville Rd., P.O. Box 5089, Collegeville, PA 19426. |
| NDA 12–436 | Dimetapp Extended-Release Tablet | Whitehall-Robins, 5 Giralda Farms, Madison, NJ 07940. |
| NDA 13–087 | Dimetapp Elixir | Do. |
| NDA 18–050 | Corsym Extended-Release Suspension. | Medeva Americas, Inc., 755 Jefferson Rd., P.O. Box 1710, Rochester, NY 14603. |
| NDA 18–099 | Contac Extended-Release Capsule | SmithKline Beecham Consumer Health, L. P., 1500 Littleton Rd., Parsippany, NJ 07054. |
| NDA 18–298 | Tavist-D Extended-Release Tablet | Novartis Consumer Health, Inc., 560 Morris Ave., Summit, NJ 07901. |
| NDA 18–556 | Demazin Extended-Release Tablet | Schering-Plough HealthCare Products, Three Oak Way, P.O. Box 603, Berkeley Heights, NJ 07922. |
| NDA 18–809 | Phenylpropanolamine Hydrochloride (HCL) Chlorpheniramine Maleate Extended-Release Capsule. | Schwarz Pharma, 6140 West Executive Dr., Mequon, WI 53092. |
| NDA 19–410 | Hycomine Syrup | Endo Pharmaceuticals, Inc., 500 Endo Blvd., Garden City, NY 11530. |
| NDA 19-411 | Hycomine Pediatric Syrup | Do. |
| NDA 19–613 | Contac Extended-Release Tablet | Novartis Consumer Health, Inc. |
| NDA 20–640 | Tavist-D Extended-Release Tablet | Do. |
| ANDA 71–099 | Bromatapp Extended-Release Tablet | Teva Pharmaceuticals, USA, 1090 Horsham Rd., P.O. Box 1090, North Wales, PA 19454. |
| ANDA 88–359 | Drize Extended-Release Capsule | B. F. Ascher & Co., Inc., 15501 West 109th St., Lenexa, KS 66219. |
| ANDA 88-681 | Chlorpheniramine Maleate and Phenylpropanolamine HCL Extended-Release Capsule. | Chelsea Laboratories, 896 Orlando Ave., West Hempstead, NY 11552. |
| ANDA 88–687 | Biphetap Elixir | Morton Grove Pharmaceuticals, Inc., 6451 Main St., Morton Grove, IL 60053. |
| ANDA 88–688 | Bromanate Elixir | Alpharma, U.S. Pharmaceuticals Division, 333 Cassell Dr., suite 3500, Baltimore, MD 21224. |
| ANDA 88–723 | Bromanate DC Syrup | Do. |
| ANDA 88–904 | Myphetane DC Syrup | Morton Grove Pharmaceuticals, Inc. |

| Application Number | Drug | Applicant |
|---|---|---|
| ANDA 88–940 ..... | Chlorpheniramine Maleate and Phenylpropanolamine HCL Extended-Release Capsule. | Geneva Pharmaceuticals, Inc., 2555 West Midway Blvd., P.O. Box 446, Broomfield, CO 80038. |

## III. Recent Data on the Safety of Phenylpropanolamine

### *A. Introduction and Rationale for Developing a Study*

Spontaneous case reports and published case series, accumulated from 1969 to 1991, suggested a possible association between phenylpropanolamine use and an increased risk of hemorrhagic stroke. At that time, however, it was not possible to prove or disprove an association. In an effort to resolve this issue, representatives of the manufacturers of products containing phenylpropanolamine and agency staff met in 1991 to plan a study that could further examine whether there was an association between phenylpropanolamine use and the risk of hemorrhagic stroke. An epidemiologic case-control study was determined to be the most feasible study design to evaluate the possible association between exposure to phenylpropanolamine and a rare outcome such as hemorrhagic stroke. The industry sponsors of the study selected investigators at Yale University School of Medicine to conduct the study. The following discussion is based on the study report (Ref. 1) submitted to FDA.

### *B. The Yale Hemorrhagic Stroke Project*

#### 1. Study Design

The Yale Hemorrhagic Stroke Project (Ref. 1) was designed as a case-control study. Because several case reports had described strokes in young women who took phenylpropanolamine as an appetite suppressant, often after the first dose, the study examined three questions: (1) Whether all users of phenylpropanolamine (the study cohort included men and women aged 18 to 49 years), compared with nonusers, had an increased risk of hemorrhagic stroke; (2) the possible association between phenylpropanolamine use and hemorrhagic stroke by type of exposure (appetite suppressant or cough-cold product); and (3) among women age 18 to 49 years, the possible association between first use of phenylpropanolamine and hemorrhagic stroke and the possible association between use of phenylpropanolamine-containing appetite suppressants and hemorrhagic stroke.

The study was performed between December 1994 and July 1999 and involved men and women 18 to 49 years old who were hospitalized with a primary subarachnoid hemorrhage (SAH) or a primary intracerebral hemorrhage (ICH). Eligible case subjects had no prior history of stroke and were able to be interviewed within 30 days of their event. The subjects were recruited from hospitals in four geographic regions of the United States.

Both SAH and ICH were determined by clinical symptoms and specific diagnostic information from computed tomography (CT). Magnetic resonance imaging was accepted for the diagnosis of SAH or ICH only if other studies were not diagnostic. Subjects were ineligible for enrollment if they died within 30 days, were not able to communicate within 30 days of their stroke, had a previously diagnosed brain lesion predisposing to hemorrhage risk (e.g., arteriovenous malformation, vascular aneurysm, or tumor), or had a prior history of stroke. Subjects who first experienced stroke symptoms after being in the hospital for 72 hours (e.g., for an unrelated matter) were also excluded.

For each case subject, random digit dialing (matched to the first three digits of the case subject) was used to identify two control subjects who were matched on: (1) Gender, (2) race (African-American versus non-African-American), (3) age (within 3 years for case subjects less than 30 years old and within 5 years for subjects 30 years or over), and (4) telephone exchange. Cases and control subjects were interviewed to ascertain medical history, medication use, and habits affecting health, such as use of tobacco and alcohol. Interviews of control subjects were completed within 30 days of the subject's stroke event to minimize seasonal differences in the likelihood of exposure to cough-cold drug products. Eligibility criteria for control subjects were the same as for case subjects except for the stroke event. During the consent procedure, all subjects (cases and controls) were told that the study was designed to examine causes of hemorrhagic stroke in young persons without specific mention of phenylpropanolamine or other potential risk factors. Case and control subjects were interviewed by a trained interviewer using a structured questionnaire developed for this study. Subjects were classified as exposed to phenylpropanolamine if they reported use within 3 days of the stroke event for case subjects or a corresponding date for control subjects. Reported exposures were verified by the study investigators, who documented the actual product(s) used and their ingredients.

The exposure window refers to the interval before the focal time when the subject's exposure to phenylpropanolamine was assessed. For all analyses except first-dose use, the exposure window was defined as the index day before focal time and the preceding 3 calendar days. For first-dose use, a subject was considered exposed if phenylpropanolamine use occurred on the index day before the focal time or on the preceding calendar day, with no other phenylpropanolamine use during the preceding 2 weeks. To maintain a consistent reference group for all analyses, nonexposure was defined as no use of phenylpropanolamine within the 2 weeks preceding the focal time. Exposure windows were defined similarly in the matched case controls, based on the focal time for the corresponding case.

#### 2. Statistical Analysis

Case and control subjects were compared on a variety of clinical and demographic features, including those used in matching. Statistical comparisons were made using chi-square tests and the Fisher's exact test (where appropriate) for categorical variables, and the Student *t*-test for continuous variables. For the analyses of the primary endpoints, conditional logistic models for matched sets (with a variable number of controls per case) were used to estimate odds ratios, lower limits of the one-sided 95 percent confidence intervals, and p-values for the risk factors under investigation. One-tailed statistical results were reported because the focus of the study was whether phenylpropanolamine use increases the risk of stroke. Each logistic model was estimated with two mutually exclusive binary exposure terms: (1) The subject's primary exposure status as defined by the specific aim (e.g., phenylpropanolamine use in the 3-day window; yes/no), and (2) phenylpropanolamine users who were not exposed within the 3-day window

(but with some exposure within 2 weeks of the focal time).

In multivariate conditional logistic models (using asymptotic methods), adjustments were made for race (African-American compared with non-African-American), history of hypertension (yes/no), and current cigarette smoking (current compared with never or ex-smoker) as these are major risk factors for stroke. Other underlying diseases and/or conditions were also examined to determine if any of these, when added to this basic adjusted model, altered the matched odds ratio by at least 10 percent.

3. Study Results

There were 702 case subjects, including 425 subjects (60 percent) with an SAH and 277 (40 percent) with an ICH, and 1,376 control subjects. Hemorrhage was associated with an aneurysm in 307 subjects (44 percent), an arteriovenous malformation in 50 subjects (7 percent), and a tumor in one subject (0.1 percent). Two control subjects were located for each of 674 case subjects (96 percent) and one control subject for each of 28 case subjects (4 percent). All control subjects were matched to their case subjects on gender and telephone exchange. Age matching was successful for 1,367 controls (99 percent) and race matching was achieved for 1,321 controls (96 percent). Twenty-seven case subjects and 33 control subjects reported phenylpropanolamine use within the 3-day exposure window.

Compared with control subjects, case subjects were significantly more likely to be African-American (21 percent compared with 17 percent). Case subjects were also more likely to report lower educational achievement (20 percent did not graduate from high school compared with 9 percent of control subjects), current cigarette smoking (51 percent compared with 30 percent), a history of hypertension (39 percent compared with 20 percent), family history of hemorrhagic stroke (9 percent compared with 5 percent), heavy alcohol use (14 percent compared with 7 percent), and recent cocaine use (2 percent compared with less than 1 percent). For all other clinical variables examined, case and control subjects were not dissimilar. Case subjects were significantly ($p<0.05$) less likely to report use of nonsteroidal anti-inflammatory drugs and significantly more likely to report use of caffeine and nicotine in the 3 days before their event. Of the factors examined, only education was found to change the adjusted odds ratio for the association between phenylpropanolamine and hemorrhagic stroke by more than 10 percent, and this demographic factor was included in all subsequent models.

Analyses of the study results were consistent with an association between hemorrhagic stroke and use of phenylpropanolamine (in a nasal decongestant or weight control drug product) in the 3 days prior to the event. Such use of phenylpropanolamine, compared with no use in the prior 2 weeks, was associated with a relative risk for hemorrhagic stroke of 1.67 (unadjusted odds ratio) ($p=0.040$). The corresponding adjusted odds ratio was 1.49 (lower limit of the one-sided 95 percent confidence interval (LCL)=0.93, $p=0.084$).

The relative risks of hemorrhagic stroke observed with use of the two types of phenylpropanolamine-containing products (in the 3-day exposure window, compared with no use in the prior 2 weeks) were as follows. For cough-cold products, the unadjusted odds ratio was 1.38 ($p=0.163$) and the adjusted odds ratio was 1.23 (LCL=0.75, $p=0.245$). For weight control products, the unadjusted odds ratio was 11.98 ($p=0.007$) and the adjusted odds ratio was 15.92 (LCL=2.04, $p=0.013$).

To analyze the relation between recency of phenylpropanolamine exposure and risk for hemorrhagic stroke, odds ratios were also calculated according to the timing of the most recent phenylpropanolamine use. The prespecified definition for current use was use of any phenylpropanolamine-containing product on the day of the event (before focal time) or the preceding calendar day. Prior use was defined as use 2 or 3 calendar days before the focal time. The odds ratio was slightly higher for current use (adjusted odds ratio (AOR)=1.61, LCL=0.93, $p=0.078$) than for prior use (AOR=1.16, LCL=0.47, $p=0.393$). Within current use, odds ratios were then calculated according to first use or nonfirst use. First use was defined as current use with no other use within the prior 2 weeks. Nonfirst use included other uses within the 2-week interval. The odds ratio was higher for first use (AOR=3.14, LCL=1.16, $p=0.029$) than for nonfirst use (AOR=1.20, LCL=0.61, $p=0.329$). All first uses of phenylpropanolamine (n=13) reported in these data were in cough-cold drug products.

In women using phenylpropanolamine in weight control drug products (3-day exposure window, versus no use in the prior 2 weeks), the unadjusted odds ratio for hemorrhagic stroke was 12.19 ($p=0.006$) and the adjusted odds ratio was 16.58 (LCL=2.22, $p=0.011$). Among the Hemorrhagic Stroke Project subjects, all hemorrhagic stroke events that occurred within the 3-day exposure window were in women. In the analyses of the possible association between hemorrhagic stroke and first day use of phenylpropanolamine, 11 of the 13 first day use events were in women (7 cases compared with 4 controls). The unadjusted odds ratio was 3.50 ($p=0.039$) and the adjusted odds ratio was 3.13 (LCL=1.05, $p=0.042$).

Based on the findings that risk for hemorrhagic stroke seemed to be concentrated among current users, the association between current phenylpropanolamine dose and risk for hemorrhagic stroke was examined. Among 21 exposed control subjects, the median current dose of phenylpropanolamine (i.e., total amount taken on the index day or preceding day) was 75 milligrams (mg). Analysis according to dose shows that the odds ratio was higher for current doses above the median (greater than 75 mg) (AOR=2.31, LCL=1.10, $p=0.031$) than for 1ower doses (AOR=1.01, LCL=0.43, $p=0.490$). Among first-dose users, four of eight cases and two of five controls were exposed to greater than 75 mg of phenylpropanolamine. To examine the potential effect of ambiguity in the correct focal time, the odds ratios were recalculated after excluding all 154 case subjects who were classified as having a definite (n=76) or uncertain (n=78) sentinel symptom preceding the stroke event. The magnitude of the adjusted odds ratios did not change substantially.

4. Study Conclusions

According to the investigators, several features of the study supported the validity of the study findings regarding an association between phenylpropanolamine use and risk for hemorrhagic stroke in subjects between 18 and 49 years of age. First, in addition to the finding of elevated odds ratios that reached statistical significance, the magnitude of the odds ratios for phenylpropanolamine use as an appetite suppressant (15.92) and as a first-dose use (3.14) remained large even after adjustment for important clinical features. Second, the data showed an association between both types of phenylpropanolamine drug products (nasal decongestants and weight control products) and hemorrhagic stroke. Because so few men were exposed to phenylpropanolamine in this study (n=19), it was not possible to determine whether their risk for hemorrhagic stroke (in association with use of phenylpropanolamine) is different from that of women.

5. FDA's Evaluation of the Study

Observational studies, particularly case-control studies, are potentially subject to a number of biases, and this case-control study is no exception. The hallmark of a good case-control study is that biases are anticipated and measures are instituted in the design and analysis stages to minimize biases to the greatest extent possible.

Strict diagnostic criteria, as described in section III.B.1 of this document, were developed to ensure accurate identification of hemorrhagic stroke cases in the target population. A number of steps were taken to minimize misclassification bias. One of the investigators confirmed the stroke by reviewing the medical records of suspected cases, without knowledge of the exposure status. Inclusion and exclusion criteria were clearly defined for both cases and controls. Exposure was clearly defined, an exposure window was identified, and exposure was ascertained by trained interviewers. Interviewers were randomly assigned to cases or controls, and questions were asked about multiple medications, thus blinding subjects to the exact exposure under study. Because phenylpropanolamine use might be seasonal, controls were identified and interviewed within 30 days of the date of their matched case subject's stroke, to ensure that cases and controls had an equal opportunity of exposure. Controls were also matched to cases for day of the week and time of day of the stroke. This matching strategy ensured the probability that exposure to any medication or other covariates (e.g., alcohol drinking or cigarette smoking) was similar between cases and controls.

The investigators attempted to identify two controls per case by using random digit dialing (with a match for the first three digits of the telephone number). This was considered a good strategy for two reasons. First, controls were chosen completely at random. Second, controls were population-based, so that the results are generalizable to the source population from which the cases and controls were drawn. Matching on race and educational level was slightly unequal between cases and controls. The investigators further controlled for these inequalities by adjustment during analysis. The agency concludes that matching was largely successful.

The investigators reduced the possibility of misclassification of phenylpropanolamine use by using a highly structured questionnaire. Each reported medication was verified by asking subjects to present the actual container or by picking out reported brand-name medications from a book containing photographs. Verification of medication use in the 3-day window prior to the focal time was 96 percent and 94 percent for cases and controls, respectively. The investigators conducted two additional steps to further ensure that the possibility of exposure misclassification error was reduced to an absolute minimum: (1) Only ''definite'' and ''possible'' exposure responses were considered in the analyses, and (2) the use of other OTC drugs between cases and controls was compared to ensure that the cases did not have greater recall of the use of any drugs as a reason for their stroke. Based on this analysis, the agency finds no evidence of recall or misclassification bias.

A key element in designing a case-control study of a rare event is calculating the sample size and/or power to ensure the study is large enough to detect a difference if one really exists. FDA had concerns that the study might be underpowered to detect an association because the original sample size calculation was based on an odds ratio of five for an association between hemorrhagic stroke and first-day use of phenylpropanolamine. This ratio was not determined by any public health or clinical considerations, but on considerations related to time and cost constraints. The investigators difficulties in recruiting controls contributed to the study taking longer than expected. Despite these limitations, this was the largest prospective case-control study ever conducted on hemorrhagic stroke. In spite of initial reservations about the adequacy of sample size and power, the agency finds that this study identified an association between phenylpropanolamine use and hemorrhagic stroke, as explained below.

The agency notes that the three most important risk factors (race, history of hypertension, and cigarette smoking) were included in the multivariate analysis (basic adjusted model). The confounding effect of the other covariates was examined if adding any of them to the basic model altered the odds ratio estimate by 10 percent. High school education was the only covariate determined to change the odds ratio by at least 10 percent.

Because the study had a matched design, the agency considers the conditional logistic regression model appropriate to calculate both unadjusted and adjusted odds ratios. In addition, the number of exposures was small, particularly for analysis of appetite suppressant and first use. Thus, the authors calculated the confidence interval of the unadjusted odds ratio based on an exact method.

Hypertension is the single most important risk factor for a stroke. Misclassification of hypertension status could result in residual confounding. FDA examined the possible effects of this residual confounding on the results of the study. The agency found that the odds ratio for appetite suppressant use was 15.92, a substantial increase in risk. Its very magnitude makes it difficult to explain by confounding alone. Because product labeling advises hypertensive persons to avoid phenylpropanolamine use, the association of phenylpropanolamine use with hypertension should be negative. Such a negative association would result in biasing the result towards no association if the confounding factor is not controlled for. In addition to the steps taken by the investigators, the agency examined this further by additional analyses restricted to subjects without a past history of hypertension, and the results were not significantly different, thereby providing additional evidence that confounding by hypertension was not present in the study.

FDA requested that the Yale investigators explore the possible impact of cigarette smoking and alcohol consumption in more detail. The investigators found that the odds ratios for phenylpropanolamine and stroke were essentially unchanged by inclusion of any quantitative measures of smoking and alcohol consumption.

The investigators examined the association between current phenylpropanolamine dose and risk for hemorrhagic stroke. Among 21 exposed control subjects, the median current dose of phenylpropanolamine (i.e., the total amount taken on the index day or preceding day) was 75 mg. The adjusted odds ratio was higher for current doses above 75 mg than for lower doses. Among first dose users, four of eight cases and two of five controls were exposed to greater than 75 mg of phenylpropanolamine. As 75 mg is a single dose of many OTC extended-release phenylpropanolamine cough-cold drug products with recommended adult dosing every 12 hours (150 mg a day), the agency further evaluated the association between risk of hemorrhagic stroke and a range of current phenylpropanolamine doses. Exploratory analyses suggest that there may be an increased risk of hemorrhagic stroke with labeled doses at or above 75 mg a day. Although not statistically significant, a trend toward a dose-ordering of odds ratios was seen.

*C. Additional Reports*

FDA reviewed its adverse events reporting system (AERS) for spontaneous reports of hemorrhagic stroke from 1991 to 2000 and identified 22 cases, 16 in the 18 to 49 age group with 13 cases in women (Ref. 2). In all cases, the suspect drug was an extended-release product containing 75 mg of phenylpropanolamine per unit dose. Of 11 cases for which the indication of use was provided, 10 reported use for respiratory symptoms.

*D. Advisory Committee Recommendations*

On October 19, 2000, at a public meeting, FDA's Nonprescription Drugs Advisory Committee (NDAC) discussed the Yale Hemorrhagic Stroke Project and additional case reports of hemorrhagic stroke since 1991. The investigators of the Yale study presented the study results and their conclusions. Industry representatives raised concerns about the design of the study that they believed made interpretation of the results difficult (Ref. 3). When NDAC was asked if, taking all currently available information into account, the data support the conclusion that there is an association between phenylpropanolamine and an increased risk of hemorrhagic stroke, 13 of 14 committee members voted (with 1 voting ''uncertain'') that there is such an association (Ref. 4). When asked whether phenylpropanolamine can be generally recognized as safe for use as a nasal decongestant, 12 of the 14 committee members voted (with 2 abstaining) that phenylpropanolamine could not be considered to be generally recognized as safe for OTC nasal decongestant use. When asked whether phenylpropanolamine can be generally recognized as safe for use as an appetite suppressant, 13 of the 14 committee members voted (with 1 abstaining) that phenylpropanolamine could not be considered to be generally recognized as safe for OTC weight control use. Minutes of the NDAC meeting are available in the Dockets Management Branch (address above) under the docket number listed in brackets in the heading of this document.

## IV. The Agency's Tentative Conclusions on the Safety of Phenylpropanolamine

The agency concludes that the Yale study (Ref. 1) was well designed and demonstrated that the association between phenylpropanolamine use (as an appetite suppressant and first time use as a nasal decongestant) and an increased risk of hemorrhagic stroke was significant and was most striking in women. The case-control design was best suited for this study because the outcome under investigation was rare. All reasonable steps were taken to minimize bias and confounding. Quality control measures were built into the design. Analyses were appropriate for the type of study and were performed according to the protocol. The strengths of the study lie in the clarity of its objectives, the meticulous adherence to sound epidemiology practices in its design and execution, and the consistency of the findings, regardless of the analytic methods. Its only limitation was in the power and sample size, discussed earlier. Despite this limitation, the study was nevertheless able to find a consistent association between phenylpropanolamine use and hemorrhagic stroke, particularly in women.

Although the Yale study focused on men and women 18 to 49 years of age, the agency has no reason to believe that the increased risk of hemorrhagic stroke is limited to this population. While the Yale study was being conducted, FDA continued to receive spontaneous reports of hemorrhagic stroke with cough-cold products that contain high doses of phenylpropanolamine. Some reports indicate that only one dose was administered.

FDA believes that the data from the Yale study demonstrating an association between phenylpropanolamine and hemorrhagic stroke, taken together with spontaneous reports and reports in the published medical literature, provide evidence that nasal decongestant and weight control drug products containing phenylpropanolamine are no longer shown to be safe. Because hemorrhagic strokes often lead to catastrophic, irreversible outcomes and the factors that may predispose some individuals to develop this adverse event are not fully known, individuals at risk cannot be adequately warned. The agency tentatively concludes that the benefits of the intended uses of this ingredient do not outweigh the potential risk. All of the applications listed in section II of this document are for nasal decongestant use of phenylpropanolamine. None are for appetite control.

Accordingly, the Director of the Center for Drug Evaluation and Research (CDER) concludes with respect to the NDA and ANDA products containing phenylpropanolamine listed in section II of this document that phenylpropanolamine is no longer shown to be safe for use under the conditions that formed the basis upon which the applications were initially approved. The Director is proposing to withdraw approval of those NDAs and ANDAs in accordance with section 505(e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)(2)). This notice of opportunity for a hearing applies to all persons who manufacture or distribute a drug product that contains phenylpropanolamine and that are considered new drugs (e.g., extended-release products and any prescription product).

In lieu of requesting a hearing, manufacturers of products containing phenylpropanolamine as a nasal decongestant are urged to reformulate their products to remove phenylpropanolamine. Reformulated products may result in products that require an approved NDA or ANDA prior to marketing. Inquiries regarding proposed reformulations should be sent to the Division of Pulmonary and Allergy Drug Products (address above) or the Office of Generic Drugs (address above), as appropriate.

## V. Notice of Opportunity for a Hearing

The Director has evaluated the information discussed above and, on the grounds stated, is proposing to withdraw approval of the previously listed NDAs and ANDAs. Therefore, notice is given to the holders of the NDAs and ANDAs listed in section II of this document that the Director proposes to issue an order, under section 505(e)(2) of the act, withdrawing approval of the NDAs and ANDAs and all amendments and supplements thereto. The Director finds that new evidence of clinical experience, not contained in the applications or not available to the Director until after the applications were approved, evaluated together with the evidence available to the Director when the applications were approved, shows that phenylpropanolamine is not shown to be safe for use under the conditions that formed the basis upon which the applications were approved.

In accordance with section 505 of the act and part 314 (21 CFR part 314), applicants and all other persons subject to this notice are hereby given an opportunity for a hearing to show why approval of the NDAs or ANDAs should not be withdrawn.

An applicant who decides to seek a hearing shall file: (1) On or before September 13, 2001, a written notice of appearance and request for hearing, and (2) on or before October October 15, 2001, the data, information, and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing, as specified in § 314.200. Any other interested person

may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for a hearing, a notice of appearance and request for a hearing, information and analyses to justify a hearing, other comments, and a grant or denial of a hearing are contained in § 314.200 and in 21 CFR part 12.

The failure of an applicant to file a timely written notice of appearance and request for hearing, as required by § 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed and a waiver of any contentions concerning the legal status of that person's drug products. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the applications, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions under this notice of opportunity for a hearing are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 505 (21 U.S.C. 355)) and under authority delegated to the Director, CDER (21 CFR 5.82).

## VI. References

The following references are on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Horwitz et al., ''Phenylpropanolamine & Risk of Hemorrhagic Stroke: Final Report of The Hemorrhagic Stroke Project,'' May 2000 in Comment No. C230, Docket No. 76N–052N and Comment No. C114, Docket No. 81N–0022.

2. Phenylpropanolamine Case Reports From 1991–2000 on File in Docket Nos. 76N–052N and 81N–0022.

3. Consumer Healthcare Products Association (CHPA), ''Comments on the Hemorrhagic Stroke Project Report,'' May 24, 2000, in Comment No. C231, Docket No. 76N–052N and Comment No. C113, Docket No. 81N–0022.

4. Food and Drug Administration, Summary Minutes of Nonprescription Drugs Advisory Committee Meeting, October 19, 2000.

Dated: June 1, 2001.

**Janet Woodcock,**

*Director, Center for Drug Evaluation and Research.*

[FR Doc. 01–20300 Filed 8–13–01; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 97N–0068]**

### FDA Tissue Reference Group—The Process; Public Workshop

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshop.

The Food and Drug Administration (FDA) is announcing a public workshop entitled ''FDA Tissue Reference Group—The Process.'' This public workshop is intended to provide information about the tissue reference group history, process, and other related matters. The FDA public workshop follows the American Association of Tissue Banks annual meeting held from August 25 to August 28, 2001.

*Date and Time*: The public workshop will be held on August 29, 2001, from 9:30 a.m. to 11:30 a.m.

*Location*: The public workshop will be held at the Marriott Wardman Park Hotel, 2660 Woodley Rd. NW., Washington, DC 20008.

*Contact*: Martha Wells, Center for Biologics Evaluation and Research (HFM–305), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6106, or Ruth Solomon (address above), 301–827–6107, FAX 301–827–2844.

*Registration*: No preregistration is required. Registration at the site will be done on a space available basis on the day of the public workshop, beginning at 8:30 a.m. There is no registration fee. If you need special accommodations due to a disability, please contact Martha Wells at least 7 days in advance.

