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Contents

Federal Register

Vol. 66, No. 166

Monday, August 27, 2001

Agriculture Department
See Commodity Credit Corporation
See Forest Service

Air Force Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45018

Architectural and Transportation Barriers Compliance Board
NOTICES
Meetings:
Access Board, 45001–45002

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panels, 45045–45046

Children and Families Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 45046–45047

Coast Guard
RULES
Drawbridge operations:
Louisiana, 44971
Mississippi River, Iowa and Illinois, 44969–44971
Organization, functions, and authority delegations:
Director, Great Lakes Pilotage; right to appeal Director's decisions to Commandant, 44985–44986
Ports and waterways safety:
Milwaukee, WI, safety zone, 44971–44973
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45072–45073

Commerce Department
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Commodity Credit Corporation
NOTICES
Bioenergy program; expansion of commodities producers, 45001

Commodity Futures Trading Commission
RULES
Security futures products:
Designated contract markets, 44960–44967

Customs Service
NOTICES
Commercial gauger and commercial laboratory accreditations:
National Marine Consultants, Inc., 45077
General program test:
Accompanied (international) in-transit baggage; transfer procedures, 45077–45078

Defense Department
See Air Force Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45014
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 45014–45017
Meetings:
Scientific Advisory Board, 45017
Women in Services Advisory Committee, 45017–45018

Education Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 45018–45019

Employment and Training Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45059–45060
Federal-State unemployment compensation program:
Benefit accuracy measurement program results, 45060–45062

Employment Standards Administration
See Wage and Hour Division

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Study of potential sites for the deployment of new nuclear power plants in the United States, 45019
Radiological condition certifications:
Baker Brothers, Inc., Site and Ottawa Lake Vicinity Property, 45019–45021

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
Testing and monitoring provisions; amendments, 44978–44981
Air quality implementation plans; approval and promulgation; various States:
California, 44973–44978
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
Testing and monitoring provisions; amendments, 44997–45000
Air quality implementation plans; approval and promulgation; various States:
California, 44997
Maryland, 44995–44996

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 44947–44950, 44954–44957
Bombardier; correction, 44958–44960
Honeywell, 44945–44947
McDonnell Douglas, 44950–44954, 44957–44958
PROPOSED RULES
Airworthiness directives:
Airbus, 44990–44993
Raytheon, 44988–44990
Class E airspace, 44993–44995
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee, 45073–45074
Aviation Weather Technology Transfer Board, 45074–45075
Reports and guidance documents; availability, etc.:
Binding arbitration under Administrative Dispute Resolution Act of 1996; guidance, 45075
In-seat power supply systems certification; policy statement, 45075–45076

Federal Communications Commission
NOTICES
Common carrier services:
Wireless telecommunications services—
Multiple address systems spectrum auction; minimum opening bids, upfront payments and other procedural issues, 45028–45042

Federal Emergency Management Agency
RULES
Flood elevation determinations:
Various States, 44984–44985
NOTICES
Disaster and emergency areas:
District of Columbia, 45042–45043
Kentucky, 45043
Tennessee, 45044
Virginia, 45044

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Southern Electric Generation Co., et al., 45022–45025
Hydroelectric applications, 45025–45027
Meetings:
Three Rivers, MI; Three Rivers Hydroelectric Project; site visits, 45027–45028
Trunkline Gas Co.; technical conference, 45028
Applications, hearings, determinations, etc.:
Northern Natural Gas Co. and Gulf South Pipeline Co., LP, 45021
Tampa Electric Co., 45021–45022

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 45045
Formations, acquisitions, and mergers, 45045

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Senior Executive Service:
Performance Review Boards; membership, 45078

Fish and Wildlife Service
PROPOSED RULES
Alaska National interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Wildlife; 2002-2003 subsistence taking, 45081–45135