*Transcripts*: Transcripts of the public workshop may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 per page. The public workshop transcript will also be available on the Internet at http://www.fda.gov/cber/minutes/workshop-min.htm.

**SUPPLEMENTARY INFORMATION:** The Tissue Reference Group (TRG) is part of the Tissue Action Plan, which was developed to implement the ''Proposed Approach to the Regulation of Cellular and Tissue-based Products'' dated February 28, 1997 (62 FR 9721, March 4, 1997). The purpose of the TRG is to provide a single reference point for product specific questions from sponsors or their designated representatives about jurisdiction, policy, and regulation of human cells, tissues, and cellular and tissue-based products (HCT/Ps). The agenda for the public workshop includes the following: (1) History of the TRG; (2) TRG process for making recommendations to the FDA Center Directors; (3) request for designation process; (4) confidentiality and the Freedom of Information Act process; and (5) factors for regulation of HCT/Ps solely under section 361 of the Public Health Service Act. The public workshop information is posted on the Internet at http://www.fda.gov/cber/meetings/trgproc082901.htm.

Dated: August 8, 2001.

**Margaret M. Dotzel,**

*Associate Commissioner for Policy.*

[FR Doc. 01–20362 Filed 8–13–01; 8:45 am]

BILLING CODE 4160–01–S

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, Public Health Service, DHHS.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**ADDRESSES:** Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Wendy R. Sanhai, Ph.D., at the Office of Technology Transfer,

National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7736 ext. 244; fax: 301/402–0220; e-mail: sanhaiw@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

**A Mouse Model of von-Hippel Lindau Disease**

Laura S. Schmidt et al. (NCI)

DHHS Reference No. E–264–01/0

The current invention embodies a mouse model which has been rendered a conditional homozygous knockout at the murine chromosome 6 VHL locus, homologous to the human VHL locus at chromosome 3p25. Mutations in VHL, a tumor suppressor gene, lead to the clinical manifestations of von Hippel-Lindau disease, a rare autosomal dominant syndrome characterized by tumor formation in multiple organs, including the brain and kidneys. Using Cre/lox site-specific recombination, this invention allows for homozygous deletion of wild-type VHL only in specified tissues, thereby circumventing the embryonic lethality seen in the VHL knockout mouse. The model embodied in this invention therefore appears to represent a valuable research tool for understanding how inactivation of both copies of the VHL gene lead to tumor formation, and ultimately should aid in the testing of possible therapeutic approaches to von Hippel-Lindau disease.

**A Mouse Model of Multiple Endocrine Neoplasia, Type I**

Judy S. Crabtree, Francis S. Collins (NHGRI)

DHHS Reference No. E–243–01/0

The current invention embodies a mouse model which is heterozygous for a null allele at the Men1 locus of murine chromosome 19. Men1 has similar exon-intron organization and amino acid identity compared with its human analog MEN1, which has been implicated in the pathogenesis of multiple endocrine neoplasia, type I (MENI). This mouse model has been shown to develop features remarkably similar to those of MEN1, which include tumors of the endocrine pancreas, pituitary, and parathyroids. The model embodied in this invention appears to represent a valuable research tool for use in elucidating the role of the wild-type Men1 allele in tumor formation, and ultimately should aid in the testing of possible therapeutic approaches to human MEN1.

Dated: August 8, 2001.

**Jack Spiegel,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 01–20424 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Research Resources Special Emphasis Panel, Comparative Medicine

*Date:* October 4, 2001.

*Time:* 7:30 p.m. to Adjournment.

*Agenda:* To review and evaluate grant applications and/or proposals.

*Place:* The Madison Concourse Hotel, One West Dayton Street, Madison, WI 53703.

*Contact Person:* Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0815, kingc@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20421 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Research Resources; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

*Date:* September 24–25, 2001.

*Open:* September 24, 2001, 8 a.m. to 9 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

*Closed:* September 24, 2001, 9 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* D.G. Patel, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, Room 6018, Bethesda, MD 20892–7965, (301) 435–0824, dgpatel@ncrr.nih.gov.

*Name of Committee:* National Center for Research Resources Initial Review Group, General Clinical Research Centers Review Committee.

*Date:* October 10–11, 2001.

*Open:* October 10, 2001 8 a.m. to 9:30 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Closed:* October 10, 2001, 9:30 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* John L. Meyer, PhD, Deputy Director, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, MSC 7965, One Rockledge Centre, Room 6018, Bethesda, MD 20892–7965, 301–435–0806, meyerj@ncrr.nih.gov.

*Name of Committee:* National Center for Research Resources Initial Review Group, Comparative Medicine Review Committee.

*Date:* October 11–12, 2001.

*Open:* October 11, 2001, 8 a.m. to 9 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* Holiday Inn-Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

*Closed:* October 11, 2001, 9 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

*Contact Person:* Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0815, kingc@ncrr.nih.gov.

*Name of Committee:* National Center for Research Resources Initial Review Group, Research Centers In Minority Institutions Review Committee.

*Date:* November 2, 2001.

*Open:* 8:00 a.m. to 9 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

*Closed:* 9 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301/435–0812, angusw@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20422 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

*Date:* August 31, 2001.

*Time:* 8:30 AM to 5:00 PM.

*Agenda:* To review and evaluate grant applications.

*Place:* 6700B Rockledge Drive, Bethesda, MD 20892–2616, (Telephone Conference Call).

*Contact Person:* Yen Li, PHD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, HIN, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, yli@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20419 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Microbiology and Infectious Diseases Research Committee.

*Date:* October 10–11, 2001.

*Open:* October 10, 2001, 9:00 AM to 10:00 AM.

*Agenda:* Reports from various institute staff.

*Place:* One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

*Closed:* October 10, 2001, 10:00 AM to adjournment on October 11, 2001.

*Agenda:* To review and evaluate grant applications.

*Place:* One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

*Contact Person:* Gary S. Madonna, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAOD, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20418 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Recombinant DNA Advisory Committee.

*Date:* September 6–7, 2001.

*Time:* September 6, 2001, 8:30 AM to adjournment on September 7.

*Agenda:* RAC will review and discuss: selected human gene transfer protocols; data management activities related to human gene transfer clinical trials; a Proposed Action to allow for broadened RAC membership; a Proposed Action to amend Appendix B–1 of the NIH Guidelines on Research Involving Recombinant DNA Molecules to establish criteria for designating strains of E. coli as risk group 1 agents.

*Place:* Natcher Building, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

*Contact Person:* Amy P. Patterson, MD, Acting Executive Secretary, Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, 301–496–9838.

Information is also available on the Institute's/Center's home page: www4.od.nih.gov/oba/, where an agenda and any additional information for the meeting will be posted when available.

OMB's ''Mandatory Information Requirements for Federal Assistant Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20420 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* August 13, 2001.

*Time:* 9:45 AM to 10:45 AM.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* August 31, 2001.

*Time:* 1:30 PM to 3:30 PM.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Gordon L. Johnson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7802, Bethesda, MD 20892, (301) 435–1212.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

August 8, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–20423 Filed 8–13–01; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4650–N–59]**

### Notice of Submission of Proposed Information Collection to OMB; Review of Health Care Facility Portfolios

**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:* September 13, 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 (2502–0545) 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:* Review of Health Care Facility Portfolios.

*OMB Approval Number:* 2502–0545.

*Form Numbers:* None.

*Description of the Need for the Information and its Proposed Use:* This is a special ''Headquarters Review of Certain Applications for Section 232 Mortgage Insurance.'' Mortgagee Letter 00–42, dated November 6, 2000, authorized this review of certain Section 232 mortgage insurance applications.

*Respondents:* Business or other for-profit.

*Frequency of Submission:* On occasion.

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|---|
| Reporting Burden | 15 | | 1 | | 80 | | 1,200 |

*Total Estimated Burden Hours:* 1,200.

*Status:* Reinstatement, without change, of previously approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 7, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 01–20297 Filed 8–13–01; 8:45 am]

**BILLING CODE 4210–72–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4650–N–58]**

## Notice of Submission of Proposed Information Collection to OMB; Hospital, Section 242, Application for Project Mortgage Insurance

**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:* September 13, 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 (2502–0518) 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:* Hospital, Section 242, Application for Project Mortgage Insurance.

*OMB Approval Number:* 2502–0518.

*Form Numbers:* HUD–92013–HOSP.

*Description of the Need for the Information and its Proposed Use:* This information collection will be used by HUD to determine the viability of a hospital applicant's proposal for mortgage insurance. HUD will review the proposal to determine if it provides sufficient information to meet the following requirements: basic eligibility criteria; underwriting standards; and adequacy of state and/or local certifications, approvals, waivers.

*Respondents:* Not-for-profit institutions, State, Local or Tribal Government.

*Frequency of Submission:* Other when applying for mortgage insurance.

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|---|
| Reporting Burden | 15 | | 1 | | 64 | | 960 |

*Total Estimated Burden Hours:* 960.

*Status:* Reinstatement, without change, of previously approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 7, 2001.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 01–20298 Filed 8–14–01; 8:45 am]

BILLING CODE 4210–01–M

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Notice of Receipt of Applications for Permit

### Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–046351

*Applicant:* James L. Bevans, Little Rock, AR

The applicant requests a permit to import the sport-hunted trophy of one male bontebok *(Damaliscus pygargus dorcas)* culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–046346

*Applicant:* James Lakeman, Cumming, GA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok *(Damaliscus pygargus dorcas)* culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–694126

*Applicant:* National Institutes of Health/ National Cancer Institute, Frederick, MD

The applicant requests re-issuance of their permit to import samples from wild, captive held, and, captive born, species of monkeys (Primates), bears (Ursidae), and cats (Felidae) for the purposes of scientific research. This notification covers activities conducted by the applicant over a five-year period.

PRT–704025

*Applicant:* H & L Sales, Patio Ranch, San Antonio, TX

The applicant requests renewal of a permit to authorize interstate and foreign commerce, export and cull of excess male barasingha *(Cervus duvauceli)* from their captive herd for the purpose of enhancement of the survival of the species. This notice covers activities conducted by the applicant for a period of five years. Permittee must apply for renewal annually.

### Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments, or requests for copies of this complete application or requests for a public hearing on this application should be submitted to the Director (address below) and must be received within 30 days of the date of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–043241

*Applicant:* Sead Dizdarevic, Far Hills, NJ

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use. On June 6, 2001 [66 FR 30476], the permit request was mistakenly published as a sport-hunted bear from the Norwegian Bay population.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: August 3, 2001.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 01–20384 Filed 8–13–01; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Notice of Availability of a Draft Recovery Plan for the Pacific Coast Population of the Western Snowy Plover for Review and Comment

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Notice of document availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the Draft Recovery Plan for the Pacific Coast Population of the Western Snowy Plover. This recovery plan covers the threatened Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*). The draft plan includes recovery criteria and measures for the Pacific coast population of the western snowy plover.

**DATES:** Comments on the draft recovery plan must be received on or before December 12, 2001.

**ADDRESSES:** Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, California (telephone (916) 414–6600); and U.S. Fish and Wildlife Service, Regional Office, Ecological Services, 911 N.E. 11th Avenue, Eastside Federal Complex, Portland Oregon 97232–4181 (telephone (503) 231–6131). Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Wayne S. White, Field Supervisor, Ecological Services, at the above Sacramento address.

**FOR FURTHER INFORMATION CONTACT:** Carmen Thomas or Ina Pisani, Fish and Wildlife Biologists, at the above Sacramento address.

**SUPPLEMENTARY INFORMATION:**

### Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a

primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

The Pacific coast western snowy plover (*Charadrius alexandrinus nivosus*) breeding population currently extends from Damon Point, Washington, to Bahia Magdalena, Baja California, Mexico. Snowy plovers (Pacific coast population) breed primarily above the high tide line on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. Less common nesting habitats include bluff-backed beaches, dredged material disposal sites, salt pond levees, dry salt ponds, and river bars. The snowy plover winters mainly in coastal areas from southern Washington to Central America. In winter, snowy plovers are found on many of the beaches used for nesting as well as beaches where they do not nest, in man-made salt ponds, and on estuarine sand and mud flats. Habitat degradation caused by human disturbance, urban development, introduced beachgrass (*Ammophila spp.*), and expanding predator populations have resulted in a decline in active nesting areas and in the size of the breeding and wintering populations.

The primary objective of this recovery plan is to remove the Pacific coast western snowy plover population from the List of Endangered and Threatened Wildlife and Plants by achieving well-distributed increases in numbers and productivity of breeding adult birds, and providing for long-term protection of breeding and wintering plovers and their habitat. Specific actions needed to achieve this objective include (1) protection of breeding and wintering habitat; (2) monitoring and managing breeding habitat; (3) monitoring and managing wintering and migration areas; (4) undertaking scientific research that facilitates recovery efforts; (5) public participation, outreach and education; and (6) establishing an international conservation program with the Mexican government to protect snowy plovers and their breeding and wintering locations in Mexico.

**Public Comments Solicited**

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Below is a schedule of public outreach workshops:

September 18: Santa Barbara, California, at the Radisson Hotel from 1–3 and 6–8 p.m.

September 19: South Bend, Washington, at the South Bend Community Center from 1–3 and 7–9 p.m.

September 24: Marin City, California, at the Marin City High School auditorium from 1–3 and 6–8 p.m.

September 25: Monterey, California, at the Monterey Conference Center from 1–3 and 6–8 p.m. Bandon, Oregon, at the Barn Community Center from 6–8 p.m.

September 26: Florence, Oregon, at the Convention Center from 6–8 p.m.

September 27: San Luis Obispo, California, at the Embassy Suites Hotel, from 1–3 and 6–8 p.m.

October 3 Arcata, California, at the Arcata Community Center from 3–5 and 7–9 pm.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 7, 2001.

**John Engbring,**

*Acting Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 01–20374 Filed 8–13–01; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Notice of Re-Opening of Comment Period for Marine Mammal Permit Applications; PRT–020575 and 043001

The Fish and Wildlife Service is re-opening the comment period for applications submitted by Aquamarine Fukushima, Iwaki, Japan, PRT–020575, and Ibaraki Prefectural Oarai Aquarium, Ibaraki, Japan, PRT–043001, to conduct certain activities with marine mammals, specifically, the taking of northern sea otter (*Enhydra lutris lutris*) from the wild in Alaska for export and public display in Japan. These applications were submitted to satisfy the requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18). A notice of receipt of these applications for a permit was published in the **Federal Register** on June 15, 2001 (66 FR 32635). The comment period closed on July 15, 2001. On July 20, 2001, and July 23, 2001, the applicants submitted additional information in support of their applications. The reopening of the comment period will allow all interested parties to review the new information and provide the Service with any additional comments regarding these applications. In re-opening this comment period the Service further notifies the public that current information indicates the proposed activities, if authorized, qualify as categorical exclusions under the National Environmental Policy Act as described in **Federal Register**, vol. 62. No. 11, 1/16/97, and Departmental Manual 516 DM 6 Appendix 1, Section 1.4 C. Therefore, the Service does not anticipate holding a public hearing regarding these proposed activities.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.

Written data, comments, or requests, should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These data, comments,

or requests must be received within 30 days of the date of publication of this notice.

Dated: August 3, 2001.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 01–20382 Filed 8–13–01; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Notice of Issuance of Permit for Marine Mammals

On May 7, 2001, a notice was published in the **Federal Register** (Vol. 66, No. 88, Page No. 23044), that an application had been filed with the Fish and Wildlife Service by William Bricker for a permit (PRT–042025) to import one polar bear taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on July 11, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On May 22, 2001, a notice was published in the **Federal Register** (Vol. 66, No. 99, Page No. 28196), that an application had been filed with the Fish and Wildlife Service by William Carvajal for a permit (PRT–042636) to import one polar bear taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on July 20, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On May 22, 2001, a notice was published in the **Federal Register** (Vol. 66, No. 99, Page No. 28195), that an application had been filed with the Fish and Wildlife Service by John Link for a permit (PRT–042520) to import one polar bear taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on July 20, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 6, 2001, a notice was published in the **Federal Register** (Vol. 66, No. 109, Page No. 30476), that an application had been filed with the Fish and Wildlife Service by Jay Earl Link for a permit (PRT–042006) to import one polar bear taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on July 20, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 27, 2001, a notice was published in the **Federal Register** (Vol. 66, No. 124, Page No. 34232), that an application had been filed with the Fish and Wildlife Service by Ronald J. Jameson, USGS, Biological Resources Division, for an amendment to his permit (PRT–777239) to allow take of sea otters (*Enhydra lutris*) for the purpose of scientific research.

Notice is hereby given that on July 26, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit amendment subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358–2104 or fax (703) 358–2281.

Dated: August 3, 2001.

**Monica Farris,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 01–20383 Filed 8–13–01; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Letters of Authorization To Take Marine Mammals

**AGENCY:** U.S. Fish and Wildlife Service.

**ACTION:** Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

**SUMMARY:** In accordance with section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that a Letter of Authorization to take polar bears incidental to oil and gas industry exploration activities has been issued to the following company:

| Company | Activity | Location | Date issued |
|---|---|---|---|
| Alaska Gas Producers Pipeline Team | Exploration | Prudhoe Bay to Canadien Border | June 20, 2001. |

**CONTACT:** Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

**SUPPLEMENTARY INFORMATION:** The Letter of Authorization is issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations ''Marine Mammals; Incidental Take During Specified Activities (65 FR 16828; March 30, 2000).''

Dated: July 9, 2001.

**David B. Allen,**

*Regional Director.*

[FR Doc. 01–20397 Filed 8–13–01; 8:45 am]

BILLING CODE 4310–55–M

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## Aquatic Nuisance Species Task Force Risk Assessment and Management Committee Meeting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting of the Risk Assessment and Management Committee of the Aquatic Nuisance Species Task Force. The

meeting topics are identified in the **SUPPLEMENTARY INFORMATION.**

**DATES:** The Committee will meet from 9 a.m. to 5 p.m., Tuesday, August 21, 2001 and will participate in a field trip from 7 a.m. to 2 p.m., Wednesday, August 22, 2001.

**ADDRESSES:** The meeting will be held at the NOAA National Ocean Service Cooperative Oxford Laboratory, 904 South Morris Street, Oxford, Maryland 21654. Phone (410) 226–5193.

**FOR FURTHER INFORMATION CONTACT:** Richard Orr, Chair, Risk Assessment and Management Committee, at (301) 734–8939 or by email at *Richard.L.Orr@aphis.usda.gov* or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: sharon_gross@fws.gov.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Risk Assessment and Management Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4741). Topics to be addressed at this meeting include: a discussion on the document ''Black Carp (*Mylopharyngodon piceus*): a Biological Synopsis and Updated Risk Assessment''; an update on the risk assessment for the Asian Swamp eel; a discussion on revision of the RAM screening paper; and a discussion of the policies surrounding screening processes with emphasis on precaution and uncertainty. Nutria and other invasive species observations will be the goal of the field trip.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 810, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and the Chair of the Ballast Water and Shipping Committee at the Environmental Standards Division, Office of Operations and Environmental Standards, U.S. Coast Guard (G–MSO–4), 2100 Second Street, SW., room 1309, Washington, DC 20593–0001. Minutes for the meetings will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: July 31, 2001.

**Everett Wilson,**

*Acting Co-Chair, Aquatic Nuisance Species Task Force, Acting Assistant Director—Fisheries and Habitat Conservation.*

[FR Doc. 01–20365 Filed 8–13–01; 8:45 am]

**BILLING CODE 4310–55–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[NM–910–01–1020–PG]**

### New Mexico Resource Advisory Council Meeting

**AGENCY:** The Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of council meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix 1, The Department of the Interior, Bureau of Land Management (BLM), announces a meeting of the New Mexico Resource Advisory Council (RAC). New Mexico Resource Advisory Council Meetings are planned in conjunction with the representative of the Governor of the State of New Mexico; the Office of the Lieutenant Governor.

**DATES:** The meeting will be held on October 3 and 4, 2001, with an optional Field Trip following on Friday, October 5. The meeting will begin at 8 a.m. and end by 5 p.m. both days.

**ADDRESSES:** The meeting will take place at the Sagebrush Inn at 1508 Paseo Del Pueblo Sur, Taos, NM 87571.

**AGENDA:** The draft agenda for the RAC meeting on Wednesday, October 3, includes agreement on the meeting agenda, any RAC comments on the draft minutes of the last RAC meeting which was held on June 6 through 8, 2001, in Santa Fe, New Mexico, and a check-in from the RAC members.

Reports from the seven Field Offices and from the three established Subcommittees will be presented at various times throughout the two day meeting. The meeting will serve as an orientation for new members. Information on past topics will be shared to bring them up to date.

The three established RAC Subcommittees may have late afternoon or evening meetings on Wednesday, October 3 or on Thursday, October 4. The exact time and location of possible Subcommittee meetings will be established by the Chairperson of each Subcommittee and be available to the public at the front desk of the hotel on those two days. The meeting is open to the public, and starting at 2:45 p.m. on Wednesday, October 3, 2001, there will be an additional 15 minute Public Comment Period for members of the public who are not able to be present to address the RAC during the regular two hour Public Comment Period on Thursday, October 4 from 10 a.m to 12 noon. The RAC may reduce or extend the end time of 12 noon depending on the number of people wishing to address the RAC.

A RAC assessment of the current meeting and development of draft agenda items and selection of a location for the next RAC meeting will take place Thursday afternoon. On Thursday, October 4, the ending time of the meeting may be changed depending on the work remaining for the RAC.

**FOR FURTHER INFORMATION CONTACT:** Mary White, New Mexico State Office, Office of External Affairs, Bureau of Land Management, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87502–0115, telephone (505) 438–7404.

**SUPPLEMENTARY INFORMATION:** The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for rangeland health and guidelines for grazing management.

Dated: July 30, 2001.

**Richard Whitley,**

*Associate State Director.*

[FR Doc. 01–20434 Filed 8–13–01; 8:45 am]

**BILLING CODE 4310–FB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WO–350–1430–ET; NMNM 25765; OR 48432]**

### Public Land Order No. 7490; Transfer of Jurisdiction, Melrose Air Force Range and Yakima Training Center; New Mexico and Washington

**AGENCY:** Bureau of Land Management.

**ACTION:** Public land order.

**SUMMARY:** This order transfers the administrative jurisdiction of 6,713.90 acres of public domain lands in New Mexico from the Secretary of the Interior, Bureau of Land Management to the Secretary of the Air Force for use as part of the Melrose Air Force Range. This order also transfers the administrative jurisdiction of 6,640.02 acres of public domain lands in Washington from the Secretary of the Interior, Bureau of Land Management to the Secretary of the Army for use as part of the Yakima Training Center. These

transfers of jurisdiction are directed by sections 1002 and 1003 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2001 (Public Law 106–554).

**EFFECTIVE DATE:** August 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Dwight Hempel, Bureau of Land Management, Lands and Realty Group (WO350), 1849 C Street, NW., Washington, DC 20240; 202–452–7778.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in the Secretary of the Interior by sections 1002 and 1003 of Public Law 106–554, it is ordered as follows:

1. Subject to valid existing rights, the administrative jurisdiction of the public domain surface estate for the lands described in section 1002(a)(2) of Public Law 106–554, is hereby transferred to the Secretary of the Air Force for use as part of the Melrose Air Force Range. The portion of the legal description ''New Mexico Prime Meridian'' is to be read as ''New Mexico Principal Meridian.''

2. Subject to valid existing rights, the administrative jurisdiction for the public domain surface estate of the lands described in Section 1003(a)(2) of Public Law 106–554, is hereby transferred to the Secretary of the Army for use as part of the Yakima Training Center.

Dated: July 3, 2001.

**Gale A. Norton,**

*Secretary of the Interior.*

[FR Doc. 01–19941 Filed 8–8–01; 8:45 am]

**BILLING CODE 4310–84–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[DEA #207I]**

### Controlled Substances: 2001 Aggregate Production Quotas

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Interim notice establishing revised 2001 aggregate production quotas and request for comments.

**SUMMARY:** This interim notice establishes revised 2001 aggregate production quotas for methadone (for sale) and methadone intermediate, both Schedule II controlled substances in the Controlled Substances Act (CSA).

**DATES:** This is effective on August 14, 2001. Comments or objections must be received on or before (30 days from date of publication).

**ADDRESSES:** Send comments or objections to the Acting Administrator, Drug Enforcement Administration, Washington, DC 20537, Attn.: DEA Federal Register Representative (CCR).

**FOR FURTHER INFORMATION CONTACT:** Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

**SUPPLEMENTARY INFORMATION:** Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for each basic class of controlled substance listed in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations.

On December 19, 2000, DEA published a notice of established initial 2001 aggregate production quotas for certain controlled substances in Schedules I and II (65 FR 79428). This notice stipulated that the Deputy Administrator of the DEA would adjust the quotas in early 2001 as provided for in Section 1303 of Title 21 of the Code of Federal Reglations.

In a recently published Federal Register notice, the DEA has proposed revised aggregate production quotas for controlled substances in Schedules I and II, including methadone (for sale) and methadone intermediate. However, based on recently obtained information, the quotas for methadone (for sale) and methadone intermediate, which is used to manufacture methadone, must be increased immediately in order to provide a continuous and uninterrupted supply of methadone products to the public. The additional quantities proposed in the recently published **Federal Register** notice will not be available to the bulk manufacturers until completion of that rulemaking. In order to provide adequate and timely supplies of methadone product, an interim notice is being published under the good cause exception to the Administrative Procedure Act, 5 U.S.C. 553. This interim notice will establish revised 201 aggregate production quotas for methadone (for sale) and methadone intermediate effective immediately. DEA will also publish a final notice after considering any comments or objections to this interim notice.

Therefore, under the authority vested in the Attorney General by Section 306 of the CSA (21 U.S.C. 826), and delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby establishes the following revised 2001 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous base:

| Basic class | Revised 2001 quota |
|---|---|
| Methadone (for sale) ..... | 12,705,000 |
| Methadone Intermediate ..... | 18,004,000 |

All interested persons are invited to submit their comments in writing regarding this interim notice.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866.

This action does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this action does not have federalism implications warranting the application of Executive Order 13132.

The Acting Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The establishment of aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. The quotas are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and the establishment and maintenance of reserve stocks. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Acting Administrator has determined that this action does not require a regulatory flexibility analysis.

This action meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

This action will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

This action is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This action will not result in an annual effect on the economy of $100,000,000 or more; a

major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, telephone (202) 307–7183.

Dated: August 6, 2001.

**William B. Simpkins,**

*Acting Administrator.*

[FR Doc. 01–20306 Filed 8–13–01; 8:45 am]

BILLING CODE 4410–09–M

## DEPARTMENT OF JUSTICE

## Bureau of Justice Statistics

**[OJP(BJS)–1325]**

## 2001 Civil Justice Survey of State Courts

**AGENCY:** Office of Justice Programs, Bureau of Justice Statistics.

**ACTION:** Notice of solicitation for award of cooperative agreement.

**SUMMARY:** The purpose of this notice is to announce a public solicitation to obtain a data collection agent for the 2001 Civil Justice Survey of State Courts.

**DATES:** Proposals must arrive at the Bureau of Justice Statistics (BJS) on or before 5 p.m. EST, Friday, September 14, 2001, or be postmarked on or before September 14, 2001.

**ADDRESSES:** Proposals should be mailed to: Application Coordinator, Bureau of Justice Statistics, 810 7th Street NW., Washington, DC 20531; (202) 616–3497.

**FOR FURTHER INFORMATION CONTACT:** Carol DeFrances, Ph.D., Statistician, Bureau of Justice Statistics, 810 7th Street NW, Washington, D.C. 20531; Phone: (202) 307–0777 [This is not a toll free number]; Email: defran@ojp.usdoj.gov.

**SUPPLEMENTARY INFORMATION:**

### Statutory Authority

The award(s) made pursuant to this solicitation will be funded by the Bureau of Justice Statistics consistent with the provisions of 42 U.S.C. § 3732.

### Program Goals

The purpose of this award is to provide funding to administer the 2001 Civil Justice Survey of State Courts. The survey will collect information on tort, contract, and real property rights cases disposed of by jury or bench trial in State courts of general jurisdiction in 45 counties chosen to represent the Nation's 75 most populous counties. The project will replicate the scope and content of the jury and bench trial data collected in the 1996 Civil Justice Survey of State Courts. The project also will extend the data collection to include information on the number of trial cases appealed, outcome of the appeal as well as collect available characteristics of plaintiffs and defendants.

BJS anticipates making one award for a 24-month period under this solicitation. Up to $425,000 will be made available for this project under the FY2001 appropriation.

### Background

The Civil Justice Survey of State Courts statistical series is the only broad based, systematic examination of the nature of civil litigation in State courts of general jurisdiction. The 1992 Civil Justice Survey of State Courts, the first time the project was conducted, gathered detailed information on a sample of tort, contract and real property rights cases in 45 jurisdictions chosen to represent the 75 most populous counties in the Nation. The largest 75 counties account for about 37 percent of the U.S. population and about half of all civil filings. The 1992 data collection produced two data sets. The first data set was a sample of approximately 30,000 tort, contract, and real property rights cases disposed of by various methods such as agreed judgment, summary judgment, arbitration, and trial verdict during the twelve month period ending June 30, 1992. The second data set was a sample of about 6,500 cases disposed of only by jury trial over the same time period.

The 1996 Civil Justice Survey of State Courts expanded the 1992 civil jury study by specifically sampling bench and jury trial cases. For the 1996 project, information was collected on tort, contract and real property rights trial cases in 45 jurisdictions chosen to represent the 75 most populous counties in the Nation. The 1996 data collection produced one data set that contained a sample of 9,025 tort, contract, and real property rights cases disposed of by jury or bench verdict between January and December 1996.

The data collected during the 1992 and 1996 Civil Justice Survey of State Courts has been used in many law journal articles, quoted in various newspaper articles, and cited in proposed federal legislation on asbestos.

### Eligibility Requirements

Both profit making and nonprofit organizations may apply for funds. Consistent with OJP fiscal year requirements, however, no fees may be charged against the project by profit-making organizations.

### Scope of Work

The objective of this project is to complete data collection for the 2001 Civil Justice Survey of State Courts. This includes selecting the 45 sites and obtaining the State court's cooperation, developing the data collection instrument, selecting the tort, contract and real property rights trial cases, data verification, data coding and entry, constructing replicate weights for standard error testing, and delivery of a final data set and documentation to BJS. Specifically, the recipient of funds will:

1. Design a new sample of 45 counties chosen to represent the largest 75 counties based on the 2000 Bureau of the Census population figures and develop a sampling plan for selecting tort, contract and real property rights jury and bench trial cases in the 45 sites. The grantee will be required to secure approval for the data collection from the chief judge of the State court of general jurisdiction in each county.

2. Develop a collection instrument that gathers data on the specific type of tort, contract, and real property rights cases, type of trial, plaintiff and defendant types, filing date, answer date, trial date, verdict date, number of days in trial, type of injury in malpractice cases, type of defendant in malpractice cases, permanence of injury in malpractice cases, type of product in product liability cases, pro se litigants, trial winners, economic and noneconomic money damages awarded, punitive damages awarded, case appealed, and outcome of appeal. The BJS program manager must approve the data collection form before data collection can begin.

3. Collect data on tort, contract, and real property rights cases disposed of by jury or bench trial in the 45 sites. This may entail training and paying court staff to assist with data collection.

4. Develop analysis weights so statistics generated from the data collection are applicable to the largest 75 counties and construct replicate weights so that standard errors for the

estimates can be generated using WesVar PC.

5. Write profiles of the 45 State courts' civil litigation process, and review and update State contributory negligence rules.

6. Deliver to BJS an electronic version of the data in SPSS format and supporting documentation. Documentation should include, but is not limited to, a comprehensive codebook detailing variable positions, data coding, variable and value labels, procedures for data verification, any recoding implemented during the data cleaning process, and copies of all programs used to generate data or published statistics. All data and documentation will be posted on the BJS website, and data archived at the Inter-University Consortium for Political and Social Research (ICPSR). All data collected under the project remains property of BJS until such time that BJS releases the data to the public. The grantee may not share or release any data collected under the project without prior written approval from BJS.

7. Develop a detailed timetable for each task in the project. Data collection should begin within four months of the project start and be completed within 12 months. After the BJS project manager has agreed to the timetable, all work must be completed as scheduled.

**Award Procedures and Evaluation Criteria**

Proposals should describe the plan and implementation strategy to accomplish each of the activities outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively. The final selection decision will be made by the Acting Director of BJS. The applicant will be evaluated on the basis of:

1. Ability to complete Scope of Work with documented evidence of research expertise and experience in sample design, objective data gathering, data coding, entry and verification, project documentation, and the production of public use data files. This includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.

2. Knowledge of relevant civil justice issues regarding tort, contract, and real property rights cases and prior research in this area. Applicants should be familiar with the findings from the six BJS reports produced from the 1992 and 1996 Civil Justice Survey of State Courts. Copies of these reports are available from the BJS website http://www.ojp.usdoj.gov/bjs or the National Criminal Justice Reference Service, 1–800–732–3277. The application should include a summary of key findings from these reports and outline how the current project would gather the same type of information for comparative purposes and address additional topics.

3. Availability of qualified professional, field and support staff, and suitable equipment for data gathering and processing. This includes expertise in multi-stage sampling, probability sampling techniques and standard error estimation from sample data.

4. Demonstrated fiscal, management, staff, and organizational capability to provide sound management for this project.

**Application and Award Process**

An original and three (3) copies of the full proposal must be submitted including:

- Standard Form 424, Application for Federal Assistance
- OJP Form 7150/1, Budget Detail Worksheet
- OJP Form 4000/3, Assurances
- OJP Form 4061/6, Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug Free Workplace Requirements
- OJP Form 7120–1, Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal funds from the Office of Justice Programs).

These forms can be obtained online from http://www.ojp.usdoj.gov/bjs/apply.htm.

In addition, fund recipients are required to comply with regulations designed to protect human subjects and ensure confidentiality of data. In accordance with 28 CFR Part 22, a Privacy Certificate must be submitted to BJS. Furthermore, a Screening Sheet for Protection of Human Subjects must be completed prior to the award being issued. Questions regarding Protection of Human Subjects and/or Privacy Certificate requirements can be directed to the Human Subjects Protection Officer (HSPO) at (202) 616–3282 [This is not a toll free number].

Proposals must include a project narrative and detailed budget. The project narrative should describe activities as discussed in the Scope of Work and address the evaluation criteria. The detailed budget must provide detailed costs including salaries of staff involved in the project and the portion of those salaries to be paid from the award, fringe benefits paid to each staff person, travel costs, supplies required for the project, sub-contractual agreements, and other allowable costs. The grant award will be made for a period of 24 months.

**Lawrence A. Greenfeld,**

*Acting Director, Bureau of Justice Statistics.*

[FR Doc. 01–20433 Filed 8–13–01; 8:45 am]

BILLING CODE 4410–18–P

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

### Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Procedure for Application for Exemption From the Prohibited Transaction Provisions of Section 408(a) of the Employee Retirement Income Security Act (ERISA)

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (the Department), as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Pension and Welfare Benefits Administration is soliciting comments on the extension of the information collection request (ICR) included in the procedure for applications for exemption from the prohibited transaction provisions of section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA). A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the

addresses section on or before October 15, 2001.

**ADDRESSES:** Interested parties are invited to submit written comments regarding the ICR to Mr. Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782; Fax: (202) 219–4745. These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 408(a) of ERISA provides that the Secretary may grant exemptions from the prohibited transaction provisions of sections 406 and 407(a) of ERISA and directs the Secretary to establish an exemption procedure with respect to such provisions. The regulation at 29 CFR 2570.30, *et seq.* establishes such a procedure for an Application for Exemption from the Prohibited Transaction Provisions of Section 408(a). In order for the Secretary to grant an exemption under section 408(a) of ERISA, it must be determined that such exemption is: (1) Administratively feasible; (2) in the interests of the plan and its participants and beneficiaries, and; (3) protective of the rights of participants and beneficiaries. To make such a determination, the Department requires full information regarding the specific circumstances surrounding the transaction and the parties and assets involved, including identifying information (name, type of plan, EIN number, etc.), the number of participants and beneficiaries in the plan, whether the applicant or others involved in the transaction are parties in interest, specialized information relating to the prohibited transaction, and filing requirements. In addition, the applicant must certify to the Department that the information supplied is accurate and complete.

If the Department tentatively decides that the exemption should be granted, it will publish a notice of the proposed exemption in the **Federal Register**. An applicant for an exemption must provide interested persons with a copy of the **Federal Register** notice and a supplemental statement that informs them of their right to comment to the Department on the proposed exemption.

*Type of Review:* Extension of a currently approved collection of information.

*Agency:* U.S. Department of Labor, Pension and Welfare Benefits Administration (PWBA).

*Title:* Procedure for Application for Exemption from the Prohibited Transaction Provisions of Section 408(a) of the Employee Retirement Income Security Act (ERISA).

*OMB Number:* 1210–0060.

*Frequency:* On occasion.

*Affected Public:* Business or other for-profit; not-for-profit institutions; individuals or households.

*Number of Respondents:* 116.

*Number of Responses:* 116.

*Total Estimated Burden Hours:* 4.

*Total Estimated Burden Costs (O&M):* $160,200.

## II. Desired Focus of Comments

The Department of Labor is particularly interested in comments that:

- 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 of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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.

## III. Current Actions

The Department intends to request an extension of the approval for this ICR by the Office of Management and Budget under control number 1210–0060. No change has been made to the existing regulation or the ICR. The information to be provided to the Department under this ICR is necessary for the Department to make an informed decision regarding the application for exemption. Further, the required notice to interested parties ensures that participants and beneficiaries are informed about the application for exemption and have an opportunity to comment.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

Dated: August 8, 2001.

**Gerald B. Lindrew,**

*Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.*

[FR Doc. 01–20375 Filed 8–13–01; 8:45 am]

BILLING CODE 4510–29–P

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## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–333]**

## Entergy Nuclear Operations; James A. Fitzpatrick Nuclear Power Plant Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the NRC) is considering issuance of an amendment to Facility Operating License No. NPR–59, issued to Entergy Nuclear Operations (ENO or the licensee) for operation of the James A. FitzPatrick Nuclear Power Plant (FitzPatrick), located in Oswego County, New York. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact. The original application was submitted by the Power Authority of the State of New York, (PASNY), and an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) was originally published in the **Federal Register** (64 FR 66509) on November 26, 1999.

On November 21, 2000, PASNY's ownership interest in FitzPatrick was transferred to Entergy Nuclear FitzPatrick, LLC, to possess and use FitzPatrick and to ENO to possess, use and operate FitzPatrick. By letter dated January 26, 2001, ENO requested that the NRC continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer. As set forth below, PASNY and ENO submitted several supplements to the application. The information included in the supplemental letters indicates that the original notice, which included eleven proposed beyond-scope issues (BSIs) to the improved Technical Specifications (ITS) conversion, needs to be expanded (added 27 new BSIs) and revised to include a total of 38 BSIs. Accordingly, the NRC is issuing this EA and FONSI, which supercede the original EA and FONSI.

### Environmental Assessment

*Identification of the Proposed Action*

The proposed action would revise the existing, or current, Technical Specifications (TS) for FitzPatrick in

their entirety based on the guidance provided in NUREG–1433, ''Standard Technical Specifications for General Electric Plants, BWR/4,'' Revision 1, dated April 1995, and in the Commission's ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' published on July 22, 1993 (58 FR 39132). The proposed amendment is in accordance with the request by PASNY, the former licensee, in a letter dated March 31,1999, as supplemented by letters dated May 20, June 1, July 14, October 14, 1999, February 11, April 4, April 13, June 30, July 31, September 12, September 13, and October 23, 2000. ENO has supplemented the original application by letter dated May 31, 2001.

*The Need for the Proposed Action*

It has been recognized that nuclear safety in all nuclear power plants would benefit from the improvement and standardization of plant TS. The ''NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Plants'' (52 FR 3788), contained proposed criteria for defining the scope of TS. Later, the Commission's ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,'' published on July 22, 1993 (59 FR 39132), incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36, ''Technical Specifications.'' The ''Final Rule'' (60 FR 36953) codified criteria for determining the content of TS. To facilitate the development of standard TS for nuclear power reactors, each power reactor vendor owners' group (OG) and the NRC staff developed standard TS. For FitzPatrick, the Improved Standard Technical Specifications (ISTS) are in NUREG–1433, Rev. 1. The NRC Committee to Review Generic Requirements (CRGR) reviewed the ISTS, made note of their safety merits, and indicated its support of the conversion by operating plants to the ISTS.

*Description of the Proposed Change*

The proposed changes to the current TS (CTS) are based on NUREG–1433, Revision 1, and on guidance provided by the Commission in the Final Policy Statement. The objective of the changes is to completely rewrite, reformat, and streamline the TS (i.e., to convert the CTS to Improved Technical Specifications (ITS)). Emphasis is placed on human factors principles to improve clarity and understanding of the TS. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1433, Revision 1, portions of the CTS were also used as the basis for the development of the FitzPatrick ITS. Plant-specific issues (e.g., unique design features, requirements, and operating practices) were discussed with the licensee, and generic matters were discussed with General Electric and other OGs.

The proposed changes from the ITS can be grouped into four categories. These groupings are characterized as administrative changes, relocation changes, more restrictive changes and less restrictive changes.

1. Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering, and rewording process reflects the attributes of NUREG–1433, Rev. 1, and does not involve technical changes to the ITS. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

2. Relocation changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Relocated changes are those CTS requirements that do not satisfy or fall within any of the four criteria specified in 10 CFR 50.36(c)(2)(ii) and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in the attachment of the licensee's March 31, 1999, submittal, which is entitled, ''Application of NRC Selection Criteria to James A. FitzPatrick Nuclear Power Plant Technical Specifications'' (Split Report) in Volume 1 of the submittal. The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program, the final safety analysis report (FSAR), the ITS BASES, the Technical Requirements Manual (TRM) that is incorporated by reference in the FSAR, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other NRC-approved control mechanisms, which provide appropriate procedural means to control changes by the licensee.

3. More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the ISTS that is more restrictive than the CTS that the licensee proposes to adopt in the ITS, the licensee has provided an explanation as to why it has concluded that adopting the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

4. Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the ISTS. Generic relaxations contained in NUREG–1433, Rev. 1 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design is being reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG–1433, Rev. 1, thus providing a basis for the ITS, or if relaxation of the requirements in the ITS

is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the ITS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are differences to the requirements in both the CTS and the ISTS. These proposed beyond-scope issues to the ITS conversion are as follows:

1. ITS 3.0.3, Limiting Condition for Operation (LCO) to be in MODE 2 was changed to allow a 9-hour completion time.

2. ITS 3.3.1.1, Reactor Protection System (RPS) Instrumentation Function 5, reactor scram on main steam isolation valve (MSIV) closure. The trip setting valve was changed from less than or equal to 10 percent (in the CTS) to less than or equal to 14 percent in the ITS.

3. ITS 3.3.1.1, Extending Required Action F.1 Completion Time from 6 hours to 8 hours for consistency with Current Licensing Basis (CLB) and changing 3.0.3, which currently allows 8 hours to be in MODE 2 after initiation of Action.

4. ITS 3.3.5.1, Automatic Depressurization System (ADS) initiation timer and the containment Spray (CS) and Low-Pressure Coolant Injection (LPCI) pump start timer values were changed from the CTS and the ISTS and tolerances relaxed to allow the extension of calibration frequency to 24 months in the ITS.

5. ITS 3.3.5.1, CS, LPCI, and ADS Logic System Functional Test (LSFT) frequency was extended from 18 months (in the CTS) to 24 months in the ITS.

6. ITS 3.4.9, Reactor Coolant System (RCS) Pressure/Temperature (PT) Limits in CTS were changed to add a new alternate criteria in ITS to allow idle recirculating pump (loop) start if the operating loop is greater than 40 percent flow or if the idle loop is less than 40 percent flow for less than or equal to 30 minutes.

7. ITS 3.5.1, Emergency Core Cooling System (ECCS)—Operating, High-Pressure Coolant Injection (HPCI) and LPCI pump flow rates in CTS were reduced to SAFER/GESTR–Loss-of-Coolant Accident (LOCA) flow rates in the ITS.

8. ITS 3.5.2, ECCS–Shutdown, reduced Residual Heat Removal (RHR) LPCI pump flow rates in CTS to SAFER/GESTR–LOCA flow rates as in ITS 3.5.1 for RHR LPCI pumps.

9. ITS 3.8.1, AC Sources—Operating, Condition D for two reserve circuits inoperable in CTS was changed to add new interim power reduction to less than or equal to 45 percent with a 36-hour Completion Time in the ITS.

10. ITS 3.8.4, DC Sources—Operating (in CTS) was changed to allow 8 hours to restore one inoperable source in the ITS.

11. ITS 5.5, changed Standby Gas Treatment (SGT) and Control Room Emergency Ventilation Air Supply (CREVAS) system filter testing (in the CTS) from 6 months (or 12 months) to 24 months in the ITS for consistency with Regulatory Guide 1.52, Revision 2 or the fuel cycle length.

12. ITS 3.3.5.01 changed CTS Table 3.3–2, Item 5, Reactor Low Level Containment spray interlock trip level setting of >~0.0 inch to >~1.0 inch in ITS Table 3.3.5.1–1.

13. ITS 3.3.5.1 changed CTS Table 3.2–2 Item 9, Reactor Low Pressure, LPCI and Core Spray Injection Valve Open Permissive of >450 psig to >410 psig in ITS Table 3.3.4.1–1 Functions 1.c and 2.c.

14. ITS 3.3.5.1 changed the trip setpoint Allowable Values in CTS Table 3.2–2 for the core Spray Pump Start Timer (item 11), the RHR LPCI Pump Start Timer (item 12), and the Auto Blowdown Timer (item 13) in CTS Table 3.3.5.1–1 Functions 1.d, 2.f, 4.b and 5.b to reflect values corresponding to a 6 month to 24-month reduction in calibration frequency.

15. ITS 3.3.5.1 changed the trip setpoint Allowable Values in CTS Table 3.2–1 for the suppression Chamber High Level (item 13) in CTS Table 3.3.5.1–1 Function 3.e to 14.5 inches which is <~6 inches above normal level.

16. ITS 3.3.5.1 changed the CTS Table 3.2–2 trip level setting for Item 24, Reactor Low-pressure from 285 to 335 psig to >~300 psig in ITS Table 3.3.5.1 Function 2.d.

17. ITS 3.3.6.1 changed the Allowable Values in CTS Table 3.2–1 for the HPCI Turbine Steam Line High Flow to reflect values corresponding to 160 to 161 inches of water dp in ITS Table 3.3.6.1–1 Function 3.a.

18. ITS 3.3.6.1 changed the trip setpoint Allowable Value ''HPCI/Reactor Core Isolation Cooling (RCIC) Steam Line Low Pressure'' in CTS Table 3.3.6.1–1 Function 3.b and 4.b to reflect values corresponding to >60 and <90 for HPCI and >61 and <~90 for RCIC.

19. ITS 3.3.8.2 changed the Trip Level Settings for Loss of Offsite Power (LOP) instrumentation listed in CTS Table 3.2.–2 to new ITS Allowable Values listed in ITS Table 3.3.8.1–1.

20. ITS 3.3.8.2 changed CTS 4.9.G.3 setpoint or Allowable Value of >~108V to >109.9V in its ITS SR 3.3.8.2.3.

21. ITS 3.4.7 added an RHR Shutdown Cooling-Hot Shutdown specification to the ITS SPECIFICATION based on the current licensing basis.

22. ITS 3.6.1.1 changed the location of the details requiring that the drywell and suppression chamber leakage rate limit shall be monitored via the suppression chamber 10 minute pressure transient of 0.25 inches of water/minute to ITS B3.6.1.1 Bases—SR 3.6.1.1.2.

23. ITS 3.6.1.3 modifies the ISTS criteria for the surveillance of Excess Flow Check valves (EFCV) to require that the EFCV be tested for proper operation to actuate to the isolation position on an actual or simulated instrument line break. This would be reflected in ITS SR 3.6.1.3.8.

24. ITS 3.6.1.7 modifies CTS 4.7.A.5 by addition of a new surveillance requirement (ITS SR 3.6.7.1). ITS SR 3.6.7.1, which is based on ISTS SR 3.6.1.8.1, will require verification that each suppression chamber-to-drywell vacuum breaker is closed every 14 days. The ITS SR 3.6.7.1 also deletes the ISTS SR 3.6.8.1 requirement in observing the vacuum breaker position by verifying that a differential pressure of [0.5] psid between the suppression chamber and the drywell is maintained for 1 hour without makeup.

25. ITS 3.6.1.7 ACTION B changes the Completion Time to close the open vacuum breaker when one suppression chamber-to-drywell vacuum breaker is not closed to 12 hours instead of 2 hours as required by ISTS 3.6.1.8 ACTION B.

26. ITS 3.6.1.9 modifies ISTS SR 3.6.1.7.1 RHR Containment Spray System by deleting the SR Note on system alignment in MODE 3, and adds the phrase ''or can be aligned to the correct position'' in ITS SR 3.6.1.9.1. The details of the SR Note have been relocated to ITS B3.6.1.9 Bases—LCO.

27. ITS 3.6.2.3 modifies ISTS B3.6.2.3—LCO by adding an insert that defines RHR Suppression Pool Cooling System OPERABILITY in MODE 3. The addition is for enhanced clarity or consistency with other Bases and is not in the ISTS.

28. ITS 3.8.1 deletes the requirement that all core and containment cooling systems and shutdown cooling systems are OPERABLE in the CTS 3.9.B.2 requirement that allows operation for 7 days with 2 offsite circuits inoperable, provided that all EDGs are OPERABLE and all core and containment cooling systems and shutdown cooling systems are OPERABLE. Instead, ITS 3.8.1 would add a requirement to declare required features inoperable when the redundant required features are

inoperable, and a requirement to reduce power to less than 45 percent or RTP. The 7-day completion time to restore both offsite circuits to OPERABLE status would remain unchanged.

29. ITS 3.3.1.1 replaces the CTS 2.1.5, ''Main Steam Line Isolation Valve Closure Scram'' trip setting from <10 percent closure to <14 percent closure in proposed ITS Table 3.3.1.1–1 Function 5, ''Main Steam Line Isolation Valve-Closure''.

30. ITS 3.3.3.1 changes the CTS Table 3.2–8, Note k by a footnote (c) in ITS Table 3.3.3.1–1, Function 10, Suppression Pool Water Temperature operability, which states ''A channel requires 15 of 16 RTDs to be OPERABLE.''

31. ITS 3.3.3.1 relaxes the CTS Table 3.2–8 Note A requirement to be in cold shutdown within 24 hours when one or more of Items 15 through 18 (ECCS or Primary containment cooling operating Parameters) PAM channel(s) have not been restored to operable status within 30 days. ITS 3.3.3.1 ACTION B specifies initiating action in accordance with ITS 5.5.6, which relates to reporting requirements.

32. ITS 3.3.3.1 adds additional instrument requirements to the CTS Table 3.2–8, which includes a Reactor Vessel Water Level Function and for Drywell Water Level.

33. ITS 3.3.3.2 relocates details in CTS Table 3.2–10 relating to Instrument and control functions of the Remote Shutdown System (including number of channels and divisions), which are unnecessary in the LCO, to the Technical Requirements Manual (TRM).

34. ITS 3.3.4.1 changes the CTS and ISTS channel configuration from 2 channels per trip system to 4 channels in one trip system.

35. ITS 3.5.1 added several ACTIONS (ACTION A, B, C, E, G, H, I, and J) that neither conform to the CTS nor adopt the ISTS. These are new actions to the Core Spray systems, the low pressure coolant injection systems and the high pressure coolant injection systems.

36. ITS 3.5.3 divides the existing CTS 4.5.E.1.d SR that ''RCIC delivers at least 400 gpm against a system head corresponding to a reactor vessel pressure of 1195 psig to 150 psig'' into two separate Surveillance Requirements: ITS SR 3.4.3.5 and ITS SR 3.5.3.6.

37. ITS 3.5.3 adds an additional requirement to CTS SR 3.5.3.3 that requires the performance of the surveillance ''Once each startup prior to exceeding 25 percent RTP.''

38. ITS 3.3.1.1 changed low function set points on the Allowable Values for Reactor Pressure, High Turbine Stop Valve Closure and Turbine Control Valve Fast Closure, EHC Oil Pressure in CTS 2.1.A.4, and CTS Table 3.1–1.

*Environmental Impacts of the Alternatives to the Proposed Action*

The NRC has completed its evaluation of the proposed conversion of the CTS to the ITS for FitzPatrick, including the beyond scope issues discussed above. Changes which were administrative in nature have been found to have no effect on the technical content of the TS. The increased clarity and understanding these changes bring to the TS are expected to improve the operators' control of FitzPatrick in normal and accident conditions.

Relocation of the requirements from the ITS to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10 CFR 50.59 and other NRC-approved control mechanisms, which will ensure continued maintenance of adequate requirements. All such relocations have been found consistent with the guidelines of NUREG–1433, Rev.1, and the Commissions's Final Policy Statement.

Changes involving more restrictive requirements have been found to enhance plant safety.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit, or to place an unnecessary burden on the licensee, their removal from the TS was justified. In most cases, the relaxations previously granted to individual plants on a plant-specific basis were the result of generic action, or of agreements reached during discussions with the owners groups, and found to be acceptable for the plant. Generic relaxations contained in NUREG–1433, Revision 1, have been reviewed by the NRC staff and found to be acceptable.

In summary, the proposed revisions to the TS were found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area for the plant defined in 10 CFR Part 20 and does not have the potential to affect any historic sites. It does not affect nonradiological plant effluents and have no other environmental impact. It does not increase any discharge limit for the plant. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

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

*Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in the current environmental impacts. The environmental impacts of the proposed action and alternative action are similar.

*Alternative Use of Resources*

This action does not involve the use of any resource not previously considered in the FES for FitzPatrick.

*Agencies and Persons Consulted*

On June 27, 2001, the staff consulted with the New York State official, Mr. Jack Spath, of the New York Energy and Research Authority, regarding the environmental impact of the proposed amendment. The State official had no comments.

**Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed amendment will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated March 31, 1999, as supplemented by letters dated May 20, June 1, July 14, October 14, 1999, February 11, April 4, April 13, June 30, July 31, September 12, September 13, October 23, 2000, and May 31, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the

NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 7th day of August 2001.

For the Nuclear Regulatory Commission.

**Richard P. Correia,**

*Acting Chief, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01–20402 Filed 8–13–01; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–244]**

### Rochester Gas and Electric Corporation, R.E. Ginna Nuclear Power Plant; Notice of Consideration of Approval of Application Regarding Proposed Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. DPR–18 for the R.E. Ginna Nuclear Power Plant (Ginna Station) held by Rochester Gas and Electric Corporation (RG&E). The indirect transfer would result from the planned acquisition of RG&E's parent company, RGS Energy Group, Inc. (RGS), by Energy East Corporation (Energy East).

In February 2001, RGS and Energy East entered into an agreement pursuant to which RGS would be merged with and into a wholly owned subsidiary of Energy East. Subsequent to consummation of the planned merger transaction, RG&E will continue to exist as a wholly owned indirect subsidiary of Energy East.

According to an application filed by RG&E, RG&E would continue to own Ginna Station following approval of the proposed indirect transfer of the license, and would continue to be exclusively responsible for the operation, maintenance, and eventual decommissioning of the facility. No physical changes to the facility or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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

By September 3, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Daniel F. Stenger, Esq., Foley & Lardner, 888 16th Street, NW., Washington, DC 20006 (e-mail: dstenger@foleylaw.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by September 13, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 22, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, http://www.nrc.gov/ADAMS/index.html.

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 7th day of August 2001.

For the Nuclear Regulatory Commission.

**Robert L. Clark,**

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

[FR Doc. 01–20400 Filed 8–13–01; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–410]**

### Rochester Gas and Electric Corporation; Nine Mile Point Nuclear Station, Unit No. 2; Notice of Consideration of Approval of Application Regarding Proposed Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF–69 for Nine Mile

Nuclear Station, Unit No. 2 (NMP–2), to the extent held by Rochester Gas and Electric Corporation (RG&E). The indirect transfer would result from the planned acquisition of RG&E's parent company, RGS Energy Group, Inc. (RGS), by Energy East Corporation (Energy East).

In February 2001, RGS and Energy East entered into an agreement pursuant to which RGS would be merged with and into a wholly owned subsidiary of Energy East. Subsequent to consummation of the planned merger transaction, RG&E will continue to exist as a wholly owned indirect subsidiary of Energy East.

According to an application filed by RG&E, RG&E would continue to own its current 14 percent undivided ownership interest in NMP–2 notwithstanding the merger. RG&E is licensed to possess (along with several other co-owners of NMP–2) but not operate NMP–2. Niagara Mohawk Power Corporation (NMPC)'s status as the facility licensed operator would not change by reason of the RGS merger and acquisition.

The NRC has recently approved certain direct NMP–2 license transfers involving RG&E, in addition to other co-owners of NMP–2. See Order Approving Transfer of Licenses and Conforming Amendments, 66 FR 34723 (2001). If such direct license transfers are consummated prior to completion of the NRC staff's action on the instant application filed by RG&E with respect to NMP–2, the request for approval of the indirect transfer of the NMP–2 license as held by RG&E would become moot.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license if the Commission determines that the underlying transaction effecting the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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

By September 3, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Daniel F. Stenger, Esq., Foley & Lardner, 888 16th Street, N.W., Washington, D.C. 20006 (e-mail: dstenger@foleylaw.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by September 13, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 22, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 7th day of August 2001.

For the Nuclear Regulatory Commission.

**Peter S. Tam,**

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

[FR Doc. 01–20401 Filed 8–13–01; 8:45 am]

BILLING CODE 7590–01–P

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATE:** Weeks of August 13, 20, 27; September 3, 10, 17, 2001.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of August 13, 2001**

*Tuesday, August 14, 2001*

9:30 a.m.—Briefing on NRC International Activities (Public Meeting) (Contact: Elizabeth Doroshuk, 301–415–2775)

*Wednesday, August 1, 2001*

9:30 a.m.—Briefing on EEO Program (Public Meeting) (Contact: Irene Little, 301–415–7380)

1:25 p.m.—Affirmation Session (Public Meeting) (Tentative) a. Final Rule: Interim Storage for Greater than Class C. Waste, 10 CFR Parts 30, 70, 72, and 150

1:30 p.m.—Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: John Zabko, 301–415–1277)

**Week of August 20, 2001—Tentative**

There are no meetings scheduled for the Week of August 20, 2001.

**Week of August 27, 2001—Tentative**

There are no meetings scheduled for the Week of August 27, 2001.

**Week of September 3, 2001—Tentative**

There are no meetings scheduled for the Week of September 3, 2001.

**Week of September 10, 2001—Tentative**

There are no meetings scheduled for the Week of September 10, 2001.

**Week of September 17, 2001—tentative**

There are no meetings scheduled for the Week of September 17, 2001.

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.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred 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: August 9, 2001.

**Sandra M. Joosten,**

*Executive Assistant, Office of the Secretary.*

[FR Doc. 01–20509 Filed 8–10–01; 12:51 pm]

BILLING CODE 7590–01–M

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### Privacy Act of 1974; New, Deleted, and Altered Systems of Records; Compilation of Blanket Routine Uses

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice.

**SUMMARY:** This notice announces proposed new, deleted and altered systems of records, maintained by the Occupational Safety and Health Review Commission (Review Commission or OSHRC), in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended, and Presidential Memorandum of May 14, 1998. In addition, by this notice, the Review Commission reassigns in sequence the relevant OSHRC numbers to its systems of records in light of the deleted systems of records. Also included is a compilation of blanket routine uses already published.

**DATES:** Comments must be received by the Review Commission by September 17, 2001. The new and revised systems of records will become effective on October 22, 2001, without any further notice in the **Federal Register**, unless comments or government approval procedures necessitate otherwise.

**ADDRESSES:** Submit any written comments to Patricia A. Randle, Executive Director and Chief Information Officer, Occupational Safety and Health Review Commission, 1120 20th St., NW., Ninth Floor, Washington, DC 20036–3419.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Randle, Executive Director and Chief Information Officer, Occupational Safety and Health Review Commission, 1120 20th St., N.W., Ninth Floor, Washington, D.C. 20036–3419, telephone (202) 606–5380.

**SUPPLEMENTARY INFORMATION:** The Privacy Act applies to information about individuals that may be retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a ''record'' and the system, whether manual or computer-driven, is called a ''system of records.'' Aspects of a system may change over time, such as the system location, system manager or storage method.

The May 14, 1998 Presidential memorandum directed executive departments and agencies to conduct a thorough review of all agency systems of records for accuracy and completeness. The memorandum specifically directed agencies to consider changes in technology, function, and organization that may have made the systems out of date, and to review the routine uses published in the system notices to make sure they continue to be necessary and compatible with the purpose for which the information is collected. The memorandum also directed agencies to identify systems that may not have been described in a notice published in the **Federal Register** and to publish notices for any changes to the agency systems of records.

In its review, the Review Commission determined that one additional systems of records should be identified and included in the Review Commission's systems of records. It was also determined that, for accuracy and completeness, five other systems needed revision to indicate changes to system names, locations, categories of records in the system, names of systems managers, storage methods, retrieval methods, safeguards, and retention periods. Five systems of records were identified as in need of deletion, as maintenance of these systems was no longer relevant and necessary to accomplish an agency purpose, and the numbers of these systems were reassigned sequentially to the remaining systems of records. In addition, a ''housekeeping'' change was made to consistently refer to the entire agency as the ''Review Commission'' or ''OSHRC,'' as opposed to ''Commission.''

The Review Commission proposes the following additional system of records, not previously identified, in which information by individual name or identifier is relevant and necessary to an agency purpose: OSHRC–6 Case Management/Tracking System. In this newly identified system of records, information is retrieved through the use of an individual name, case docket number, or computer assigned reference code.

Regarding its ten previously identified systems of records, OSHRC–1 to OSHRC–6 and OSHRC–8 to OSHRC–11 (OSHRC–7 was deleted (see 44 FR 18572, March 28, 1979)), the Review Commission proposes revisions to: (1) Delete five systems of records because maintenance of these systems is no longer relevant and necessary to accomplish an agency purpose; (2) reassign the numbers of those former systems of records in sequence to the remaining systems of records; (3) two systems of records to update system names; (4) four systems to update system locations; (5) two systems to update categories of records in the system; (6) five systems to update how the systems are stored; (7) five systems to update the names of the system managers; (8) two systems to update how records in the systems are retrieved; (9) five systems to update safeguards applied to those systems to specifically indicate how the systems' security and confidentiality are protected and to update routine uses to indicate for each of the five systems that readers should note the blanket routine uses; (10) one system to update retention periods and (11) add one additional system of records.

The Review Commission proposes changing the system location of OSHRC–1 Travel Records, to the Office of Financial and Administrative Services to accurately describe where this system is kept, reflecting an organizational change that altered the name of the office in which this system

of records is maintained. Also proposed for this system, is changing its safeguards to state that its records are stored in lockable file cabinets in a locked office to ensure the system's security and confidentiality. The final change to this system is that the system manager is the Director of the Office of Financial and Administrative Services, reflecting an organizational and resultant job title change.

The Review Commission proposes several changes to OSHRC–2. Proposed is the renaming of this system of records as Mailing Lists for News Releases, Speeches, Booklets, Reports, to more accurately describe the records included in the system and changing the system location to reflect an organizational change that altered the name of the office in which the system is maintained. Additional changes are proposed for the storage methods to include personal computers, and to retrievability methods to include electronically by name, to reflect an alteration through the use of new technology. Other adjustments to this system include changing its safeguards to state that this system's paper components are maintained in file cabinets and, for the electronic components, to state that the personal computers are maintained in offices. During duty hours, file cabinets and personal computers are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets and personal computers is limited to personnel having a need for access to perform their official functions. Additionally, access to personal computers is restricted through password identification procedures. The final proposed change to this system is that the system manager is the Public Affairs Specialist, an organizational change due to the alteration of that manager's title.

The Review Commission proposes deleting the systems of records previously identified as Cases Pending with the Commissioners, OSHRC–3; Judges Report on Pending Cases, OSHRC–4; Judge Summary Report, OSHRC–5; Cases Pending in the Decisional Process after Oral Decision, OSHRC–9; and Cases Acted on by Judges, OSHRC–10, because maintenance of these systems of records is no longer relevant and necessary to accomplish an agency purpose. These system numbers are reassigned as OSHRC–3 Applications for Employment; OSHRC–4 Payroll and Related Records; OSHRC–5 Cases Pending in General Counsel's Office and OSHRC–6 Case Management/Tracking System.

The Review Commission proposes changing the system manager for the system of records, Applications for Employment, OSHRC–3, to Personnel Management Specialist, due to an organizational change and to accurately state the title of that system's manager. Also proposed for this system is a change to its safeguards to state that this system of records is maintained in file cabinets. During duty hours, file cabinets are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

The Review Commission proposes changing the name of OSHRC–4 to Payroll and Related Records to more accurately describe the records included in the system. Additional proposed adjustments include changing the location of this system to the OSHRC Office of Financial and Administrative Services and the U.S. Department of Agriculture's National Finance Center (NFC) in New Orleans, Louisiana to reflect an organizational change in the name of the Review Commission office that maintains these records and to reflect the change in the agency's payroll processing contractor. Also proposed is a change to this system of records' routine uses of records maintained in the system. These changes include the categories of users and the purposes of such uses and the title change to Director of the Office of Financial and Administrative Services for all references to the official to contact regarding uses of this system.

A change is proposed to the policies and practices for storing, retrieving, accessing, retaining, and disposing of records in this system. This change is proposed to indicate that storage is at both the Review Commission's offices and at the NFC, due to a change in the payroll processing contractor. The Review Commission proposes changing the storage of these systems to include personal computer, an alteration through the use of new technology. Changes to the safeguards of this system are proposed to indicate that Review Commission paper and microfiche records are maintained in file cabinets and, for the electronic components, to state that the personal computers are maintained in offices. During duty hours, file cabinets and personal computers are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets and personal computers is limited to personnel having a need for access to perform their official functions. Additionally, access to personal computers is restricted through password identification procedures. Safeguards applied to the NFC paper systems of records are proposed to state that these are maintained in file cabinets and, for the electronic components, to state that the personal computers are maintained in offices. During duty hours, file cabinets and personal computers are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets and personal computers is limited to personnel having a need for access to perform their official functions. Additionally, access to personal computers is restricted through password identification procedures.

Additional changes proposed to the system are to the retention and disposal period (to indicate that this is done in accordance with the National Archives and Records Administration's General Records Schedule) and to the system manager, due to an organizational change, to indicate that the Personnel Management Specialist serves that function.

The Review Commission proposes deleting the systems of records previously identified as Cases Pending in the Decisional Process after Oral Decisions, OSHRC–9, and Cases Acted on by Judge, OSHRC–10, because maintenance of these systems of records are no longer relevant and necessary to accomplish an agency purpose.

The Review Commission proposes changing the system location of Cases Pending in General Counsel's Office, OSHRC–5, to the Office of the General Counsel, and proposes changing the system manager to the General Counsel due to organizational changes to accurately state the system's location and manager. Also proposed for this system are changes to its storage method to include file server, an alteration through the use of new technology, and to its safeguards. Regarding this systems' safeguards, language is proposed to indicate that its paper records are maintained in file cabinets, which, during duty hours, are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. For the electronic components maintained on the file server, language is proposed to state that the file server is maintained in a locked office which requires a coded password for access. Server access requires network authentication at the file server and application levels.

Access to the file cabinets and server is limited to personnel having a need for access to perform their official functions.

The Review Commission proposes adding OSHRC–6, Case Management/Tracking System, to identify a previously unidentified system in which information by individual name or identifier is relevant and necessary to an agency purpose.

**Comprehensive Listing Reflecting the Additions and Revisions Discussed Above**

The systems of records are published in their entirety below.

*Compilation of Published Blanket Routine Uses*

In addition, for completeness, the Review Commission includes a compilation of the blanket routine uses which it has already published, newly organized here for ease of use. See 44 FR 18572 ''Appendix'' (March 28, 1979) and 53 FR 36142 (September 16, 1988).

*Occupational Safety and Health Review Commission*

*Systems of Records*

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OSHRC–2 Mailing Lists for News Releases, Speeches, Booklets, Reports
OSHRC–3 Applications for Employment
OSHRC–4 Payroll and Related Records
OSHRC–5 Cases Pending in General Counsel's Office
OSHRC–6 Case Management/Tracking System

Blanket Routine Uses

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), including the specific routine uses set forth for each system of records, the Review Commission may disclose a record or information in a Privacy Act system of records under 5 U.S.C. 552 as provided below.

(1) It shall be a blanket routine use of the records in the Review Commission's systems of records to disclose them to the Department of Justice when—

(a) The Review Commission, or any of its components, or

(b) Any employee of the Review Commission in his or her official capacity, or

(c) Any employee of the Review Commission in his or her individual capacity where the Review Commission has agreed to represent the employee, or

(d) The United States, where the Review Commission determines that litigation is likely to affect the Review Commission or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Review Commission to be relevant and necessary to the litigation. In each case of disclosing records to the Department of Justice, the Review Commission must determine that the department is using the information contained in the records for a purpose that is compatible with the purpose for which the records were collected.

(2) It shall be a blanket routine use of the records contained in the systems of records maintained by the Review Commission to disclose them in a proceeding before a court or adjudicative body before which the Review Commission is authorized to appear, when—

(a) The Review Commission, or any component thereof, or

(b) Any employee of the Review Commission in his or her official capacity, or

(c) Any employee of the Review Commission in his or her individual capacity where the Review Commission has agreed to represent the employee, or

(d) The United States, where the Review Commission determines that litigation is likely to affect the Review Commission or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Review Commission to be relevant and necessary to the litigation. In each case of disclosing records to the Department of Justice, the Review Commission must determines that the department is using the information contained in the records for a purpose that is compatible with the purpose for which the records were collected.

(3) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or order issued pursuant thereto, the relevant records in the system of records may be referred, as a blanket routine use 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.

(4) A record from a Review Commission system of records may be disclosed as a blanket routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement 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 letting of a contract, or the issuance of a license, grant or other benefit.

(5) A record from the Review Commission system of records may be disclosed as a blanket routine use to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of any employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

(6) A record from a Review Commission system of records may be disclosed as a blanket routine use to an authorized appeal grievance examiner, formal complaints manager, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

(7) A record from a Review Commission system of records may be disclosed as a blanket routine use to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

(8) A record from a Review Commission system of records may be disclosed as a blanket routine use to officers and employees of a federal agency for purposes of audit.

(9) The information contained in a Review Commission system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

(10) A record in a Review Commission system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to a request from the individual about whom the record is maintained.

(12) A record in a Review Commission system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services

provided to this Agency under agreement with GSA.

## OSHRC–1

**SYSTEM NAME:**

Travel Records.

**SYSTEM LOCATION:**

Office of Financial and Administrative Services, OSHRC, 1120 20th St., NW., Washington, DC 20036–3457.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Names of persons who use Review Commission funds for travel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records shows all places to which travel was accomplished and the costs of such travel including subsistence costs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 651 et seq.

**PURPOSE(S):**

For budgetary purposes within the agency and for reporting to Members of Congress.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. To agency employees for budget preparation purposes.
2. To Members of Congress in their oversight capacity.
3. To other agencies, as appropriate
4. See Blanket Routine uses.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored on paper in file cabinets.

**RETRIEVABILITY:**

Retrievable manually by name.

**RETENTION AND DISPOSAL:**

Maintained for 10 years.

**SAFEGUARDS:**

Records are maintained in file cabinets. During duty hours, file cabinets are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Financial and Administrative Services, 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, D.C. 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it applies.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## OSHRC–2

**SYSTEM NAME:**

Mailing Lists for News Releases, Speeches, Booklets, Reports.

**SYSTEM LOCATION:**

Public Information Office, OSHRC, 1120 20th St., NW., Washington, DC 20036–3457.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Names of all persons who are sent information about OSHRC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains individuals' addresses, business affiliations, and the information they desire to receive.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 651 et seq.

**PURPOSE(S):**

To mail information to requesters relating to hiring of personnel, case dispositions, procedures, speeches, and statistical reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. To agency employees for information dissemination purposes.
2. To other agencies, as appropriate.
3. See Blanket Routine uses.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored on paper in file cabinets and on personal computer.

**RETRIEVABILITY:**

Retrievable manually and electronically by name.

**RETENTION AND DISPOSAL:**

Maintained indefinitely unless the individuals requests that his/her reference be deleted and then that reference is disposed of immediately.

**SAFEGUARDS:**

Paper records are maintained in file cabinets, which, during duty hours, are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are on personal computers maintained in offices under surveillance of personnel charged with custody of the records, and after duty hours, personal computers are behind locked doors. Access to personal computers is limited to personnel having a need for access to perform their official functions and is additionally restricted through password identification procedures.

**SYSTEM MANAGER(S) AND ADDRESS:**

Public Information Officer, 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system either comes from the individual to whom it applies or was derived from private source directories.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## OSHRC–3

**SYSTEM NAME:**

Applications for Employment.

**SYSTEM LOCATION:**

Personnel Office, 1120 20th Street NW., Washington, DC 20036–3457.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All those desiring employment with OSHRC who have submitted a Form 171, resume, or other application.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains information relating to (1) applicants' name, (2) birth date, (3) veterans preference, (4) tenure, (5) past and present salaries, (6) grades (7) position title, (8) awards and (9) other information relating to the status of an individual, as well as (10) education and (11) test scores.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. Sections 3301; 1302.

**PURPOSE(S):**

To refer applications to those offices within the agency having position vacancies.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. To agency personnel with personnel vacancies.
2. See Blanket Routine uses.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are maintained in folders.

**RETRIEVABILITY:**

Retrievable manually by applicant's name.

**RETENTION AND DISPOSAL:**

Maintained up to one year and then are destroyed.

**SAFEGUARDS:**

Records are maintained in file cabinets. During duty hours, file cabinets are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Management Specialist, 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system comes from the individual to whom it applies.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## OSHRC–4

**SYSTEM NAME:**

Payroll and Related Records.

**SYSTEM LOCATION:**

(1) Office of Financial and Administrative Services, 1120 20th St., NW., Washington, DC 20036–3457; and (2) United States Department of Agriculture's National Finance Center, P.O. Box 60000, New Orleans, LA 70160. NFC maintains records for OSHRC under interagency agreement.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees of OSHRC, including Commission members.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Various payroll records, including, among other documents: time and attendance cards; payment vouchers; comprehensive listings of employees; health benefits records; transit benefit records; requests for deductions; tax forms; W–2 forms; overtime requests; leave data; and retirement records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C., generally. Also 29 U.S.C. 651, et seq.

**PURPOSE(S):**

Records are used by OSHRC and NFC employees to maintain adequate payroll information for OSHRC employees and members, and otherwise by OSHRC and NFC employees who have a need for the record in the performance of their duties.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. See Blanket Routine uses.

2. Records are also disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

3. A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the OSHRC Director of the Office of Financial and Administrative Services. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

4. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5220), copies of executed city tax withholding certifications shall be furnished the city in response to written requests from an appropriate city official to the Director of the Office of Financial and Administrative Services.

5. In the absence of a withholding agreement, the Social Security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93–579.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1781a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) in accordance with 31 U.S.C. 3711(f).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Duplicate records are stored on paper and on microfiche at OSHRC offices, 1120 20th St., NW., Washington, DC 20036–3457, and at the offices of the NFC, where records are also stored on computer file server.

**RETRIEVABILITY:**

Retrievable manually and electronically by Social Security Number and name.

**RETENTION AND DISPOSAL:**

Retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule requirements for payroll-related records.

**SAFEGUARDS:**

Paper and microfiche records are maintained in file cabinets, which, during duty hours, are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are on computer file server maintained in an office under surveillance of personnel charged with custody of the records. In addition, the server is located in a locked room which requires a coded password for access. Server access requires network authentication at the server and application levels.

**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Management Specialist, 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th Str., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system either comes from the individual to whom it applies or is derived from information compiled by Commission employees performing administrative duties.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## OSHRC–5

**SYSTEM NAME:**

Cases Pending in General Counsel's Office.

**SYSTEM LOCATION:**

Office of the General Counsel, 1120 20th Street NW., Washington, DC 20036–3457.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

OSHRC attorneys (including supervisory attorneys) who have been assigned cases by OGC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains cases before the Review Commission which have been assigned to OGC for processing. It identifies (1) the case name; (2) the case docket number; (3) the attorneys (including supervising attorneys) who most recently have been assigned to work on the case; and (4) the most recent dates of the various stages in the progress of the case, starting with assignment to OGC and ending with issuance of a decision.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 661(d).

**PURPOSE(S):**

To make management decisions with respect to case processing activities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. To the Chairman.
2. To the Executive Director.
3. To the General Counsel.

For use in making management decisions with respect to case processing and agency administration.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on personal computers and on paper in report form in file cabinets.

**RETRIEVABILITY:**

Retrievable manually and electronically by case name, docket number, date of case activity, name of attorney or supervising attorney.

**RETENTION AND DISPOSAL:**

Maintained indefinitely on personal computer and paper reports generated from the system are kept for as long as needed for case management purposes.

**SAFEGUARDS:**

Paper records are maintained in file cabinets, which, during duty hours, are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions. Electronic records are on personal computers maintained in offices under surveillance of personnel charged with custody of the records, and after duty hours, personal computers are behind locked doors. Access to personal computers is limited to personnel having a need for access to perform their official functions and is additionally restricted through password identification procedures.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and the Office of the General Counsel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## OSHRC–6

**SYSTEM NAME:**

Case Management/Tracking System

**SYSTEM LOCATION:**

Information Technology Office, 1120 20th Street NW., Washington, DC 20036–3457.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system lists the events in cases before Review Commission Administrative Law Judges and Commission members. It lists: (1) The names of Administrative Law Judges (ALJ); (2) the names of attorneys; (3) the names of Commission members; (4) events occurring in cases and the dates on which they occurred; (5) documents filed in cases and the dates on which they were filed; (7) the names of persons who entered each case record, the dates of entries as well as when it was last modified.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

It lists: (1) The names of Administrative Law Judges (ALJ); (2) the names of attorneys; (3) the names of Commission members; (4) events occurring in cases and the dates on which they occurred; (5) documents filed in cases and the dates on which they were filed; (7) the names of persons who entered each case record, the dates of entries and; (8) when a record was last modified.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 661(d).

**PURPOSE:**

For administrative purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures may be made under this system:

1. To agency management officials for use in making management decisions with respect to case processing and agency administration.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Electronic records stored on computer file server; paper in report form stored in binders.

**RETRIEVABILITY:**

Retrievable electronically and manually by individual name, case docket number, case name or computer assigned reference code.

**RETENTION AND DISPOSAL:**

Maintained indefinitely on computer file server, and paper reports generated from the system are kept for as long as needed for administrative purposes.

**SAFEGUARDS:**

Computer file server located in locked room which requires a coded password for access. Access to the server is limited to personnel having a need for access to perform their official functions. In addition, server access requires network authentication at the server and application levels. Paper records are maintained in file cabinets, which, during duty hours, are under surveillance of personnel charged with custody of the records and after duty hours, are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

**SYSTEM MANAGER(S) AND ADDRESS:**

Computer Specialist, 1120 20th St., NW., Washington, DC 20036–3457.

**NOTIFICATION PROCEDURE:**

Individuals interested in inquiring about their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD ACCESS PROCEDURES:**

Individuals who wish to gain access to their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest their records should notify: Executive Director, OSHRC; 1120 20th St., NW., Washington, DC 20036–3457.

**RECORD SOURCE CATEGORIES:**

Information in this system is derived from the individual to whom it applies or is derived from case processing records maintained by the Office of the Executive Secretary and the Office of the General Counsel or from information provided by the parties who appear before the Review Commission.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: August 6, 2001.

**Patricia A. Randle,**

*Executive Director.*

[FR Doc. 01–20320 Filed 8–10–01; 8:45 am]

BILLING CODE 7600–01–P

## PEACE CORPS

### Information Collection Requests Under OMB Review

**AGENCY:** Peace Corps.

**ACTION:** Notice of public use form review request to the Office of Management and Budget (OMB Control Number 0420–0529).

**SUMMARY:** Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C., chapter 35), this notice announces that the Peace Corps has submitted to the Office of Management and Budget a request to approve the annual Peace Corps Day Brochure Registration Form, OMB Control Number 0420–0529. The initial **Federal Register** notice was published on April 26, 2001, (Volume 66, Number 81, p. 21023) for 60 days. Also available at GPO access: wais.access.gpo.gov. No comments, inquiries or responses to the notice were received. A copy of the information collection may be obtained from Lisa Ward, Office of Domestic Programs, Peace Corps, 1111 20th Street, NW., Room 2134, Washington, DC 20526. Ms. Ward may be contacted by telephone at 202–692–1422 or 800–424–8580 ext 1422. For general information about the Peace Corps, visit our web site at *www.peacecorps.gov.* The Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether their information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collections information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and the clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on this form should be addressed to the attention of the Peace Corps Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503. Comments should be reviewed on or before September 13, 2001.

### Information Collection Abstract

*Title:* Peace Corps Day Brochure Registration Form.

*Need for and Use of This Information:* This collection of information is necessary because the Peace Corps' Office of Domestic Program builds awareness of the continuing benefits that former Volunteers bring back to the United States after their service through its Coverdell World Wise Schools program, the Fellows/USA graduate fellowship program, Returned Volunteers Services, and through Peace Corps Day. For more than 10 years, programs and publications have aimed to harness the cross-cultural experiences of returned Peace Corps Volunteers (RPCVs) to foster better global

understanding among Americans, and particularly students, throughout the United States. The information is used by the Office of Domestic Programs to send presentation and educational materials to RPCV's, which enhances the quality of the presentations. Information is also used by Public Affairs Specialists to promote Peace Corps Day regionally, broadly raising awareness for the Peace Corps and augmenting recruiting efforts.

*Respondents:* Returned Peace Corps Volunteers.

*Respondent's Obligation To Reply:* Voluntary.

**Burden on the Public**

a. *Annual reporting burden:* 6,500 hours.

b. *Annual record keeping burden:* 0 hours.

c. *Estimated average burden per response:* 3 minutes.

d. *Frequency of response:* One time.

e. *Estimated number of likely respondents:* 130,000.

f. *Estimated cost to respondents:* $1.02.

This notice is issued in Washington, DC on August 3, 2001.

**Doug Warnecke,**

*Acting, Chief Information Officer and Associate Director for Management.*

[FR Doc. 01–20385 Filed 8–13–01; 8:45 am]

BILLING CODE 6051–01–M

## PEACE CORPS

### Proposed Information Collection Requests

**AGENCY:** Peace Corps.

**ACTION:** Notice of public use form review request to the Office of Management and Budget (Renewal of OMB Control Number 0420–0007).

**SUMMARY:** Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C., chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request for approval of an information collection, OMB Control Number 0420–0007, the Peace Corps Volunteer Information Card. This is a renewal of an active OMB Control Number. The purpose of this notice is to allow for public comments on whether the proposed collection of information is necessary for the proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collections information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and the clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

A copy of the proposed information collection form may be obtained from Ms. DeDe Dunevant, Office of Communications, Peace Corps, 1111 20th Street, NW., Room 8407, Washington, DC 20526. Ms. Dunevant can be contacted by telephone at 202–692–2205 or 800–424–8580 ext 2205.

Comments on the form should also be addressed to the attention of Ms. Dunevant and should be received on or before October 15, 2001.

**Information Collection Abstract**

*Title:* Peace Corps Volunteer Information Card.

*Need For and Use of This Information:* This form is completed voluntarily by potential Peace Corps Volunteers in order to identify prospective applicants and process the applicants for Volunteer service. This information, which is gathered by paper copy in the form of response devices such as postage paid business reply cards and directing potential applicants to the electronic on-line version of the Peace Corps application, is used to determine initial qualifications of potential for applicants. The Peace Corps needs this information in order to identify prospective applicants for Volunteer service. This information is used to provide information to interested individuals generally and in accordance with the fulfillment of the first goal of the Peace Corps as required by Congressional legislation and to enhance the Peace Corps Volunteer process.

*Respondents:* Potential Peace Corps Volunteers.

*Respondents Obligation To Reply:* Voluntary.

**Burden on the Public**

a. *Annual reporting burden:* 1,021 hours.

b. *Annual recordkeeping burden:* 0 hours.

c. *Estimated average burden per response:* 1.75 minutes.

d. *Frequency of response:* One time.

e. *Estimated number of likely respondents:* 35,000.

f. *Estimated cost to respondents:* $0.37.

At this time, responses will be returned by mail.

This notice is issued in Washington, DC on August 3, 2001.

**Doug Warnecke,**

*Acting Chief Information Officer and Associate Director for Management.*

[FR Doc. 01–20386 Filed 8–13–01; 8:45 am]

BILLING CODE 6051–01–M

## SMALL BUSINESS ADMINISTRATION

### Reporting and Recordkeeping Requirements Under OMB Review

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Submit comments on or before September 13, 2001. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**COPIES:** Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**ADDRESSES:** Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Agency Clearance Officer, (202) 205–7044.

**SUPPLEMENTARY INFORMATION:** *Title:* Evaluation of State efforts to review and alleviate State Regulatory Burdens on Small Business.

*No:* N/A.

*Frequency:* On Occasion.

*Description of Respondents:* The Office Advocacy is surveying states to gain a better understanding of what states are doing to help small businesses overcome state regulatory burdens.

*Responses:* 130.

*Annual Burden:* 120.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 01–20364 Filed 8–13–01; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster #3347)**

### State of Texas; (Amendment #4)

In accordance with a notice received from the Federal Emergency Management Agency, dated July 30, 2001, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to September 7, 2001.

All other information remains the same, i.e., the deadline for filing applications for loans for economic injury is March 8, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 2, 2001.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 01–20323 Filed 8–13–01; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster #3354]**

### Commonwealth of Virginia; (Amendment #1)

In accordance with notices received from the Federal Emergency Management Agency, dated August 1, 2001, the above numbered declaration is hereby amended to include Buchanan, Dickenson, Russell, Scott, Smyth, and Wise Counties as disaster areas and to reopen the incident period for this disaster as beginning July 8, 2001 and continuing.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Grayson, Lee, Washington, and Wythe Counties in Virginia; Harlan, Letcher, and Pike Counties in Kentucky; Hancock, Hawkins, and Sullivan Counties in Tennessee; and Mingo County, West Virginia. All other contiguous counties have been previously declared.

The numbers assigned for economic injury are 9M2600 for Kentucky and 9M2700 for Tennessee. All other information remains the same, i.e., the deadline for filing applications for physical damage is September 10, 2001, and for loans for economic injury the deadline is April 12, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 2, 2001.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 01–20321 Filed 8–13–01; 8:45 am]

BILLING CODE 8025–01–P

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster #3345]**

### State of West Virginia; (Amendment #7)

In accordance with notices received from the Federal Emergency Management Agency, dated July 26 and July 31, 2001, the above numbered declaration is hereby amended to 1) include Greenbrier and Nicholas Counties in the State of West Virginia as disaster areas, 2) reopen the incident period for this disaster as beginning May 15, 2001 and continuing, and 3) extend the deadline for filing applications for physical damages as a result of this disaster to September 8, 2001.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Pocahontas and Webster Counties in the State of West Virginia, and Alleghany and Bath Counties in the Commonwealth of Virginia. All other contiguous counties have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for loans for economic injury is March 4, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 2, 2001.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 01–20322 Filed 8–13–01; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF STATE

**[Public Notice 3754]**

### Bureau of Diplomatic Security, Office Foreign Missions, Diplomatic Motor Vehicles

**ACTION:** Notice of information collection under emergency review: U.S. Department of State Form DS–1972, Driver License and Tax Exemption Card Application (OMB Collection Number 1405–0105).

**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:* Emergency Review.

*Originating Office:* DS/OFM/VTC/V.

*Title of Information Collection:* U.S. Department of State Driver Licenses and Tax Exemption Card Application.

*Frequency:* As often as is necessary to issue/renew driver licenses and/or tax exemption cards.

*Form Number:* DS–1972.

*Respondents:* Foreign mission personnel assigned to the United States: diplomatic, consular, administrative and technical, specified official representatives of foreign governments to international organizations, and their dependents.

*Estimated Number of Respondents:* 12,500.

*Average Hours Per Response:* .5 hours (30 minutes).

*Total Estimated Burden:* 6,250.

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 August 15, 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, who may be reached on 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:** Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Attn: Jacqueline D. Robinson, U.S. Department of State, Office of Foreign Missions, State Annex 33, Room 218, Washington, DC 20008, who may be reached on (202) 895–3500.

Dated: June 29, 2001.

**Theodore Strickler,**

*Deputy Assistant Secretary, Bureau of Diplomatic Security, Office of Foreign Missions, U.S. Department of State.*

[FR Doc. 01–20398 Filed 8–13–01; 8:45 am]

BILLING CODE 4710–43–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Aviation Proceedings, Agreements Filed During Week Ending July 27, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the applications.

*Docket Number:* OST–2001–10204.
*Date Filed:* July 23, 2001.
*Parties:* Members of the International Air Transport Association.
*Subject:*
Mail Vote 135 PTC12 USA–EUR 0122 dated 29 June 2001
TC12 North Atlantic USA–Austria, Belgium, Germany, Italy, Netherlands, Scandinavia, Switzerland Resolutions r1–r21
PTC12 USA–EUR 0127 dated 24 July 2001 (Affirmative/Technical Corrections)
MINUTES—PTC12 USA–EUR 0126 dated 17 July 2001 (Report)
TABLES—PTC12 USA–EUR Fares 0062 dated 24 July 2001
Intended effective date: 1 November.

*Docket Number:* OST–2001–10222.
*Date Filed:* July 24, 2001.
*Parties:* Members of the International Air Transport Association.
*Subject:*
PTC12 CAN–EUR 0071 dated 24 July 2001.
Mail Vote 137—Resolutions 002b, 015v, 076ii
TC12 North Atlantic Canada—Europe
Intended effective date: 15 August 2001.

**Cynthia L. Hatten,**

*Federal Register Liaison.*

[FR Doc. 01–20309 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–62–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) During the Week Ending July 27, 2001

The following Applications for Certificates of Public Convenience and necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et seq.) The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST–2000–7525.
*Date Filed:* July 23, 2001.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 13, 2001.
*Description:* Application of Emery Worldwide Airlines, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart B, requesting amendment of its Route 743 certificate authority to delete the city-pair segments specified and authorize scheduled foreign air transportation of property and mail between a point or points in the United States, on the one hand, and a point or points in Mexico, on the other hand. Emery Air also asks for authority to integrate the requested all-points U.S.-Mexico authority with its existing certificate and exemption authority, and to continue condition 12 of its Route 743 authority (waiving the dormancy provisions for intermitted service).

*Docket Number:* OST–2001–10239.
*Date Filed:* July 25, 2001.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 15, 2001.
*Description:* Joint Application of Atlas Air Worldwide Holdings, Inc., Airline Acquisition Corp I, Atlas Air, Inc., and Polar Air Cargo, Inc., pursuant to 49 U.S.C. Section 41105 and Subpart B, requesting approval of the de facto transfer of Polar's certificates of public convenience and necessity plus all exemption and related authorities to Atlas Air Worldwide Holdings, Inc., and its affiliates.

**Cynthia L. Hatten,**

*Federal Register Liaison.*

[FR Doc. 01–20310 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–62–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Advisory Circular; AC 21.101–1, Advisory Material for the Establishment of the Certification Basis of Changed Aeronautical Products

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) No. 21.101–1, Advisory Material for the Establishment of the Certification Basis of Changed Aeronautical Products. The AC provides information and guidance concerning an acceptable method, but not the only method, by which an applicant establishes the certification basis for changed 14 CFR part 25 aeronautical products, including identifying the conditions under which it will be necessary to apply for a new type certificate. The FAA has issued a final rule, Type Certification Procedures for Changed Products that amends the procedural regulations for the certification of changes to type certification products. These amendments affect changes accomplished through either an amended type certificate or a supplemental type certificate. This AC provides guidance for determining compliance with those amended procedural regulations for the certification of changes to transport category airplanes and restricted category airplanes that have been certified using transport category regulations.

**DATES:** Advisory Circular No. 21.101–1 was issued on August 3, 2001.

**FOR FURTHER INFORMATION CONTACT:** Madeleine Miguel, Aerospace Engineer, Certification Procedures Branch, AIR–110, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591; telephone number: (202) 267–3777. A copy of the final AC may be obtained by accessing

the FAA's web page at: *http://www.airweb.faa.gov/Regulatory and Guidance Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameset.*

**SUPPLEMENTARY INFORMATION:**

## Background or Discussion

Interested parties were given the opportunity to review and comment on the draft AC during the proposal and development phases. Notice was published in the **Federal Register** (65 FR 51052), August 22, 2000, to announce the availability of, and request comments to, the proposed AC. All comments were reviewed and appropriate comments are incorporated in the AC.

This advisory circular provides guidance by which an applicant establishes the certification basis for changed 14 CFR part 25 aeronautical products, including identifying the conditions under which it will be necessary to apply for a new type certificate. The FAA has issued a final rule, Type Certification Procedures for Changed Products that amends the procedural regulations for the certification of changes to type certification products. These amendments affect changes accomplished through either an amended type certificate or a supplemental type certificate.

This AC provides for determining compliance with those amended procedural regulations for the certification of changes to transport category airplanes and restricted category airplanes that have been certified using transport category regulations.

Issued in Washington, DC, on August 8, 2001.

**David W. Hempe,**

*Acting Manager, Aircraft Engineering Division.*

[FR Doc. 01–20431 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–13–M**

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# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

**[Summary Notice No. PE–2001–59]**

## Petitions for Exemption; Summary of Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**FOR FURTHER INFORMATION CONTACT:** Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on August 8, 2001.

**Donald P. Bryne,**

*Assistant Chief Counsel for Regulations.*

## Dispositions of Petitions

*Docket No.:* FAA–2001–9346.
*Petitioner:* BF Goodrich Aerospace.
*Section of 14 CFR Affected:* 14 CFR § 25.813(e).
*Description of Relief Sought/Disposition:* To permit the installation of interior doors between passenger compartments on the DB–700–1A10 airplane. *Grant, 07/20/2001, Exemption No. 7573.*

*Docket No.:* FAA–2001–9679.
*Petitioner:* Lufthansa Technik.
*Section of 14 CFR Affected:* 14 CFR § 25.785(j).
*Description of Relief Sought/Disposition:* To permit the installation of an interior arrangement that does not provide firm handholds for the Boeing Model 737–700IGW airplane. *Grant, 07/20/2001, Exemption No. 7572.*

*Docket No.:* FAA–2001–9924 (previously Docket No. 29342).
*Petitioner:* Airbus Industrie of North America, Inc.
*Section of 14 CFR Affected:* 14 CFR § 61.77(a).
*Description of Relief Sought/Disposition:* To permit pilots and flight engineers employed by Airbus to be eligible for the issuance of special purpose pilot and flight engineer authorizations, under part 61 and 65, as appropriate, for the purpose of performing delivery flights of U.S.-registered airplanes between foreign countries and from a foreign country to the United States. *Grant, 07/24/2001, Exemption No. 6850B.*

*Docket No.:* FAA–2001–8995.
*Petitioner:* Mr. Steven D. Perry.
*Section of 14 CFR Affected:* 14 CFR § 135.243(b)(2) and (c)(2).
*Description of Relief Sought/Disposition:* To permit Mr. Perry to serve as pilot in command (PIC) of an aircraft in part 135 cargo operations under visual flight rules (VFR) and instrument flight rules (IFR) without meeting the total VFR and IFR flight time requirements for PIC. *Denial, 07/24/2001, Exemption No. 7574.*

*Docket No.:* 29848.
*Petitioner:* Baltimore County Police Department.
*Section of 14 CFR Affected:* 14 CFR §§ 1.1 and 61.45(a).
*Description of Relief Sought/Disposition:* To permit BCPD pilots to undergo part 61 flight training and practical tests in the BCPD's public aircraft, specifically former military Bell (OH–58) helicopters. *Denial, 07/24/2001, Exemption No. 7575.*

*Docket No.:* 29498.
*Petitioner:* Eastern Cincinnati Aviation, Inc.
*Section of 14 CFR Affected:* 14 CFR appendixes I and J to part 121, §§ 135.251, 135.255, and 135.353.
*Description of Relief Sought/Disposition:* To permit ECA to (1) conduct limited aviation familiarization flights, without complying with certain antidrug and alcohol misuse prevention requirements of part 135; and (2) conduct local sightseeing flights from Clermont County Airport to promote general aviation, for compensation or hire, without complying with certain antidrug and alcohol misuse prevention requirements of part 135. *Denial, 07/24/2001, Exemption No. 7576.*

*Docket No.:* FAA–2001–9086 (previously Docket No. 26326).
*Petitioner:* T.B.M., Inc., and Butler Aircraft.
*Section of 14 CFR Affected:* 14 CFR § 91.611.
*Description of Relief Sought/Disposition:* To permit TBM and Butler to conduct ferry flights in their Lockheed C–130A aircraft with one engine inoperative without obtaining a special flight permit for each flight. *Grant, 07/24/2001, Exemption No. 6667B.*

*Docket No.:* FAA–2001–9030 (previously Docket No. 23760).
*Petitioner:* State of Alaska, Department of Natural Resources, Division of Forestry.
*Section of 14 CFR Affected:* 14 CFR § 91.119 (b) and (c).
*Description of Relief Sought/Disposition:* To allow pilots employed by or acting pursuant to a contract with

the DOF to conduct firefighting operations that require the aerial application of fire retardants or water over congested areas and cargo paradrops and/or aerial application of fire retardants or water over other than congested areas in the State of Alaska. *Grant, 07/24/2001, Exemption No. 4063C.*

*Docket No.:* FAA–2001–8861 (previously Docket No. 26237).

*Petitioner:* MCIWORLDCOM Management Company, Inc.

*Section of 14 CFR Affected:* 14 CFR § 91.611.

*Description of Relief Sought/ Disposition:* To permit MCI to conduct ferry flights with one engine inoperative in MCI's Falcon Trijet airplane, Model No. 900, without obtaining a special flight permit for each flight. *Grant, 07/ 24/2001, Exemption No. 5332E.*

*Docket No.:* FAA–2001–9135 (previously Docket No. 24541).

*Petitioner:* Boeing Commercial Airplane Group.

*Section of 14 CFR Affected:* 14 CFR § 91.611.

*Description of Relief Sought/ Disposition:* To permit BCAG to conduct ferry flights with one engine inoperative on its Boeing 707, 720, 727, 747 (B–707, –720, –727, –747), DC–10, MD–10, and MD–11 airplanes without obtaining a special ferry permit. *Grant, 07/24/2001, Exemption No. 4467H.*

*Docket No.:* FAA–2001–8936.

*Petitioner:* Mr. Robert P. Lavery.

*Section of 14 CFR Affected:* 14 CFR § 91.109 (a) and (b)(3).

*Description of Relief Sought/ Disposition:* To permit Mr. Lavern to conduct certain flight instruction and simulated instrument flights to meet the recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant, 07/06/ 2001, Exemption No. 7571.*

[FR Doc. 01–20314 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Summary Notice No. PE–2001–60]**

### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before September 4, 2001.

**ADDRESSES:** Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2000–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

**FOR FURTHER INFORMATION CONTACT:** Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, or Vanessa Wilkins (202) 267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on August 9, 2001.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

### Petitions for Exemption

*Docket No.:* FAA–2001–9944.

*Petitioner:* Schwartz Engineering Company.

*Section of 14 CFR Affected:* 14 CFR 25.813(e).

*Description of Relief Sought:* To allow Schwartz Engineering Company to install interior doors between passenger compartments in Boeing Model 757–200 airplanes used in private, not for hire, operations.

*Docket No.:* FAA–2001–9943.

*Petitioner:* Schwartz Engineering Company.

*Section of 14 CFR Affected:* 14 CFR 25.813(e).

*Description of Relief Sought:* To allow Schwartz Engineering Company to install interior doors between passenger compartments in Boeing Model 767–200 airplanes used in private, not for hire, operations.

[FR Doc. 01–20432 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. FAA–2001–9854]**

### Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of the Lottery Allocation; Extension of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice extending comment period on alternative policy options for managing capacity and mitigating congestion and delay at LaGuardia Airport (LGA).

**SUMMARY:** On June 12, 2001, the FAA requested comments on the feasibility and effectiveness of five different demand management options that could be used to replace the current temporary administrative limits on the number of aircraft operations at LGA. Parties wishing to file comments on these options were given until August 13, 2001. (The **Federal Register** notice referred to these options for addressing a longer-term solution at LGA as ''Phase Two,'' Docket 9854. In contrast, ''Phase One'' (Docket 9852) addressed the temporary extension of the current administrative lottery allocation of slot exemptions at LGA). By this notice, the FAA is extending the time period for public comment on Phase Two from August 13 to October 12, 2001.

**DATES:** Comments on Phase Two must be received on or before October 12, 2001.

**ADDRESSES:** Comments should be mailed or delivered in duplicate, to: U.S. Department of Transportation Dockets, Docket No. FAA–2001–9854 for Phase Two, 400 Seventh Street, SW, Room Plaza 401, Washington, DC 20590. Comments may also be sent electronically to the following Internet

address: http://dms.dot.gov. Comments may be filed and/or examined in Room Plaza 401 between 10:00 a.m. and 5:00 p.m. weekdays except Federal holidays.

The FAA will acknowledge receipt of a comment if the commenter includes a pre-addressed, stamped postcard with the comment. The postcard should be marked ''Comments to Docket No. FAA–2001–9854'' for Phase Two. When the comment is received by the FAA, the postcard will be dated, time stamped, and returned to the commenter.

**FOR FURTHER INFORMATION CONTACT:** John M. Rodgers, Director, Office of Aviation Policy and Plans, 800 Independence Avenue, SW, Washington, DC 20591; telephone number 202–267–3274.

**SUPPLEMENTARY INFORMATION:**

## Background

The FAA recently issued a ''Notice of Alternative Policy Options for Managing Capacity at LaGuardia Airport and Proposed Extension of the Lottery Allocation'' (65 FR 31731, June 12, 2001). In that notice, commenters were asked to submit detailed analyses of two different market-based approaches, and of three types of administrative options, to allocated capacity at LGA. Commenters were also encouraged, to the extent appropriate, to submit remarks on variations to these options.

By letters dated June 21, 2001 and July 10, 2001, the Air Transport Association of America (ATA, the principal trade and service organization of the major scheduled air carriers in the United States) and the Regional Airline Association (RAA, the representative of the interests of short-haul scheduled airlines), respectively, requested that the FAA extend the comment period for Phase Two for an additional 180 days. Both associations claim that the options presented would have a significant impact on their members and that the initial 60-day comment period does not provide adequate time for the respective associations to conduct the required analysis of the demand management options proposed in the notice and to coordinate a response with their membership. The associations also state that the proposed options have not been used at other domestic airports and have untested consequences. Additionally, the ATA notes that formulation of comments with regard to congestion pricing options will require extensive economic, operational, and legal analyses. As further support for their motions, both associations state their belief that the ramifications of the inquiry at LGA will be national in scope and determinative of FAA policy. They further argue that the 60-day comment period is unfair because formulation of demand management options proposed in the Notice took the agency several months to complete and consequently commenters should be allowed a similar length of time to respond.

The Airports Council International North America (ACI–NA) and America West Airlines, Inc. oppose the requested 180 day extension. The ACI–NA stated that a ''substantial extension'' of the comment period is not warranted since the FAA specifically requested that commenters focus on the broad public policy issues raised in the notice, as opposed to the legal and international issues on which comment will be sought subsequently. America West argued that extension of the comment period would delay implementation of a new demand management policy at LGA that could provide increased access at LGA for new entrants and limited incumbents. In addition, Congressman Benjamin A. Gilman, in a letter to FAA's Administrator dated June 27, 2001, also expressed opposition to any extension of the comment period, citing that the problem at LGA cannot wait indefinitely for a solution and extending the comment period only favors those who have the resources to weather the status quo.

## Extension of Comment Period

Under our rules (14 CFR 11.47), FAA may grant a request for more time to file comments when a requester shows that it is in the public interest and that the requester has good cause. The FAA has determined that it would be reasonable and in the public interest to give commenters more time to prepare their submissions. FAA believes a 60 day extension (resulting in a total of 120 days to comment on Phase Two) provides an adequate time period for commenters to analyze, coordinate, and file comments on the demand management options at LGA. A 180 day extension, on the other hand, (for a total of 240 days to comment on Phase Two) is not necessary, particularly since—as recognized by ACI–NA''s comments—we have requested that commenters ''set aside consideration of the current statutory, regulatory, or international authorities'' and concentrate their analysis on the public policy considerations. (See, 66 FR 31736, 31740, June 12, 2001). Further, as discussed the June 12, 2001 **Federal Register** Notice, the circumstances at LGA are unique for several reasons, including those pertinent to LGA's effects on the national airspace system, to the scheduled phase-out of the High Density Rule (HDR) at that airport, and to the elimination of the HDR on January 1, 2007. 49 U.S.C. 41715(a)(2). The Office of the Secretary and the FAA, as noted in the June 12 Notice, intend to conduct a broader inquiry into demand-based management options on a nationwide basis, separate from this LGA docket. Accordingly, it is not necessary for commenters to Docket No. FAA–2001–9854 to consider the feasibility of the LGA options on a nationwide scale; additionally, the LGA options will not necessarily be determinative of the Department's policy on a national scope. While we are interested in a prompt study and analysis of longer-term options to allocate capacity at LGA, we realize that the airline industry needs some additional time to formulate and coordinate its comments. The FAA believes an additional 60 days is adequate for commenters to conduct their analyses and provide meaningful comment to the Federal Docket, Docket No. FAA–2001–9854. In addition, the agency will provide opportunity for public comment on future actions concerning the longer-term approach that the agency selects to allocate capacity at LGA. Absent unusual circumstances, the FAA does not anticipate any further extension of the Phase Two comment period of this notice.

Accordingly, the FAA grants, in part, the requests of the Air Transport Association of America and the Regional Airline Association to extend the date by which comments to Docket No. FAA–2001–9854 are due to October 12, 2001; and denies all other requests.

Issued on August 9, 2001 in Washington DC.

**Richard Rodine,**

*Acting Deputy Assistant Administrator for Policy, Planning, and International Aviation.*

[FR Doc. 01–20403 Filed 8–9–01; 3:59 pm]

BILLING CODE 4910–13–M

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Bismarck Municipal Airport, Bismarck, North Dakota

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Bismarck

Municipal Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before September 13, 2001.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Bismarck Airports District Office, 2301 University Drive, Building 23B, Bismarck, North Dakota 58504.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Gregory B. Haug, Manager, Bismarck Municipal Airport at the following address: City of Bismarck, P.O. Box 991, Bismarck, North Dakota 58502.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Bismarck, North Dakota under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas T. Schauer, Acting Manager, Federal Aviation Administration, Bismarck Airports District Office, 2301 University Drive, Building 23B, Bismarck, North Dakota 58504, (701) 323–7380. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Bismarck Municipal Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 24, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Bismarck was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 27, 2001.

The following is a brief overview of the application.

*PFC application number:* 01–03–C–00–BIS.

*Level of the proposed PFC:* $4.50.

*Proposed charge effective date:* May 1, 2002.

*Proposed charge expiration date:* January 1, 2004.

*Total estimated PFC revenue:* $944,055.00.

*Brief description of proposed projects:* Remove Taxiway A–4 and construct Taxiway C–4, update security access system, extend, light and mark Taxiway C and construct and mark Taxiways C–1, C–2 and C–3, remove Taxiways A, A–1, A–2, A–3, C–1, C–2 and C–3, abandon and remove Runway 17/35 and all associated electrical facilities, replace general aviation apron, update airport master plan-terminal area study, replace airport beacon, rehabilitate terminal ramp, purchase broom truck, preparation of PFC application. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxis, filing FAA form 1800–31, except commuter air carriers.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Bismarck Municipal Airport.

Issued in Des Plaines, Illinois, on July 31, 2001.

**Barbara J. Jordan,**

*Acting Manager, Planning and Programming Branch, Airports Division, Grreat Lakes Region.*

[FR Doc. 01–20313 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–13–M**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Rhinelander-Oneida County Airport, Rhinelander, Wisconsin

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rhinelander-Oneida County Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before September 13, 2001.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Joseph Brauer, Manager, Rhinelander-Oneida County Airport at the following address: Rhinelander-Oneida County Airport, 3375 Airport Road, Rhinelander, Wisconsin 54501–9178.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Rhinelander and County of Oneida under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450, (612) 713–4350. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rhinelander-Oneida County Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 20, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Rhinelander and County of Oneida was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than November 6, 2001.

The following is a brief overview of the application.

*PFC application number:* 01–07–C–00–RHI.

*Level of the proposed PFC:* $4.50.

*Proposed charge effective date:* January 1, 2004.

*Proposed charge expiration date:* April 1, 2004.

*Total estimated PFC revenue:* $34,405.00.

*Brief description of proposed projects:* Communication tower; repaint runways with glass beads; airfield signage; runway safety area grading; survey and clear obstructions, and PFC administration cost.

*Class or classes of air carriers which the public agency has requested not be required to collect PFCs:* Part 135 air taxi/commercial operators.

Any person may inspect the application in person at the FAA office

listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Rhinelander-Oneida County Airport.

Issued in Des Plaines, Illinois, on July 31, 2001.

**Barbara J. Jordan,**

*Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.*

[FR Doc. 01–20312 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–13–M**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Policy Statement Number PS–ACE100–2001–02]**

### Proposed Small Airplane Directorate Policy on Flammability Testing

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces a Federal Aviation Administration (FAA) proposed policy on flammability testing of materials used in small airplanes. This notice advises the public, especially manufacturers of normal, utility, and acrobatic category airplanes, and commuter category airplanes used in non-scheduled service and their suppliers, that the FAA intends to adopt a new policy concerning flammability testing. This notice is necessary to advise the public of this FAA policy and give all interested persons an opportunity to present their views on it.

**DATES:** Send your comments by September 13, 2001.

**DISCUSSION:** On August 3, 2001, the Small Airplane Directorate issued a proposed policy statement. We are making this proposed policy statement available to the public and all manufacturers for their comments.

**ADDRESSES:** Copies of the proposed policy statement, PS–ACE100–2001–02, may be requested from the following: Small Airplane Directorate, Standards Office (ACE–110), Aircraft Certification Office, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, MO 64106. The proposed policy statement is also available on the Internet at the following address *http://www.faa.gov/avr/air/ace/acehome.htm.* Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Leslie B. Taylor, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4134; fax: 816–329–4090; e-mail: leslie.b.taylor@faa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

We invite your comments on this policy statement. Send any written data, views, or arguments as you may desire. Identify the Policy Statement Number PS–ACE100–2001–02 on your comments, and send two copies of your comments to the above address. The Small Airplane Directorate will consider all communications received on or before the closing date for comments. We may change the proposals contained in this notice because of the comments received.

You may also send comments to the following Internet address: *leslie.b.taylor@faa.gov.* Comments sent by fax or the Internet must contain ''Comments to proposed policy statement PS–ACE–100–2001–02'' in the subject line. You do not need to send two copies if you fax your comments or send them through the Internet. Format in either Microsoft Word 97 for Windows or ASCII text any comments sent over the Internet as attached electronic files. State what specific change you are seeking to the proposed policy memorandum and include justification (for example, reasons or data) for each request.

Issued in Kansas City, Missouri on August 3, 2001.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01–20429 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA–2000–7257; Notice No. 25]**

### Railroad Safety Advisory Committee; Notice of Meeting

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Railroad Safety Advisory Committee (''RSAC'') meeting.

**SUMMARY:** FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The meeting will address a wide range of topics, including possible adoption of specific recommendations for regulatory action.

**DATES:** The meeting of the RSAC is scheduled to commence at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 20, 2001.

**ADDRESSES:** The meeting of the RSAC will be held at the Almas Temple Club, 1315 K Street, NW., Washington, DC 20005, (202) 898–1688. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

**FOR FURTHER INFORMATION CONTACT:** Trish Butera, or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590, (202) 493–6212/6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6302.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the Railroad Safety Advisory Committee (''RSAC''). The meeting is scheduled to begin at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 20, 2001. The meeting of the RSAC will be held at the Almas Temple Club, 1315 K Street, NW., Washington, DC, 20005, (202) 898–1688. All times noted are Eastern Standard Time.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual voting representatives and five associate representatives drawn from among 32 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico and other diverse groups. Staffs of the National Transportation Safety Board and Federal Transit Administration also participate in an advisory capacity.

The RSAC will be briefed on the current status of all pending tasks, receive greetings and a charge from the new FRA Administrator, and discuss issues of interest with respect to railroad safety. Action may be taken on recommendations for a final rule on Cab Sanitation if the working group reports a consensus recommendation by the time of the September 20, 2001, meeting. See the RSAC website for

details on pending tasks at: http: // rsac.fra.dot.gov/.

Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, D.C. on August 8, 2001.

**George A. Gavalla,**

*Associate Administrator for Safety.*

[FR Doc. 01–20396 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–06–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA–2000–7257; Notice No. 26]**

### Railroad Safety Advisory Committee (''RSAC''); Working Group Activity Update

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

**SUMMARY:** FRA is updating its announcement of RSAC's working group activities to reflect the current status of working group activities.

**FOR FURTHER INFORMATION CONTACT:** Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6302.

**SUPPLEMENTARY INFORMATION:** This notice serves to update FRA's last announcement of working group activities and status reports on April 6, 2001, (66 FR 18352). The seventeenth full Committee meeting was held April 23, 2000, at the Mayflower Hotel in the Colonial Ballroom in Washington, D.C.

Since its first meeting in April of 1996, the RSAC has accepted seventeen tasks. Status for each of the tasks is provided below:

*Task 96–1*—Revising the Freight Power Brake Regulations. This Task was formally withdrawn from the RSAC on June 24, 1997. FRA published an NPRM on September 9, 1998, reflective of what FRA had learned through the collaborative process. Two public hearings were conducted and a technical conference was held. The date for submission of written comments was extended to March 1, 1999. The final rule was published on January 17, 2001, (66 FR 4104). An amendment extending the effective date of the final rule until May 31, 2001 was published on February 12, 2001 (66 FR 9905). In addition, the FRA is reviewing petitions for reconsideration of the final rule. Contact: Thomas Hermann (202) 493–6036.

*Task 96–2*—Reviewing and recommending revisions to the Track Safety Standards (49 CFR Part 213). This task was accepted April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the **Federal Register** on July 3, 1997, (62 FR 36138). The final rule was published in the **Federal Register** on June 22, 1998 (63 FR 33991). The effective date of the rule was September 21, 1998. A task force was established to address Gage Restraint Measurement System (GRMS) technology applicability to the Track Safety Standards. A GRMS amendment to the Track Safety Standards was approved by the full RSAC in a mail ballot during August. The GRMS final rule amendment was published January 10, 2001 (66 FR 1894) and Roadway Maintenance Machines NPRM was published January 10, 2001 (66 FR 1930). On January 31, 2001, FRA published a notice extending the effective date of the GRMS amendment to April 10, 2001 (66 FR 8372). On February 8, 2001, FRA published a notice delaying the effective date until June 9, 2001 in accordance with the Regulatory Review Plan (66 FR 9676). Contact: Al MacDowell (202) 493–6236.

*Task 96–3*—Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR Part 220). This Task was accepted on April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the **Federal Register** on June 26, 1997 ( 62 FR 34544). The final rule was published on September 4, 1998 (63 FR 47182), and was effective on January 2, 1999. Contact: Gene Cox (202) 493–6319.

*Task 96–4*—Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This Task was accepted on April 2, 1996, and a Working Group was established. The Working Group monitored the steam locomotive regulations task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. Contact: Grady Cothen (202) 493–6302.

*Task 96–5*—Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR Part 230). This Task was assigned to the Tourist and Historic Working Group on July 24, 1996. Consensus was reached and an NPRM was published on September 25, 1998 (63 FR 51404). A public hearing was held on February 4, 1999, and recommendations were developed in response to comments received. The final rule was published on November 17, 1999 (64 FR 62828). The final rule became effective January 18, 2000. Contact: George Scerbo (202) 493–6349.

*Task 96–6*—Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240). This Task was accepted on October 31, 1996, and a Working Group was established. Consensus was reached and an NPRM was published on September 22, 1998. The Working Group met to resolve issues presented in public comments. The RSAC recommended issuance of a final rule with the Working Group modifications. The final rule was published November 8, 1999 (64 FR 60966). Contact: John Conklin (202) 493–6318.

*Task 96–7*—Developing Roadway Maintenance Machine (On-Track Equipment) Safety Standards. This task was assigned to the existing Track Standards Working Group on October 31, 1996, and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August. The NPRM was published January 10, 2001 (66 FR 1930). Contact: Al MacDowell (202) 493–6236.

*Task 96–8*—This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, Locomotive Crashworthiness & Working Conditions. This Planning Task was accepted on October 31, 1996. A Planning Group was formed and reviewed the report, grouping issues into categories, and prepared drafts of the task statements for Tasks 97–1 and 97–2.

*Task 97–1*—Developing crashworthiness specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. This Task was accepted on June 24, 1997. A Task Force on engineering issues was established by the Working Group on Locomotive Crashworthiness to review collision history and design options and additional research was commissioned.

The Working Group reviewed results of the research and is drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. An accident review task force has evaluated the potential effectiveness of suggested improvements. An NPRM is being prepared, with the Working Group meeting to review the draft. Contact: Sean Mehrvazi (202) 493–6237.

*Task 97–2*—Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. This Task was accepted June 24, 1997.

(Sanitation). A draft sanitation NPRM was circulated to the Working Group on Cab Working Conditions with ballot requested by November 3, 2000. The NPRM on sanitation was discussed during the full RSAC meeting on September 14, 2000 and published January 2, 2001 (66 FR 136). A public hearing was held April 2, 2001. The Working Group is evaluating the comments from the public hearing. A meeting is tentatively scheduled for August 21, 2001, to discuss comments in response to the NPRM.

(Noise exposure.) A Task Force has assisted in identifying options for strengthening the occupational noise exposure standard, and the Cab Working Group met in October and November, 2000, and April, 2001, and reached tentative agreement on most of the significant issues related to the noise NPRM. The Cab Working Group held a meeting April 3–5, 2001, to discuss Noise Exposure Standards. Refinement and substantive changes were incorporated into the rule language. A full draft NPRM will be circulated to the working group for consideration. The Cab Working Group has also considered issues related to cab temperature, and is expected to consider additional issues (such as vibration) in the future. Contact: Brenda Hattery (202) 493–6326.

*Task 97–3*—Developing event recorder data survivability standards. This Task was accepted on June 24, 1997. The Event Recorder Working Group is completing preparation of an NPRM. The NPRM went to the Working Group on May 21, 2001, for comments, and FRA is reviewing the comments. Contact: Edward Pritchard (202) 493–6247.

*Task 97–4* and *Task 97–5*—Defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. *Task 97–6*—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group. A Data and Implementation Task Force, formed to address issues such as assessment of costs and report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting. The Standards Task Force, formed to develop PTC standards, is developing draft recommendations for performance-based standards for processor-based signal and train control standards. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. A meeting of the Working Group was held March 26, 2001, in Las Vegas to discuss updates on the projects. Monitoring of implementation continues. The NPRM was cleared and published in the **Federal Register** on August 10, 2001. Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work. Contact: Grady Cothen (202) 493–6302.

*Task 97–7*—Determining damages qualifying an event as a reportable train accident. This Task was accepted on September 30, 1997. A working group was formed to address this task and conducted their initial meeting on February 8, 1999. The working group designed a survey form to collect specific data about damages to railroad equipment. The survey started on August 1 and ended January 31, 2001. A statistical analysis, using the survey data, was done to see if a method can be used to calculate property damages. The report was complete by the last week of April, 2001. A meeting was held May 21–23, 2001 to review the report. FRA is developing additional options for consideration by the working group. Contact: Robert Finkelstein (202) 493–6280.

*Task 00–1*—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection). A working group has been formed and held its first meeting on October 16–18, 2000. A second meeting was held from February 27–March 1, 2001. The next meeting was held March 19–21, 2001. Additional meetings were held May 1–3, 2001, and June 19–21, 2001. The next meeting is tentatively scheduled for November 2001. Contact: Doug Taylor (202) 493–6255.

*Task 01–1*—Developing conformity of FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports (Reporting Guide). This task was accepted April 23, 2001, by the full RSAC and assigned to the Accident/Incident Working Group. At a meeting of the Working Group, held May 21–23, 2001, the task was discussed and four task forces were set up to review changes and/or modifications. To date, these task forces have identified a series of minor modifications to the Reporting Guide/regulations for consideration. All modifications will be presented to the Working Group for approval. A target of September 15, 2001, was set for reporting the recommended changes.

Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, D.C. on August 8, 2001.

**George A. Gavalla,**

*Associate Administrator for Safety.*

[FR Doc. 01–20395 Filed 8–13–01; 8:45 am]

BILLING CODE 4910–06–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA 2001–10288; Notice 1]**

### Cooper Tire & Rubber Company; Receipt of Application for Decision of Inconsequential Noncompliance

Cooper Tire & Rubber Company (Cooper) has determined that certain Mastercraft, Roadmaster, Starfire and Futura brand tires in the P225/60R15 size do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New Pneumatic Tires.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Cooper and Pep Boys, the brand name owner for the Futura tires produced by Cooper, have petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and have filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not

represent any agency decision or other exercise of judgment concerning the merits of the application.

FMVSS No. 109 requires that each tire shall have permanently molded into or onto both sidewalls the actual number of plies in the sidewall, and the actual number of plies in the tread area if different (S4.3 (e)). The Tupelo, Mississippi, tire manufacturing facility had nine (9) molds involved in producing tires during the thirteenth through sixteenth production weeks of 2001, in which the number of polyester tread plies was incorrectly stated. According to Cooper, the subject tires were molded ''TREAD 2 PLY STEEL + 1 PLY POLYESTER, SIDEWALL 2 PLY POLYESTER.'' The correct molding to match the actual tire construction should have been ''TREAD 2 PLY STEEL + 2 PLY POLYESTER, SIDEWALL 2 PLY POLYESTER.''

The incorrect number of polyester tread plies was removed from the molds by buffing and the correct number of polyester tread plies inserted; however, prior to the molds being correctly stamped, 503 tires, of which 40 were Futura tires owned by Pep Boys, were inadvertently shipped marked as having only one polyester tread ply. Cooper states that the incorrect number of polyester tread plies on each tire does not present a safety-related defect. The involved tires, in fact, have two polyester tread plies instead of one. The involved tires produced from these molds during the aforementioned production periods comply with all other requirements of 49 CFR 571.109.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: (30 days after Publication Date).

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 8, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01–20308 Filed 8–13–01; 8:45 am]

**BILLING CODE 4910–59–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0234]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 et seq.), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATE:** Comments must be submitted on or before September 13, 2001.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0234.''

**SUPPLEMENTAL INFORMATION:**

*Title:* Request to Mortgage Company for Amount of Unpaid Insurance, VA Form Letter 29–712.

*OMB Control Number:* 2900–0234.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The form letter is used to request the amount of the veteran's unpaid mortgage from the lending institution with which the veteran carries the mortgage. The information is required by law, title 38, U.S.C., section 2106, and is used by VA to determine Veterans Mortgage Life Insurance premiums.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on April 16, 2001, at pages 19604–19605.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 75 hours.

*Estimated Average Burden Per Respondent:* 10 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 450.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0234'' in any correspondence.

Dated: August 7, 2001.

By direction of the Secretary:

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20411 Filed 8–13–01; 8:45 am]

**BILLING CODE 8320–01–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0059]**

## Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the relationship of a claimant to a veteran.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before October 15, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue,

NW, Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0059'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Statement of Person Claiming to Have Stood in Relation of Parent, VA Form 21–524.

*OMB Control Number:* 2900–0059.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Abstract:* The form is used to secure information about the relationship of the claimant to the veteran from those claiming compensation as parents of veterans.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 4,000 hours.

*Estimated Average Burden Per Respondent:* 2 hours.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 2,000.

Dated: August 1, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20405 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0089]**

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine eligibility for income-based benefits programs.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before October 15, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0089'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501 '' 3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Statement of Dependency of Parent(s), VA Form 21–509.

*OMB Control Number:* 2900–0089.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* 38 U.S.C. 102 requires that income and dependency must be determined before benefits may be paid to or for a dependent parent. VA Form 21–509 is used to gather information from the applicant to make this determination.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 20,000 hours.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 40,000

Dated: July 30, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20406 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0114]**

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine a veteran's marital status.

**DATES:** Written comments and recommendations on the proposed

collection of information should be received on or before October 15, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0114'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Statement of Marital Relationship, VA Form 21–4170.

*OMB Control Number:* 2900–0114.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 21–4170 is used to develop evidence to determine whether a claimed common law marriage can be recognized by VA. Without this information, VA would have no means of determining the proper marital status of the veteran.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 3,000 hours.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 6,000.

Dated: July 30, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20407 Filed 8–13–01; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0418]**

## Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Office of Acquisition and Materiel Management, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, with change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine whether or not a firm's plant being considered for an award has been inspected by another Federal agency and whether or not an award of a contract to the firm involves a conflict of interest.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before October 15, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Donald E. Kaliher, Office of Acquisition and Materiel Management (95A), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail *donald.kaliher@mail.va.gov.* Please refer to ''OMB Control No. 2900–0418'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Kaliher at (202) 273–8819.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Veterans Affairs Acquisition Regulation (VAAR) Sections 809.106–1 and 809.504(d) and VAAR Clause 852.209–70.

*OMB Control Number:* 2900–0418.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Abstract:* VAAR section 809.106–1 requires the contracting officer to ask a firm being considered for award of a contract for bakery, dairy, or ice cream products or for laundry or dry cleaning services whether or not the firm's plant has recently been inspected by another Federal agency and, if so, which agency. The information is used by the contracting officer to determine whether or not a separate inspection of the firm's plant must be conducted by VA prior to contract award. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209–70 require offerors on solicitations for management support and consulting services to advise, as part of the firm's offer, whether or not award of the contract to the firm might involve a conflict of interest and, if so, to disclose all relevant facts regarding the conflict. The information is used by the contracting officer to determine whether or not to award a contract to the firm or, if a contract is to be awarded despite a potential conflict, whether or not additional contract terms and conditions are necessary to mitigate the conflict.

*Affected Public:* Business or other for-profit; Individuals and households; and Not-for-profit institutions.

*Estimated Annual Burden:*

a. VAAR section 809.106–1—30 hours.

b. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209–7—1,000 hours.

*Estimated Average Burden per Respondent:*

a. VAAR section 809.106–1—3 minutes.

b. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209–7—60 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:*

a. VAAR section 809.106–1—600.

b. Paragraph (d) of VAAR section 809.504 and VAAR clause 852.209–7—1,000.

By direction of the Secretary.

Dated: July 30, 2001.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20408 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0510]**

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine whether children's incomes can be excluded from consideration in determining a parent's eligibility for non-service-connected pension.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before October 15, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov*. Please refer to ''OMB Control No. 2900–0510'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Application for Exclusion of Children's Income, VA Form 21–0571.

*OMB Control Number:* 2900–0510.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* A veteran's or surviving spouse's rate of Improved Pension is determined by family income. Normally, income of children who are members of the household is included in this determination. However, children's income may be excluded if it is unavailable or if consideration of that income would cause hardship. The information collected is used by VA to determine whether children's income can be excluded from consideration in determining a parent's eligibility for non-service connected pension.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 18,750 hours.

*Estimated Average Burden Per Respondent:* 45 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 25,000.

Dated: July 31, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20409 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0143]**

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 et seq.), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before September 13, 2001.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0143.''

**SUPPLEMENTAL INFORMATION:**

*Title:* Offer to Rent on Month-To-Month Basis and Credit Statement of Prospective Tenant, VA Form 26–6725.

*OMB Control Number:* 2900–0143.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA may rent properties acquired through guaranteed and direct home loan programs when there is little likelihood, because of market conditions, or an early sale and/or prolonged vacancy may encourage vandalism. VA Form 26–6725 is used to establish the landlord tenant relationship, state the responsibilities of the parties, evidence of tender and acceptance of rental payments, and provide credit information for evaluating the prospective tenant's ability to meet rental payments. Offers to rent may be received and executed by authorized management brokers or VA personnel designated. Without this form, VA would have to prepare individual leases.

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 **Federal Register** document with a 60-day comment period soliciting comments on this collection of information was published on April 24, 2001, at pages 20721–20722.

*Affected Public:* Individuals or households, Business or other for-profit.

*Estimated Annual Burden:* 33 hours.

*Estimated Average Burden Per Respondent:* 20 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 100.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0143'' in any correspondence.

Dated: August 1, 2001.
By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20404 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0144]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 et seq.), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before September 13, 2001.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0144.''

**SUPPLEMENTAL INFORMATION:**

*Title:* HUD/VA Addendum to Uniform Residential Loan Application, VA Form 26–1802a, and Freddie Mac 65/Fannie Mae Form 1003, Uniform Residential Loan Application.

*OMB Control Number:* 2900–0144.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 26–1802a serves as a joint loan application for both VA and the Department of Housing and Urban Development. Lenders and veterans use the form to apply for guaranty of home loans.

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 **Federal Register** document with a 60-day comment period soliciting comments on this collection of information was published on May 7, 2001, at pages 23083–23084.

*Affected Public:* Individuals or households and business or other for-profit.

*Estimated Annual Burden:* 20,000 hours.

*Estimated Average Burden Per Respondent:* 6 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 200,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0144'' in any correspondence.

Dated: July 24, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01–20410 Filed 8–13–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
August 14, 2001

# Part II

# Department of the Interior

## Fish and Wildlife Service

**50 CFR Part 20**

**Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Season; Proposed Rule**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

**RIN 1018–AH79**

## Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001–02 Season

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter Service or we) proposes special migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2001–02 migratory bird hunting season.

**DATES:** To comment on these proposed regulations, you must do so by August 24, 2001.

**ADDRESSES:** Send your comments on these proposals to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634-Arlington Square, 1849 C Street, NW, Washington, DC 20240. All comments received will become part of the public record. You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358–1714).

**SUPPLEMENTARY INFORMATION:** In the April 30, 2001, **Federal Register** (66 FR 21298), we requested proposals from Indian tribes wishing to establish special migratory bird hunting regulations for the 2001–02 hunting season, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). In this supplemental proposed rule, we propose special migratory bird hunting regulations for 29 Indian tribes, based on the input we received in response to the April 30, 2001, proposed rule. As described in that rule, the promulgation of annual migratory bird hunting regulations involves a series of rulemaking actions each year. This proposed rule is part of that series.

We developed the guidelines for establishing special migratory bird hunting regulations for Indian tribes in response to tribal requests for recognition of their reserved hunting rights and, for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) on-reservation hunting by tribal members only, outside of the usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Treaty). The guidelines apply to those tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes wish to establish special hunting regulations for tribal members on ceded lands.

Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification. We routinely provide copies of **Federal Register** publications pertaining to migratory bird management to all State Directors, tribes, and other interested parties. It is the responsibility of the States, tribes, and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by tribal members on reservations where such harvest has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the Treaty, and does not adversely affect the status of the migratory bird resource.

Before developing the guidelines, we reviewed available information on the current status of migratory bird populations; reviewed the current status of migratory bird hunting on Federal Indian reservations; and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal members on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, however, because tribal proposals must include:

(a) Harvest anticipated under the requested regulations;

(b) Methods that will be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

We may modify or establish regulations experimentally, after evaluation and confirmation of harvest information obtained by the tribes.

We believe the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of

Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. The guidelines should not be viewed as inflexible. In this regard, we note that they have been employed successfully since 1985. We believe they have been tested adequately and, therefore, made them final beginning with the 1988–89 hunting season. We should stress here, however, that use of the guidelines is not mandatory and no action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

**Population Status**

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds.

*May Breeding Waterfowl and Habitat Survey*

Habitat conditions in the traditional survey area were variable, and the estimate of May ponds (U.S. and Prairie Canada combined) is up (4.6 ± 0.1 million, +18 percent) compared to 2000, and slightly below (−6 percent), but not statistically different from the long-term average. Continued drought produced fair to poor conditions in most of Alberta, central and southern Saskatchewan, and eastern Montana. By contrast, North and South Dakota generally had good to excellent water conditions, with the best conditions in the eastern portions of these States, and drier conditions to the north and west. Nesting cover in the Dakotas was in above-average condition. Southern Manitoba and extreme southeastern Saskatchewan have had higher than normal water conditions for the past 2 years, and this water, along with above-normal precipitation due to an early, snowy winter, produced excellent habitat for breeding ducks. Average to above-average precipitation also made for excellent wetland conditions across northern Manitoba and Saskatchewan. The northernmost portion of Alberta was the exception to the record drought and poor wetland conditions in the rest of the province, as above-average winter and spring precipitation filled nearly all available wetland basins. Good conditions for breeding ducks prevailed in the Northwest Territories, except for a small northern area that was rated only fair due to late spring ice conditions that reduced available breeding habitat for early-nesting species. Overall, conditions were good in the traditional survey area, and average to above-average waterfowl production is expected.

In Alaska, breeding conditions depend largely on the timing of spring, as wetland conditions are less variable than on the prairies. Although winter temperatures were mild, spring was late, and waterfowl production will likely be below average to the north and west, and average to the south and east.

In the eastern survey area, conditions were variable but generally good. Southern Ontario and Northern New York enjoyed an early spring, and with wetland basins nearly full, the outlook for breeding ducks is good. Spring was also early in Quebec, with good to excellent habitat in the central and Northern portions. However, southern Quebec was drier, and conditions there ranged from fair to poor. In Maine and the Maritime provinces spring was late, with lower than normal temperatures, but above-average precipitation, and habitat conditions were rated good throughout the region. Overall, eastern habitats were in good condition, with average to above-average production expected.

The 2001 total duck population estimate for the traditional survey area was 36.1 ± 0.6 million birds, 14 percent below last year's near-record estimate of 41.8 ± 0.7 million birds, but still 9 percent above the 1955–2000 average. Mallard abundance was 7.9 ± 0.2 million, which is 17 percent below last year's estimate but similar to the 1955–2000 average. Blue-winged teal abundance was estimated at 5.8 ± 0.3 million. This is 23 percent below last year's record estimate of 7.4 million, but 29 percent above the 1955–2000 average. Gadwall (2.7 ± 0.1 million, +66 percent), green-winged teal (2.5 ± 0.2 million, +39 percent) and, northern shovelers (3.3 ± 0.2 million, +60 percent) all remained above their long-term averages, while American wigeon (2.5 + 0.1 million), redheads (0.7 ± 0.07 million), and canvasbacks (0.6 ± 0.05 million) did not differ from their long-term averages. Scaup (3.7 ± 0.2 million, −31 percent) and northern pintail (3.3 ± 0.3 million, −23 percent) were again below the long-term average.

The 2001 total duck population estimate for the eastern survey area was 3.3 ± 0.2 million birds, similar to last year's total duck estimate of 3.2 ± 0.3 million birds. Abundances of individual species were similar to those of last year, with the exception of ring-necked ducks (353.0 ± 32 thousand, −43 percent) and buffleheads (95.0 ± 44 thousand, +93 percent). Buffleheads, goldeneyes, and lesser scaup were above the 1996–2000 average in the east. Green-winged teal and ring-necked ducks were below the 1996–2000 average, and other species were similar to their long-term averages.

*Sandhill Cranes*

The Mid-Continent Population of sandhill cranes has generally stabilized at comparatively high levels, since increases that were recorded in the 1970–80s. The Central Platte River Valley, Nebraska, spring index for 2001, uncorrected for visibility, was 396,000. The photo-corrected 3-year average for 1998–2000 was 435,283, which is within the established population-objective range of 343,000–465,000 cranes. All Central Flyway States, except Nebraska, allowed crane hunting in portions of their respective States in 2000–01. About 7,500 hunters participated in these seasons, which was 13 percent higher than the number that participated in the previous year's seasons. About 16,850 cranes were harvested in the Central Flyway during 2000–01 seasons, which was similar to estimated harvests for the previous year. Retrieved harvests in the Pacific Flyway, Canada, and Mexico were estimated to be about 13,500 for the 2000–01 period. The total North American sport harvest, including crippling losses, was estimated to be about 34,600 cranes, which was about 2 percent lower than the previous year's estimates. The long-term trend analysis for the Mid-Continent Population during 1982–2000 indicates that harvests have been increasing at a higher rate than the trend in population growth over the same period.

The fall 2000 pre-migration survey estimate for the Rocky Mountain Population of sandhill cranes was 19,990, which was similar to the previous year's estimate of 19,501. Limited special seasons were held during 2000 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming, resulting in a record high harvest of 810 cranes.

*Woodcock*

Singing-ground and Wing Collection surveys were conducted to assess the population status of the American woodcock (*Scolopax minor*). Singing-ground Survey data from 2001 indicate that the number of displaying woodcock in the Eastern Region was not significantly different ($P>0.10$) from 2000 levels, although the point estimate of the trend was negative. In the Central Region, there was a 12.9 percent decrease ($P<0.05$) in the number of woodcock heard displaying, compared to levels observed in 2000. Trends from the Singing-ground Survey during 1991–2001 were negative (−2.6 and

−2.5 percent per year for the Eastern and Central regions, respectively; P<0.01). There were long-term (1968–01) declines (P<0.01) of 2.5 percent per year in the Eastern Region and 1.6 percent per year in the Central Region.

The 2000 recruitment index for the Eastern Region (1.4 immatures per adult female) was 27 percent higher than the 1999 estimate, but was 18 percent below the long-term regional average. The recruitment index for the Central Region (1.2 immatures per adult females) was similar to 1999, but was 29 percent below the long-term regional average. The index of daily hunting success in the Eastern Region decreased from 2.1 woodcock per successful hunt in 1999 to 2.0 woodcock per successful hunt in 2000, and seasonal hunting success decreased 10 percent, from 9.3 to 8.4 woodcock per successful hunter in 1999 and 2000, respectively. In the Central Region, the daily success index decreased 5 percent from 2.1 woodcock per successful hunt in 1999 to 2.0 in 1998; and seasonal hunting success decreased 2 percent from 10.6 to 10.4 woodcock per successful hunter.

*Band-tailed Pigeons and Doves*

While a significant decline in the Coastal population of band-tailed pigeons occurred between 1968–2000 as indicated by the Breeding Bird Survey (BBS), no trend was indicated over the most recent 10 years. Additionally, mineral site counts at 10 selected sites in Oregon indicate a steady increase over the past 10 years. The count in 2000 was 45 percent above the previous 32-year average. Call-count surveys conducted in Washington showed a nonsignificant decline between 1975–2000 and a nonsignificant increase between 1996–2000. Washington has opted not to select a hunting season for bandtails since 1991. The harvest of Coastal pigeons is estimated to be about 17,000 birds out of a population of about 3 million. The Interior band-tailed pigeon population is stable with no trend indicated by the BBS over the short- or long-term periods. The preliminary 2000–01 harvest estimate from the Harvest Information Program was 4,800 birds.

Analyses of Mourning Dove Call-count Survey data indicated significant declines in doves heard over the most recent 10 years and the entire 36 years of the survey in the Central and Western Management Units. In the Eastern Unit, there was a significant decline over 10 years while no significant decline was noted over 36 years. A project has been funded recently to develop mourning dove population models for each unit to provide guidance in what needs to be done to improve our decision-making process with respect to harvest management.

White-winged doves in Arizona are maintaining a fairly stable population since the 1970's. Between 2000–01, the average number of doves heard per route decreased from 30.8 to 27.5. A low harvest (123,000 in 2000) is being maintained compared with birds taken several decades ago. In Texas, the phenomenon of the white-winged dove expansion continues. They are found throughout Texas except for a large section in the northeast part of the State in the Piney Woods. Whitewings primarily inhabit urban areas north of their historical range. The population of white-winged doves in the Lower Rio Grande Valley decreased 11 percent in 2001 due to drought conditions to an estimated 453,000 birds; in Upper South Texas, the count increased 7 percent to 1,072,000; and, in West Texas, the count increased 11 percent to 36,700. A more inclusive count of whitewings in San Antonio indicated an estimate of over 1 million birds within the city limits. Whitewings are increasing both in population density and expanding into suburban areas and cities where they have not previously existed. Hunting does not appear to be having any effect upon these northern urban nesters. Whitewing nesting has been documented in Arkansas, Oklahoma, and Missouri; they have been reported in Kansas, Nebraska, Iowa, Indiana, Minnesota, North Carolina, Ontario, and Newfoundland.

White-tipped doves are maintaining a relatively stable population in the Lower Rio Grande Valley of Texas. They are most abundant in cities and, for the most part, not available to hunting. The count in 2001 was 22 percent below that of 2000.

**Hunting Season Proposals From Indian Tribes and Organizations**

For the 2001–02 hunting season, we received requests from 29 tribes and Indian organizations. We actively solicit regulatory proposals from other tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage tribes to work with us to develop agreements for management of migratory bird resources on tribal lands. It should be noted that this proposed rule includes generalized regulations for both early- and late-season hunting. A final rule will be published in a late-August 2001 **Federal Register** that will include tribal regulations for the early-hunting season. The early season begins on September 1 each year and most commonly includes such species as American woodcock, sandhill cranes, mourning doves and white-winged doves. A final rule will also be published in a September 2001 **Federal Register** that will include regulations for late-season hunting. The late season begins on or around October 1 and most commonly includes waterfowl species.

In this current rulemaking, because of the compressed timeframe for establishing regulations for Indian tribes and because final frameworks dates and other specific information are not available, the regulations for many tribal hunting seasons are described in relation to the season dates, season length, and limits that will be permitted when final Federal frameworks are announced for early- and late-season regulations. For example, daily bag and possession limits for ducks on some areas are shown as ''Same as permitted in Pacific Flyway States under final Federal frameworks,'' and limits for geese will be shown as the same permitted by the State(s) in which the tribal hunting area is located.

The proposed frameworks for early-season regulations were published in the **Federal Register** on July 24, 2001 (66 FR 38494); early-season final frameworks will be published in mid-August. Proposed late-season frameworks for waterfowl and coots will be published in mid-August, and the final frameworks for the late seasons will be published in mid-September. We will notify affected tribes of season dates, bag limits, etc., as soon as final frameworks are established. As previously discussed, no action is required by tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the 29 tribes with proposals that meet the established criteria are shown below.

*(a) Bois Forte Band of Chippewa, Nett Lake, Minnesota (Tribal Members and Non-Tribal Hunters)*

The Bois Forte Band of Chippewa is located in northern Minnesota, as specified in **Federal Register** 66, No. 83. Bois Forte is a 103,000-acre land area, home to 800 Band members. The reservation includes Nett Lake, a 7,400-acre wild rice lake.

In their 2001–2002 proposal, dated June 6, 2001, Bois Forte requested the authority to establish a duck season on their reservation. The season would be the same as that established by the State of Minnesota, except that shooting hours on opening day would be one-half hour before sunrise to one-half hour after sunset for tribal members. We note

that shooting hours for non-tribal members can only go from one-half hour before sunrise to sunset on reservation. Harvest under their proposal would not alter possession limits or species allowances already in place in Minnesota, but would only increase time allowance for hunting on opening day. Bois Forte requests these hours on opening day and for every hunting day for the remainder of the State's official, established season.

Bag limits for non-tribal hunters will not be changed from current, State of Minnesota established levels. Non-tribal persons hunting on Nett Lake on the first day of the season will be required to complete a survey upon completion of the day's hunting requesting: (1) Name and contact information; (2) hunting permit number (State and tribal); (3) number of hours hunted; (4) location of hunting site; (5) tribal guide name; (6) number and species of waterfowl harvested in possession; and (7) number and species of waterfowl shot but not recovered. Results will be collected and tallied and subsequently compared to previous season data.

The Band's Conservation Department regulates non-tribal harvest limits under the following regulations: (1) Non-tribal hunters must be accompanied at all times by a Band Member guide; (2) Non-tribal hunters must have in their possession a valid small game hunting license, a Federal migratory waterfowl stamp, and a Minnesota State waterfowl stamp; (3) Non-tribal hunters and Band Members must have only Service-approved non-toxic shot in possession at all times; (4) Non-tribal hunters must conform to possession limits established and regulated by the State on Minnesota and the Bois Forte Band.

We propose to approve the Bois Forte Band of Chippewa regulations for the 2001–02 hunting season.

*(b) Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona (Tribal Members and Nontribal Hunters)*

The Colorado River Indian Reservation is located in Arizona and California. The tribes own almost all lands on the reservation, and have full wildlife management authority.

In their 2001–02 proposal, the Colorado River Indian Tribes requested split dove seasons. They propose their early season begin September 1 and end September 15, 2001. Daily bag limits would be 10 mourning or 10 white-winged doves either singly or in the aggregate. The late season for doves is proposed to open November 16, 2001, and close January 13, 2002. The daily bag limit would be 10 mourning doves. The possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to noon in the early season and until sunset in the late season. Other special tribally set regulations would apply.

The tribes also propose duck hunting seasons. The season would likely open October 6, 2001, and run until January 6, 2002. The tribes propose the same season dates for mergansers, coots and common moorhens. The daily bag limit for ducks, including mergansers, would be the same as that allowed under Pacific Flyway Frameworks, except that the daily bag limits could contain no more than two goldeneye and two cinnamon teal. The possession limit would be twice the daily bag limit. The daily bag and possession limit for coots and common moorhens would be 25, singly or in the aggregate.

For geese, the Colorado River Indian Tribes propose a season of November 17, 2001, through January 13, 2002. The daily bag limit for geese would be four, but could include no more than three light geese or two dark geese. The possession limit would be eight, but could include no more than six light geese or four dark geese.

In 1996, the tribe conducted a detailed assessment of dove hunting. Results showed approximately 16,100 mourning doves and 13,600 white-winged doves were harvested by approximately 2,660 hunters who averaged 1.45 hunter-days. Field observations and permit sales indicate that fewer than 200 hunters participate in waterfowl seasons. Under the proposed regulations described here and, based upon past seasons, we and the tribes estimate harvest will be similar.

Hunters must have a valid Colorado River Indian Reservation hunting permit in their possession while hunting. As in the past, the regulations would apply both to tribal and non-tribal hunters, and nontoxic shot is required for waterfowl hunting.

We propose to approve the Colorado River Indian Tribes regulations for the 2001–02 hunting season.

*(c) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Hunters)*

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the tribes are currently operating under a cooperative agreement signed in 1990 that addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation. The tribe's proposed special regulations for waterfowl hunting were submitted in a May 21, 2001, proposal.

As in the past, tribal regulations for nontribal members would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel, bismuth-tin, or other Federally-approved nontoxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

The requested season dates and bag limits are similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by non-tribal hunters.

We propose to approve the tribes' request for special migratory bird regulations for the 2001–02 hunting season.

*(d) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)*

The Crow Creek Indian Reservation has a checkerboard pattern of land ownership, with much of the land owned by non-Indians. Since the 1993–94 season, the tribe has selected special waterfowl hunting regulations independent of the State of South Dakota. The tribe observes migratory bird hunting regulations contained in 50 CFR part 20.

In their 2001 proposal, the tribe requested a duck and merganser season of October 6, to December 18, 2001, with a daily bag limit of six ducks, including no more that five mallards (only two of which may be hens), one canvasback, two redheads, two wood ducks, three scaup, and one pintail. The merganser daily bag limit would be five and include no more than one hooded merganser. The daily bag limit for coots would be 15. For Canada geese, the tribe proposes a September 29, 2001, to January 3, 2002, season with a three-bird daily bag limit. For white-fronted geese, the tribe proposes a September 29, to December 23, 2001, season with a daily bag limit of two. For snow geese, the tribe proposes a September 29, 2001, to January 3, 2002 season with a daily bag limit of 20. Similar to the last

several years, the tribe also requests a sandhill crane season from September 15 to October 21, 2001, with a daily bag limit of three. In all cases, except snow geese, the possession limits would be twice the daily bag limit. There would be no possession limit for snow geese. Shooting hours would be from one-half hour before sunrise to sunset.

The season and bag limits would be essentially the same as last year and as such, the tribe expects similar harvest. In 1994–95, duck harvest was 48 birds, down from 67 in 1993–94. Goose harvest during recent past seasons has been less than 100 geese. Total harvest on the reservation in 2000 was estimated to be 179 ducks and 868 geese.

We propose to approve the tribe's requested seasons. We also remind the tribe that all sandhill crane hunters are required to obtain a Federal sandhill crane permit. As such, the tribe should contact us for further information on obtaining the needed permits. In addition, as with all other groups, we request the tribe continue to survey and report harvest.

*(e) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)*

Since 1996, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians have cooperated to establish special migratory bird hunting regulations for tribal members. The Fond du Lac's May 24, 2001, proposal covers land set apart for the band under the Treaties of 1854 and 1837 in northeast and east-central Minnesota.

The band's proposal for 2001–02 is essentially the same as that approved last year. Specifically, the Fond du Lac Band proposes a September 15 to December 2, 2001, season on ducks, mergansers, coots and moorhens, and a September 1 to December 17, 2001, season for geese. For sora and Virginia rails, snipe, and woodcock, the Fond du Lac Band proposes a September 1 to December 2, 2001, season. Proposed daily bag limits would consist of the following:

*Ducks:* 18 ducks, including no more than 12 mallards (only 6 of which may be hens), 3 black ducks, 9 scaup, 6 wood ducks, 6 redheads, 3 pintails, and 3 canvasbacks.

*Mergansers:* 15 mergansers, including no more than 3 hooded mergansers.

*Geese:* 12 geese.

*Coots and Common Moorhens (Common Gallinules):* 20 coots and common moorhens, singly or in the aggregate.

*Sora and Virginia Rails:* 25 sora and Virginia rails, singly or in the aggregate.

*Common Snipe:* 8 common snipe.

*Woodcock:* 3 woodcock.

The following general conditions apply:

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation, and other conditions generally applicable to migratory bird hunting.

3. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

4. There are no possession limits on any species, unless otherwise noted above. For purposes of enforcing bag limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The Band anticipates harvest will be fewer than 500 ducks and geese.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewas.

*(f) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)*

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2001–02 season, the Grand Traverse Band of Ottawa and Chippewa Indians proposes that the tribal member duck season would run from September 15, 2001, through January 15, 2002. A daily bag limit of 12 would include no more than 2 pintail, 2 canvasback, 1 hooded merganser, 3 black ducks, 3 wood ducks, 3 redheads, and 6 mallards (only 3 of which may be hens). For Canada geese, the tribe proposes a September 1 through November 30, 2001, and a January 1, 2002, through February 8, 2002, season. For white-fronted geese, brant, and snow geese, the tribe proposes a September 20 through November 30, 2001, season. The daily bag limit for all geese (including brant) would be five birds. Based on our information, it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the tribe.

For woodcock, snipe, and sora rail, the tribe proposes a September 1 to November 14, 2001, season. The daily bag limit shall not exceed five birds per species.

For mourning doves, the tribe proposes a September 1 to November 14, 2001, season. The daily bag limit would be 10.

All other Federal regulations contained in 50 CFR part 20 would apply. The tribe proposes to closely monitor harvest through game bag checks, patrols, and mail surveys. Harvest surveys from the 2000–2001 hunting season indicate that approximately 30 tribal hunters harvested an estimated 275 ducks and 100 Canada geese. This hunter survey represents 8 percent of the Grand Traverse Band license holders.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indians' requested 2001–02 special migratory bird hunting regulations.

*(g) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)*

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC, which represents the various bands). Beginning in 1986, a tribal season on ceded lands in the western portion of the State's Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources, and we have approved special regulations for tribal members in both Michigan and Wisconsin since the 1986–87 hunting season. In 1987, the GLIFWC requested, and we approved, special regulations to permit tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and

Wisconsin. The States of Michigan and Wisconsin concurred with the regulations, although Wisconsin has raised some concerns each year. Minnesota did not concur with the regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. We acknowledge the State's concern, but point out that the U.S. Government has recognized the Indian hunting rights decided in the Voigt case, and that acceptable hunting regulations have been negotiated successfully in both Michigan and Wisconsin even though the Voigt decision did not specifically address ceded land outside Wisconsin. We believe this is appropriate because the treaties in question cover ceded lands in Michigan (and Minnesota), as well as in Wisconsin. Consequently, in view of the above, we have approved special regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of reserved treaty rights for band members to hunt and fish was pivotal in our decision to approve a special 1991–92 season for the 1836 ceded area in Michigan.

In a June 1, 2001, letter, the GLIFWC proposed off-reservation special migratory bird hunting regulations for the 2001–02 seasons on behalf of the member tribes of the Voigt Intertribal Task Force of the GLIFWC (for the 1837 and 1842 Treaty areas) and the Bay Mills Indian Community (for the 1836 Treaty area). Member tribes of the Task Force are: the Bad River Band of Lake Superior Tribe of Chippewa Indians, The Lac Courte Oreilles Band of Lake Superior Tribe of Chippewa Indians, the Lac du Flambeau Band of Lake Superior Tribe of Chippewa Indians, the Red Cliff Band of Lake Superior Tribe of Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, the Sokaogon Chippewa Community (Mole Lake Band), the Mille Lacs Band of Chippewa Indians in Minnesota, the Lac Vieux Desert Band of Chippewa Indians and the Keweenaw Bay Indian Community in Michigan. Details of the proposed regulations are shown below. In general, the proposal is essentially the same as the regulations approved for the 2000–01 season.

Results of 1987–98 hunter survey on off-reservation tribal duck harvest in the Wisconsin/Michigan entire ceded territory ranged from 1,022 to 2,374 with an average of 1,422. Estimated goose harvest has ranged from 72 to 586, with an average of 310. Under the proposed regulations, harvest is expected to remain within these ranges. Tribal harvest in the Minnesota ceded territory is anticipated to be much smaller than in the Wisconsin/Michigan area since waterfowl hunting has been limited to 10 individuals thus far. Due to the limited distribution of doves and dove habitat in the ceded territory, and the relatively small number of tribal off-reservation migratory bird hunters, harvest is expected to be negligible.

We believe that regulations advanced by the GLIFWC for the 2001–02 hunting season are biologically acceptable and recommend approval. If the regulations are finalized as proposed, we would request that the GLIFWC closely monitor the member band duck harvest and take any actions necessary to reduce harvest if locally nesting populations are being significantly impacted.

The Commission and the Service are parties to a Memorandum of Agreement (MOA) designed to facilitate the ongoing enforcement of Service-approved tribal migratory bird regulations. Its intent is to provide long-term cooperative application.

Also, as in recent seasons, the proposal contains references to Chapter 10 of the Migratory Bird Harvesting Regulations of the Model Off-Reservation Conservation Code. Chapter 10 regulations parallel State and Federal regulations and, in effect, are not changed by this proposal.

The GLIFWC's proposed 2001–02 waterfowl hunting season regulations are as follows:

Ducks

*A. Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 4 black ducks, 4 redheads, 4 pintails, and 2 canvasbacks.

*B. Michigan 1836 and 1842 Treaty Zones:*

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 pintails, and 1 canvasback.

*Mergansers:* All Ceded Areas.

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* Five mergansers.

*Geese:* All Ceded Areas.

*Season Dates:* Begin September 1 and end December 2, 2001. In addition, any portion of the ceded territory which is open to State-licensed hunters for goose hunting after December 1 shall also be open concurrently for tribal members.

*Daily Bag Limit:* 10 geese.

Other Migratory Birds: All Ceded Areas

A. Coots and Common Moorhens (Common Gallinules):

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails:

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* 25 sora and Virginia rails, singly or in the aggregate.

C. Common Snipe:

*Season Dates:* Begin September 15 and end December 2, 2001.

*Daily Bag Limit:* Eight common snipe.

D. Woodcock:

*Season Dates:* Begin September 4 and end December 2, 2001.

*Daily Bag Limit:* Five woodcock.

*E. Mourning Dove:* 1837 and 1842 Ceded Territories.

*Season Dates:* Begin September 1 and end October 30, 2001.

*Daily Bag Limit:* 15 mourning dove.

General Conditions

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the model ceded territory conservation codes approved by federal courts in the *Lac Courte Oreilles* v. *State of Wisconsin (Voigt)* and *Mille Lacs Band* v. *State of Minnesota cases.* The respective Chapter 10 of these Model Codes regulate territory migratory bird hunting. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

3. Particular regulations of note include:

A. Nontoxic shot will be required for all waterfowl hunting.

B. Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

C. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above.

Possession limits are applicable only to transportation and do not include birds that are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds that fall on reservation lands will not count as part of any off-reservation bag or possession limit.

D. The tribe proposes that the baiting restrictions included in the respective sections 10.05 (2)(h) of the model ceded territory conservation codes be amended to include language which parallels that in place for non-tribal members as published in 64 FR 29804, June 3, 1999.

E. They also propose to remove the shell limit restrictions included in the respective sections 10.05 (2)(b) of the model ceded territory conservation codes.

4. Michigan—Duck Blinds and Decoys. Tribal members hunting in Michigan will comply with tribal codes that contain provisions that parallel applicable Michigan laws concerning duck blinds and/or decoys.

*(h) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)*

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

In a May 9, 2001, proposal, the tribe proposed a 2001–02 waterfowl season beginning October 6 and a closing date of November 30, 2001. Daily bag and possession limits for waterfowl would be the same as Pacific Flyway States. The tribe proposes a season on Canada geese with a two-bird daily bag limit. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

The Jicarilla Game and Fish Department's annual estimate of waterfowl harvest is relatively small. In the 2000–01 season, estimated duck harvest was 533, a significant decrease from 1,317 in 1999–2000, but within the historical range. The species composition in the past has included mainly mallards, gadwall, teal, and wigeon. Northern pintail comprised only 1 percent of the total harvest in 2000. The estimated harvest of geese was 10 birds.

The proposed regulations are essentially the same as were established last year. The tribe anticipates the maximum 2001–02 waterfowl harvest would be around 800 ducks and 20–30 geese.

We propose to approve the tribe's requested 2001–02 hunting seasons.

*(i) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)*

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The tribe enjoys excellent wildlife management relations with the State. The tribe and the State have an operational Memorandum of Understanding with emphasis on fisheries but also for wildlife. The nontribal member seasons described below pertain to a 176-acre waterfowl management unit. The tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member-only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

For the 2001–02 migratory bird hunting seasons, the Kalispel Tribe proposed, in a May 15, 2001, letter, tribal and nontribal member waterfowl seasons. For nontribal members, the tribe requests that the season for ducks begin September 15, 2001, and end January 31, 2002. In that period, nontribal hunters would be allowed to hunt approximately 92 days. Hunters should obtain further information on specific hunt days from the Kalispel Tribe. The tribe also requests the season for geese begin on September 1, to September 16, 2001, and begin on September 28, 2001, to January 31, 2002. Daily bag and possession limits would be the same as those for the State of Washington.

The tribe reports a 2000–01 nontribal harvest of 175 ducks and 0 geese. Under the proposal, the tribe expects harvest to be similar to last year and less than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of steel shot and possession of a signed migratory bird hunting stamp, would be required.

For tribal members on Kalispel-ceded lands, the Kalispel propose outside frameworks for ducks and geese of September 15, 2001, through January 31, 2002. However, during that period, the tribe proposes that the season run continuously. Daily bag and possession limits would be concurrent with the Federal rule.

The tribe reports that there was no 2000–01 tribal harvest. Under the proposal, the tribe expects harvest to be less than 500 birds for the season with less than 200 geese. Tribal members would be required to possess a signed Federal migratory bird stamp and a tribal ceded lands permit.

We propose to approve the regulations requested by the Kalispel Tribe provided that the nontribal seasons conform to Treaty limitations and final Federal frameworks for the Pacific Flyway. For the 2001–02 season, outside Federal frameworks for ducks in the Pacific Flyway are September 29, 2001, through January 20, 2002. For geese, frameworks for special early Canada goose seasons are September 1 through September 15, 2001, while regular seasons frameworks are September 29, 2001, through January 20, 2002. All seasons for nontribal hunters must conform with the 107-day maximum season length established by the Treaty.

*(j) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)*

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing, and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon, and the Klamaths. The Klamath Indian Game Commission sets the seasons. The tribal biological staff and tribal Regulatory Enforcement Officers monitor tribal harvest by frequent bag checks and hunter interviews.

In a May 31, 2001, letter, the Klamath Tribe proposed season dates of October 1, 2001, through January 28, 2002. Daily bag limits would be nine for ducks and six for geese, with possession limits twice the daily bag limit. The daily bag and possession limit for coots would be 25. Shooting hours would be one-half

hour before sunrise to one-half hour after sunset. Steel shot is required.

Based on the number of birds produced in the Klamath Basin, the tribe expects that this year's harvest will be similar to last year's. Information on tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath Basin.

We propose to approve the Klamath Tribe's requested regulations.

*(k) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)*

The Leech Lake Band of Ojibwe is a federally recognized tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations. The Service and the tribe cooperatively established migratory bird hunting regulations for the first time last year.

For the 2001–02 season, the tribe requests a duck season starting on September 15 and ending December 31, 2001. They request a goose season to run from September 1 through December 31, 2001. Daily bag limits for both ducks and geese would be 10. Possession limits would be twice the daily bag limit. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

The annual harvest by tribal members on the Leech Lake Reservation is estimated at 1,000–2,000 birds.

We propose to approve the Leech Lake Band of Ojibwe's requested 2001–02 special migratory bird hunting regulations.

*(l) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)*

The Little River Band of Ottawa Indians is a self-governing, federally recognized tribe located in Manistee, Michigan, and a signatory tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory tribes on ceded lands in Michigan since the 1986–87 hunting season. Ceded lands are located in Lake, Mason, Manistee, and Wexford Counties.

For the 2001–02 season, the Little River Band of Ottawa Indians proposes regulations to parallel those of the State of Michigan. The tribal member duck, merganser, and coots and common moorhens seasons will run from September 29 through December 5, 2001. A daily bag limit of six ducks would include no more than one pintail, one canvasback, one black duck, two wood ducks, two redheads, three scaup, and four mallards (only one of which may be a hen). The daily bag limit for mergansers would be five, of which only one could be a hooded merganser. Possession limits for mergansers is 10, only 2 of which may be hooded mergansers. The daily bag limit for coots and common moorhens would be 15. Possession limits would be twice the daily bag limit.

For Canada geese, the tribe proposes a September 1 through September 15, 2001, early season, a September 16 through December 2, 2001, regular season, and a February 2 through February 17, 2002, late season. Daily bag limits would be five geese in the early and late season and two geese in the regular portion of the season. The possession limit would be twice the daily bag limit. For white-fronted geese, blue geese, and snow geese, the tribe proposes a September 16 through December 2, 2001, season. The daily bag limit for all geese (including brant) would be 10 birds, which could include no more than 2 white-fronted geese or 2 brant. Possession limits would be 30.

For snipe, woodcock, and rails, the tribe proposes a September 15 to November 14, 2001, season. The daily bag limit would be 8 common snipe, 3 woodcock, and 25 rails. Possession limits for snipe and woodcock would be twice the daily bag limit. The possession limit for rails would be 25.

The tribe proposes to monitor harvest through mail surveys. General Conditions are as follows:

A. All tribal members will be required to obtain a valid tribal resource card and 2001–02 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallels state regulations.

(3) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

We propose to approve Little River Band of Ottawa Indians' requested 2001–02 special migratory bird hunting regulations.

*(m) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)*

The Little Traverse Bay Bands of Odawa Indians is a self-governing, federally recognized tribe located in Petoskey, Michigan, and a signatory tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 2001–02 season, the Little Traverse Bay Bands of Odawa Indians propose regulations similar to other tribes in the 1836 treaty area. The tribal member duck season would run from September 20, 2001, through January 20, 2002 season. A daily bag limit of 10 would include no more than 1 pintail, 1 canvasback, 1 hooded merganser, 2 black ducks, 2 wood ducks, 2 redheads, and 5 mallards (only 2 of which may be hens). For Canada geese, the tribe proposes a September 1, 2001 through January 20, 2002, season. For white-fronted geese, brant, and snow geese, the tribe proposes an October 1 through November 30, 2001, season. The daily bag limit for all geese (including brant) would be five birds. Based on our information, it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the tribe. Possession limits are twice the daily bag limit.

For woodcock, snipe, and sora rail, the tribe proposes a September 1 to November 14, 2001, season. The daily bag limit shall not exceed five birds per species. The possession limit shall not exceed two days bag limit for all birds.

All other Federal regulations contained in 50 CFR part 20 would apply. The tribe proposes to closely monitor harvest through game bag checks, patrols, and mail surveys. In particular, the tribe proposes monitoring the harvest of Southern James Bay Canada geese to assess any impacts of tribal hunting on the population.

We propose to approve the Little Traverse Bay Bands of Odawa Indians' requested 2001–02 special migratory bird hunting regulations.

*(n) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)*

The Lower Brule Sioux Tribe first established tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to

the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via a MOA with the State of South Dakota. The MOA provided the tribe jurisdiction over fish and wildlife on reservation lands, including deeded and Corps of Engineers taken lands. For the 2001–02 season, the two parties have come to an agreement that provides the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and non-tribal hunters.

For the 2001–02 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a duck, merganser, and coot season length of 97 days, the same number of days tentatively allowed in the High Plains Management Unit for this season. The tribe's proposed season would run from October 6, 2001, through January 10, 2002. The daily bag limit would be six birds, including no more than five mallards (only one of which may be a hen), one pintail, two redheads, two wood ducks, three scaup, one canvasback, and one mottled duck. The daily bag limit for mergansers would be five, only one of which could be a hooded merganser. The daily bag limit for coots would be 15. Possession limits would be twice the daily bag limits. The tribe also proposes a youth waterfowl hunt on September 29–30, 2001.

The tribe's proposed Canada goose season would run from October 20, 2001, through January 22, 2002, with a daily bag limit of three Canada geese. The tribe's proposed white-fronted goose season would run from October 20, 2001, through January 13, 2002, with a daily bag limit of two white-fronted geese. The tribe's proposed light goose season would run from October 20, 2001, through January 19, 2002, and February 24 through March 10, 2002. The light goose daily bag limit would be 20. Possession limits would be twice the daily bag limits.

In the 2000–01 season, hunters harvested an estimated 1,546 geese and 396 ducks. In 2000, duck harvest species composition was primarily mallard (88 percent), gadwall (7 percent), and green-winged teal (3 percent). Goose harvest species composition in 2000 at Mni Sho Sho was approximately 95 percent Canada geese, 4 percent snow geese, and 1 percent white-fronted geese. Harvest of geese harvested by other hunters was approximately 68 percent Canada geese, 31 percent snow geese, and 1 percent white-fronted geese. However, typical harvest is 100 percent Canada geese with less than 1 percent snow geese.

The tribe anticipates a duck harvest similar to last year and a goose harvest below the target harvest level of 3,000 to 4,000 geese. All basic Federal regulations contained in 50 CFR part 20, including the use of steel shot, Migratory Waterfowl Hunting and Conservation Stamp, etc., would be observed by the tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We propose to approve the tribe's requested regulations for the Lower Brule Reservation.

*(o) Makah Indian Tribe, Neah Bay, Washington (Tribal Members)*

For the first time, the Makah Indian Tribe and the Service are cooperating to establish special regulations for migratory game birds on the Makah Reservation and traditional hunting land off the Makah Reservation for the 2001–02 hunting season. Lands off the Makah Reservation are those contained within the boundaries of the State of Washington Game Management Units 601–603 and 607.

The Makah Indian Tribe proposes a duck and coot hunting season from September 15, 2001, to January 13, 2002. The daily bag limit is seven ducks including no more than one canvasback and one redhead. The daily bag limit for coots is 25. The tribe has a year-round closure on wood ducks and harlequin ducks. For geese, the tribe proposes the season open on September 8, 2001, and close January 13, 2002. The daily bag limit for geese is four. The tribe notes that there is a year-round closure on Aleutian and Dusky Canada geese. Shooting hours for all species of waterfowl are one-half hour before sunrise to sunset.

The tribe anticipates that harvest under this regulation will be relatively low since fewer than 20 hunters are likely to participate at this time. The tribe expects fewer than 70 ducks and 20 geese are expected to be harvested during the 2001–02 migratory bird hunting season.

All other Federal regulations contained in 50 CFR part 20 would apply. The following restrictions are also proposed by the tribe: (1) As per Makah Ordinace 44, only shotguns may be used to hunt any species of waterfowl. Additionally, shotguns must not be discharged within 0.25 miles of an occupied area; (2) Hunters must be eligible, enrolled Makah tribal members and must carry their Indian Treaty Fishing and Hunting Identification Card while hunting. No tags or permits are required to hunt waterfowl; (3) The Cape Flattery area is open to waterfowl hunting, except in designated wilderness areas, or within one mile of Cape Flattery Trail, or in any area that is closed to hunting by another ordinance or regulation; (4) The use of live decoys and/or baiting to pursue any species of waterfowl is prohibited; (5) Steel or bismuth shot only for waterfowl is allowed; the use of lead shot is prohibited; (6) The use of dogs is permitted to hunt waterfowl.

We propose to approve the Makah Indian Tribe's requested 2001–02 special migratory bird hunting regulations.

*(p) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)*

Since 1985, we have established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The Navajo Nation owns almost all lands on the reservation and has full wildlife management authority.

The tribe requests special migratory bird hunting regulations on the reservation for both tribal and nontribal members for the 2001–02 hunting season for ducks (including mergansers), Canada geese, coots, band-tailed pigeons, and mourning doves. For waterfowl, the Navajo Nation requests the earliest opening dates and longest seasons, and the same daily bag and possession limits permitted Pacific Flyway States under final Federal frameworks.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through 30, 2001, with daily bag limits of 10 and 5 for mourning dove and band-tailed pigeon, respectively. Possession limits would be twice the daily bag limits.

The Nation requires tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face of the stamp. Special regulations established by the Navajo Nation also apply on the reservation.

The tribe anticipates a total harvest of less than 300 mourning doves, 50 band-

tailed pigeons, 500 ducks, coots, and mergansers, and 300 Canada geese for the 2001–02 season. Harvest will be measured by mail survey forms. The tribe will take action to close the season, reduce bag limits, or take other appropriative actions if the harvest is detrimental to the migratory bird resource through the established Tribal Nation Code, Title 17 and 18 U.S.C. 1165.

We propose to approve the Navajo Nation's request for these special regulations for the 2001–02 migratory bird hunting seasons.

*(q) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)*

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by tribal and non-tribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced their own hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin and the majority of the seasons and limits are the same for the tribe and Wisconsin.

In a May 11, 2001, letter, the tribe proposed special migratory bird hunting regulations. For ducks, the tribe described the general ''outside dates'' as being September 29 through November 30, 2001, inclusive. The tribe proposes a daily bag limit of six birds, which could include no more than six mallards (three hen mallards), five wood ducks, one canvasback, one redhead, two pintails, and one hooded merganser.

For geese, the tribe requests a season between September 1 and December 31, 2001, with a daily bag limit of three Canada geese. Hunters will be issued three tribal tags for geese in order to monitor goose harvest. An additional three tags will be issued each time birds are registered. The tribe will close the season November 17 to 25, 2001. If a quota of 150 geese is attained before the season concludes, the tribe will recommend closing the season early.

For woodcock, the tribe proposes a season between September 1 and November 12, 2001, with a daily bag and possession limit of 5 and 10, respectively.

The tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal members hunting on the Reservation or on lands under the jurisdiction of the tribe must comply to all State of Wisconsin regulations. Tribal members and nontribal members hunting on the Reservation or on lands under the jurisdiction of the tribe will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Indian hunters would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

The Service proposes to approve the request for special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

*(r) Point No Point Treaty Tribes, Kingston, Washington (Tribal Members Only)*

Since 1996, the Service and the Point No Point Treaty Tribes, consisting of the Skokomish, Port Gamble S'klallam, Jamestown S'klallam, and Elwha S'klallam tribes, have cooperated to establish special regulations for migratory bird hunting. The four tribes have reservations located on the Olympic Peninsula in Washington. All four tribes have successfully administered tribal hunting regulations since 1985, and each tribe has a comprehensive hunting ordinance.

For the 2001–02 season, we have not yet heard from the tribe regarding this season's proposal. Based on last year, we assume the tribe would request seasons for ducks, geese, brant, coots, snipe, and mourning doves. For ducks, coots, geese, brant, and snipe, the season would run from September 15, 2001, to January 15, 2002, with a daily bag limit of 7 ducks, 25 coots, 4 geese (including no more than 3 light geese), 2 brant, and 8 snipe. The duck daily bag limit would include mergansers and could include no more than two hen mallards, two pintails, one canvasback, and two redheads. The season is closed on harlequin ducks and Aleutian Canada geese. All possession limits would be twice the daily bag limit. For mourning doves, the season would start September 1, 2001, and end January 15, 2002, with a daily bag limit of 10.

The tribes require that all hunters authorized to hunt migratory birds on the reservation obtain a tribal hunting permit from the respective tribe. Hunters are also required to adhere to a number of special regulations available at the tribal office. Tribal harvest in 1999 under similar regulations was approximately 185 ducks, 22 geese, and 15 coots.

We propose to approve the Point No Point Treaty Tribe's 2001–02 regulations provided the tribe provides the appropriate confirmation for the seasons.

*(s) Seminole Tribe of Florida, Big Cypress Seminole Reservation, Clewiston, Florida (Tribal Members and Nontribal Hunters)*

The Seminole Tribe of Florida and the Service have cooperated since 1995 to establish regulations for the 70,000-acre Big Cypress Seminole Reservation. Located northwest of Miami, the Big Cypress Seminole Reservation is totally tribally owned, and the tribe has full wildlife management authority.

For the 2001–02 season, the Seminole Tribe proposes establishing a mourning dove season from September 16, 2001, through January 20, 2002. Hunting would be allowed for tribal and non-tribal members, but would be on Sundays only. Daily bag limits would be the same as those allowed within the Federal frameworks for the State of Florida. All other Federal regulations contained in 50 CFR part 20 would apply. In 1997, under identical regulations, hunters harvested 2,078 doves on the reservation. The anticipated harvest of doves taken during the 2001 season would be limited to 12,000 birds. The tribe controls all entry to the hunt area.

We propose to approve the Seminole Tribe's requested 2001–02 special migratory bird hunting regulations.

*(t) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)*

Almost all of the Fort Hall Indian Reservation is tribally owned. The tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by non-tribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they seemed to provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 2001–02 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a May 30, 2001, proposal for the 2001–02 hunting season, the Shoshone-Bannock Tribes requested a continuous duck (including mergansers) season with the maximum number of days and

the same daily bag and possession limits permitted Pacific Flyway States, under final Federal frameworks. The tribes propose that, if the same number of hunting days are permitted as last year, the season would have an opening date of October 4, 2001, and a closing date of January 4, 2002. Coot and snipe season dates would be the same as for ducks, with the same daily bag and possession limits permitted Pacific Flyway States. The tribes anticipate harvest will be between 2,000 and 5,000 ducks.

The tribes also requested a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted in Idaho under Federal frameworks. The tribes propose that, if the same number of hunting days are permitted as in previous years, the season would have an opening date of October 4, 2001, and a closing date of January 11, 2002. The tribes anticipate harvest will be between 4,000 and 6,000 geese.

Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year and propose they be approved for the 2001–02 hunting season.

*(u) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)*

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995 to establish special tribal migratory bird hunting regulations. These special regulations apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For 2001–02, the tribe requested to establish duck and coot seasons that would run from September 15, 2001, through January 15, 2002. The daily bag limit for ducks would be five per day and could include only one canvasback. The season on harlequin ducks would be closed. For coots the daily bag limit would be 25. For snipe, the tribe proposes the season start on September 15, 2001, and end on January 15, 2002. The daily bag limit for snipe would be eight. For geese, the tribe proposes establishing a season that would run from September 15, 2001, through January 15, 2002. The daily bag limit for geese would be four and could include only two snow geese and one dusky Canada goose. The season on Aleutian and cackling Canada geese would be closed. For brant, the tribe proposes to establish a September 15 to December 31, 2001, season with a daily bag limit of two. The tribe also propose a September 1 to December 31, 2001, season for band-tailed pigeons with a daily bag limit of five.

In all cases, the possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to one-half hour after sunset, and steel shot would be required for migratory bird hunting. Further, the tribe requires that all harvest be reported to their Natural Resources Office within 72 hours.

In 1995, the tribe reported no harvest of any species. Tribal regulations are enforced by the tribe's Law Enforcement Department.

We propose to approve the Squaxin Island Tribe's 2001–02 special migratory bird hunting regulations.

*(v) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)*

For the first time, the Stillaguamish Tribe of Indians and the Service are cooperating to establish special regulations for migratory game birds. The Tribe is proposing regulations to hunt all open and unclaimed lands under the Treaty of Point Elliott of January 22, 1855, including their main hunting grounds around Camano Island, Skagit Flats, Port Susan to the border of the Tulalip Tribe's Reservation. Ceded lands are located in Whatcom, Skagit, Snohomish, and Kings Counties, and a portion of Pierce County, Washington. The Stillaguamish Tribe of Indians is a federally recognized tribe and reserves the Treaty Right to hunt (U.S. v. Washington).

The tribe proposes that duck (including mergansers, sea ducks, and coots), goose, and snipe seasons run from October 1, 2001 to January 31, 2002. The daily bag limit on ducks (including sea ducks and mergansers) is 10 and allows 3 more of each species than permitted in the State of Washington under final Federal frameworks. The daily bag limit for coot is 25. For geese, the daily bag limit is six. The season on brant is closed for conservation measures. The daily bag limit for snipe is ten. Possession limits are totals of two daily bag limits.

Harvest is regulated by a punch card system. Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a non-toxic shot as required by Federal regulations.

The tribe anticipates a total harvest of 200 ducks, 100 geese, 50 mergansers, 100 coots, and 100 snipe. Anticipated harvest needs include subsistence and ceremonial needs. Certain species may be closed to hunting for conservation purposes, and consideration for the needs of certain species will be addressed.

The Service proposes to approve the request for special migratory bird hunting regulations for the Stillaguamish Tribe of Indians.

*(w) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)*

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a Federally recognized Indian tribe consisting of the Suiattle, Skagit, and Kikialos. The Swinomish Reservation was established by the Treaty of Point Elliott of January 22, 1855, and lies in the Puget Sound area north of Seattle, Washington.

The tribe proposes to establish a migratory bird hunting season on all areas that are open and unclaimed and consistent with the meaning of the treaty. The tribe requests to establish duck, merganser, Canada goose, brant, and coot seasons opening on the earliest possible date allowed by the final Federal frameworks for the Pacific Flyway and closing 30 days after the State of Washington closes its season. Daily bag and possession limits would be the same as those allowed by the State except that the Swinomish request an additional three birds of each species over that allowed by the State.

The Community normally anticipates that the regulations will result in the harvest of approximately 300 ducks, 50 Canada geese, 75 mergansers, 100 brant, and 50 coot. The Swinomish utilize a report card and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All tribal regulations will be enforced by tribal fish and game officers.

On reservation, the Tribal Community would propose a hunting season for the above-mentioned species beginning on the earliest possible opening date and closing March 9, 2002. The Swinomish manage harvest by a report card permit system and anticipate harvest will be similar to that expected off reservation.

We believe the estimated harvest by the Swinomish will be minimal and will

not adversely affect migratory bird populations. We propose to approve the Tribal Community's regulations for the 2001–02 season.

*(x) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Nontribal Hunters)*

The Tulalip Tribes are the successors in interest to the tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation just north of the City of Everett in Snohomish County, Washington. The tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to nonmember hunting unless opened by Tulalip Tribal regulations.

In a June 1, 2001, letter, the Tulalip Tribes proposed tribal and nontribal hunting regulations for the 2001–02 season. Migratory waterfowl hunting by Tulalip Tribal members is authorized by Tulalip Tribal Ordinance No. 67. All lands within the boundaries of the Tulalip Tribes Reservation are closed to non-members hunting unless opened by Tulalip Tribal regulations. For ducks, mergansers, coot, and snipe, the proposed season for tribal members would be from September 15, 2001, through February 1, 2002. In the case of nontribal hunters hunting on the reservation, the season would be the latest closing date and the longest period of time allowed for the State of Washington under final Pacific Flyway Federal frameworks. Daily bag and possession limits for Tulalip Tribal members would be 6 and 12 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established for the State of Washington in accordance with final Federal frameworks. For nontribal hunters, bag and possession limits would be the same as those permitted the State of Washington under final Federal frameworks. Nontribal members should check with the Tulalip tribal authorities regarding additional conservation measures which may apply to specific species managed within the region. Ceremonial hunting may be authorized by the Department of Natural Resources at any time upon application of a qualified tribal member. Such a hunt shall have a bag limit designed to limit harvest only to those birds necessary to provide for the ceremony.

For geese, tribal members are proposed to be allowed to hunt from September 15, 2001, through February 1, 2002. Non-tribal hunters would be allowed the longest season and the latest closing date permitted for the State of Washington under final Federal frameworks. For tribal hunters, the goose daily bag and possession limits would be 6 and 12, respectively, except that the bag limits for brant, cackling Canada geese, and dusky Canada geese would be those established for the Pacific Flyway in accordance with final Federal frameworks. For nontribal hunters hunting on reservation lands, the daily bag and possession limits would be those established in accordance with final Federal frameworks for the State of Washington. The Tulalip Tribes also set a maximum annual bag limit for those tribal members who engage in subsistence hunting of 365 ducks and 365 geese.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the tribe. Nontribal hunters 16 years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Both stamps must be validated by signing across the face of the stamp.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by tribal and nontribal hunters under 1,000 ducks and 500 geese, annually.

We propose approval of the Tulalip Tribe's request for the above seasons. We request that harvest be monitored closely and regulations be reevaluated for future years if harvest becomes too great in relation to population numbers.

*(y) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)*

For the first time, the Upper Skagit Indian Tribe and the Service are cooperating to establish special regulations for migratory game birds. The tribe has jurisdiction over lands within Skagit and Whatcom Counties, Washington. Migratory bird hunting would take place in Washington State Game Units 407, 437, and 418, which comprises the northern portion of the lands under tribal jurisdiction. Tribal hunters are issued a harvest report card that will be shared with the State of Washington.

For the 2001–02 season, the tribe proposes a duck season, which includes coots, starting on November 1, 2001, and ending February 8, 2002. The tribe proposes a daily bag limit of 15 with a possession limit of 20. The coot daily bag limit is 20 with a possession limit of 30. The tribe proposes a goose season from November 1, 2001, to February 8, 2002 with a daily bag limit of seven geese and five brant. The possession limit for geese and brant are 10 and 7, respectively.

The tribe proposes a mourning dove season between September 1, to December 31, 2001, with a daily bag limit of 12.

The anticipated migratory bird harvest under this proposal would be 100 ducks, 5 geese, 2 brant, and 10 coots. Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR.

The Service proposes to approve the request for special migratory bird hunting regulations for the Upper Skagit Indian Tribe and requests that the tribe closely monitor harvest in this first season of establishing special migratory bird hunting regulations.

*(z) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)*

The Wampanoag Tribe of Gay Head is a federally-recognized tribe located on the island of Martha's Vineyard in Massachusetts. The tribe has approximately 560 acres of land, which it manages for wildlife through its natural resources department. The tribe also enforces its own wildlife laws and regulations through the natural resources department.

For the 2001–02 season, the tribe proposes a duck season of October 27, 2001, to February 23, 2002. The tribe proposes a daily bag limit of six birds, which could include no more than two hen mallards, two black ducks, two mottled ducks, one fulvous whistling duck, four mergansers, three scaup, one hooded merganser, two wood ducks, one canvasback, two redheads, one pintail, and one hen eider. The season for harlequins would be closed. A daily bag limit of six teal would be in addition to the daily bag limit for ducks.

For sea ducks, the tribe proposes a season between October 27, 2001, and February 23, 2002, with a daily bag limit of seven, which could include no more than four of any one species unless otherwise noted above.

For geese, the tribe requests a season between September 15, to September 22, 2001, and November 3, 2001, to February 23, 2002, with a daily bag limit of 5 Canada geese during the first period and three Canada geese during the second period. They propose a daily bag limit of 15 snow geese.

For woodcock, the tribe proposes a season between October 13 and November 17, 2001, with a daily bag limit of three.

The tribe currently has 20 registered tribal hunters and estimates harvest to be no more than 40 geese, 50 mallards, 50 teal, 50 black ducks, and 50 of all other species combined. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR.

The Service proposes to approve the request for special migratory bird hunting regulations for the Wampanoag Tribe of Gay Head and requests that the tribe closely monitor harvest in this first season of establishing special migratory bird hunting regulations.

*(aa) White Earth Band of Ojibwe, White Earth, Minnesota (Tribal Members Only)*

The White Earth Band of Ojibwe is a federally-recognized tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce conservation regulations. The tribe and the Service first cooperated to establish special tribal regulations in 1999.

For the 2001–02 migratory bird hunting season, the White Earth Band of Ojibwe request a duck, merganser, and coot season to start September 15 and end December 16, 2001. For ducks, they request a daily bag limit of 10 including no more than 2 mallards and 2 canvasback. The merganser daily bag limit would be 5 with no more than 2 hooded mergansers, and the coot daily bag limit would be 20. For geese, the tribe proposes a September 1 to December 16, 2001, season with a daily bag limit of five geese.

For dove, rail, woodcock, and snipe, the tribe would propose a September 8 to December 31, 2001, season with daily bag limits of 25 doves, 25 rails, 10 woodcock, and 10 snipe. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Nontoxic shot is required.

Based on past harvest surveys, the tribe anticipates harvest of 1,000 to 2,000 Canada geese and 1,000 to 1,500 ducks. White Earth Reservation Tribal Council employs 4 full-time Conservation Officers to enforce migratory bird regulations.

We propose to approve the White Earth Band of Ojibwe requested 2001–02 special migratory bird hunting regulations.

*(bb) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)*

The White Mountain Apache Tribe owns all reservation lands, and the tribe has recognized full wildlife management authority. The White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to since the 1997–98 hunting year.

The hunting zone for waterfowl is restricted and is described as: the entire length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3 will be open to waterfowl hunting during the 2001–02 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2001–02 season.

For nontribal and tribal hunters, the tribe proposes a continuous duck, coot, merganser, gallinule and moorhen hunting season, with an opening date of October 20, 2001, and a closing date of January 20, 2002. The tribe proposes a daily duck (including mergansers) bag limit of four, which may include no more than two redheads or one canvasback and one redhead, one pintail, and three mallards (including no more than one hen mallard). The daily bag limit for coots, gallinules, and moorhens would be 25, singly or in the aggregate. For geese, the tribe is proposing a season from October 20, 2001, through January 20, 2002. Hunting would be limited to Canada geese, and the daily bag limit would be three.

Season dates for band-tailed pigeons and mourning doves would run concurrently from September 5 through September 19, 2001, in Wildlife Management Unit 10 and all areas south of Y–70 in Wildlife Management Unit 7, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 10, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails, and snipe on the White Mountain Apache lands under this proposal. A number of special regulations apply to tribal and nontribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We propose to approve the regulations requested by the tribe for 2001–02 season.

*(cc) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)*

On May 16, 2001, the Yankton Sioux Tribe submitted a waterfowl hunting proposal for the 2001–02 season. The Yankton Sioux tribal waterfowl hunting season would be open to both tribal members and nontribal hunters. The waterfowl hunting regulations would apply to tribal and trust lands within the external boundaries of the reservation.

For ducks (including mergansers) and coots, the Yankton Sioux Tribe proposes a season starting October 13, 2001, and running for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be 6 ducks, which may include no more than 5 mallards (no more than 2 hens), 1 canvasback, 2 redheads, 3 scaup, 1 pintail, or 2 wood ducks. The bag limit for mergansers is 5, which would include no more than 1 hooded merganser. The coot daily bag limit is 15. For geese, the tribe has requested a dark geese (Canada geese, brant, white-fronts) season starting October 27, 2001, and closing January 31, 2002. The daily bag limit would be three geese (including no more than one whitefront or brant). Possession limits would be twice the daily bag limit. For white geese, the proposed hunting season would start October 27, 2001, and run for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be the same as those adopted by the State of South Dakota.

All hunters would have to be in possession of a valid tribal license while hunting on Yankton Sioux trust lands. Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and the manner of taking. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

During the 2000–01 hunting season, the tribe reported that 73 nontribal hunters took 302 Canada geese, 10 light geese, and 79 ducks. Thirty tribal

members harvested less than 50 geese and 50 ducks.

We concur with the Yankton Sioux proposal for the 2001–02 hunting season.

**Public Comment Invited**

We intend that adopted final rules be as responsive as possible to all concerned interests and, therefore, desire to obtain the comments and suggestions of the public, other governmental agencies, nongovernmental organizations, and other private interests on these proposals. However, special circumstances are involved in the establishment of these regulations, which limit the amount of time that we can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, we believe that to allow the comment period past the date specified is contrary to the public interest.

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**. You may inspect comments received on the proposed annual regulations during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date in the final rules.

**NEPA Consideration**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the ''Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)'' was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). A supplement to the final environmental statement, the ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)'' was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). Copies of these documents are available from us at the address indicated under the caption **ADDRESSES**. In addition, an August 1985 Environmental Assessment titled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the same address.

**Endangered Species Act Considerations**

Prior to issuance of the 2001–02 migratory game bird hunting regulations, we will consider provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and that the proposed action is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental proposed rulemakings.

We will include findings from these consultations in a biological opinion and may cause modification of some regulatory measures proposed in this document. The final rule will reflect any modifications. Our biological opinion resulting from the Section 7 consultation is a public document available for public inspection in the Service's Division of Endangered Species and Division of Migratory Bird Management, U.S. Fish and Wildlife Service, at the address indicated under the caption **ADDRESSES**.

**Regulatory Flexibility Act**

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend between $429 million and $1.084 billion at small businesses in 1998. Copies of the Analysis are available upon request from the address indicated under the caption **ADDRESSES**.

**Executive Order (E.O.) 12866**

While this individual supplemental rule was not reviewed by the Office of Management and Budget (OMB), the migratory bird hunting regulations are economically significant and are annually reviewed by OMB under E.O. 12866.

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its

clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the rule? What else could we do to make the rule easier to understand?

**Small Business Regulatory Enforcement Fairness Act**

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808 (1) .

**Paperwork Reduction Act**

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 9/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned clearance number 1018–0023 (expires 07/31/2003). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of harvest, and the portion it constitutes of the total population. A Federal 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.

**Unfunded Mandates Reform Act**

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this rulemaking will not ''significantly or uniquely'' affect small governments, and will not produce a Federal mandate of $100 million or more in any given year on local or State government or private entities. Therefore, this proposed rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

**Civil Justice Reform—Executive Order 12988**

The Department, in promulgating this proposed rule, has determined that this rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

**Takings Implication Assessment**

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule will allow hunters to exercise otherwise unavailable privileges and, therefore, reduces restrictions on the use of private and public property.

**Federalism Effects**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Government-to-Government Relationship With Tribes**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, by virtue of the tribal proposals contained in this proposed rule, we have consulted with all the tribes affected by this rule.

**Energy Effects—E.O. 13211**

On May 18, 2001, the President issued an Executive Order (E.O. 13211) on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this supplemental proposed rule is not expected to significantly affect energy supplies, distribution, or use, this proposed action is not a significant energy action and no Statement of Energy Effects is required.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Based on the results of soon-to-be-completed migratory game bird studies, and having due consideration for any data or views submitted by interested parties, this proposed rulemaking may result in the adoption of special hunting regulations for migratory birds beginning as early as September 1, 2001, on certain Federal Indian reservations, off-reservation trust lands, and ceded lands. Taking into account both reserved hunting rights and the degree to which tribes have full wildlife management authority, the regulations only for tribal members or for both tribal and nontribal members may differ from those established by States in which the reservations, off-reservation trust lands, and ceded lands are located. The regulations will specify open seasons, shooting hours, and bag and possession limits for rails, coot, gallinules (including moorhen), woodcock, common snipe, band-tailed pigeons, mourning doves, white-winged doves, ducks (including mergansers), and geese.

The rules that eventually will be promulgated for the 2001–02 hunting season are authorized under the Migratory Bird Treaty Act (MBTA) of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended. The MBTA

authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

Dated: August 7, 2001.

**Joseph E. Doddridge,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 01–20381 Filed 8–13–01; 8:45 am]

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## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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**S. 468/P.L. 107–23**

To designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building". (Aug. 3, 2001; 115 Stat. 198)

**H.R. 1954/P.L. 107–24**

ILSA Extension Act of 2001 (Aug. 3, 2001; 115 Stat. 199)

**Last List July 31, 2001**

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