Food and Drug Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 45047–45048
Grants and cooperative agreements; availability, etc.:
Orphan drug products; safety and effectiveness in rare diseases and conditions; clinical studies, 45048–45053
Meetings:
Circulatory System Devices Panel, 45053

Forest Service
PROPOSED RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Wildlife; 2002-2003 subsistence taking, 45081–45135

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 45014–45017

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
RULES
Grants and cooperative agreements; availability, etc.:
Teaching facilities, educational improvements, scholarships, and student loans; training of public health and allied health personnel, 44981–44984
NOTICES
Meetings:
Childhood Vaccines Advisory Commission, 45053–45054

Interior Department
See Fish and Wildlife Service

Internal Revenue Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45078–45079

International Trade Administration
NOTICES
Antidumping:
Freshwater crawfish tail meat from—
China, 45002–45004
Oil country tubular goods from—
Japan, 45004–45005
Petroleum wax candles from—
China, 45005
Polychloroprene rubber from—
Japan, 45005–45006
Preserved mushrooms from—
China, 45006–45007

Countervailing duties:
Stainless steel plate in coils from—
Belgium, 45007–45009

Justice Department
NOTICES
Pollution control; consent judgments:
Tropical Fruit, S.E., et al, 45058–45059

Labor Department
See Employment and Training Administration
See Wage and Hour Division

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 45014–45017

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Bridgestone/Firestone, Inc., 45076

National Institute of Standards and Technology
NOTICES
Meetings:
Computer System Security and Privacy Advisory Board, 45009–45010

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 45054
Literature Selection Technical Review Committee, 45054–45055
National Cancer Institute, 45055
National Institute of Allergy and Infectious Diseases, 45056
National Institute of Child Health and Human Development, 45055–45056
National Institute of Diabetes and Digestive and Kidney Diseases, 45056–45057
National Institute of Neurological Disorders and Stroke, 45058
National Institute on Drug Abuse, 45057–45058

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
West Coast States and Western Pacific fisheries—
Coastal pelagic species, 44986–44987
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45010–45011
Meetings:
Gulf of Mexico Fishery Management Council, 45011–45012
North Pacific Fishery Management Council, 45012

National Science Foundation
NOTICES
Committees; establishment, renewal, termination, etc.:
Public Service Award Committee (No. 5195), 45062
Meetings:
Geosciences Advisory Committee, 45062

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
TXU Electric, 45065–45066
Regulatory guides; issuance, availability, and withdrawal, 45066
Applications, hearings, determinations, etc.:
Detroit Edison Co., 45062–45064
Union Electric Co.; withdrawn, 45064–45065

Patent and Trademark Office
NOTICES
Patent and trademark classified paper files; removal from public search facilities, 45012–45014

Postal Service
NOTICES
Meetings; Sunshine Act, 45066

Public Debt Bureau
See Fiscal Service

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Securities and Exchange Commission
RULES
Securities:
Broker-dealer registration requirements, 45137–45150
NOTICES
Agency information collection activities:
Proposed collection; comment request, 45066–45067
Self-regulatory organizations; proposed rule changes:
New York Stock Exchange, Inc., 45068–45069
Philadelphia Stock Exchange, Inc., 45069–45070
Applications, hearings, determinations, etc.:
Accessor Funds, Inc, et al., 45067–45068

State Department
NOTICES
Grant and cooperative agreement awards:
Amercian Council of Learned Societies et al., 45071–45072
Meetings:
International Communications and Information Policy Advisory Committee, 45072

Transportation Department
See Coast Guard
See Federal Aviation Administration
See National Highway Traffic Safety Administration

Treasury Department
See Customs Service
See Fiscal Service
See Internal Revenue Service
NOTICES
Meetings:
Customs Service Commercial Operations Treasury Advisory Committee, 45076–45077

Wage and Hour Division
RULES
American Samoa; special industry committee for all industries; appointment, convention, and hearing, 44967–44969

Western Area Power Administration
NOTICES
Salt Lake City Area Integrated Projects; power allocation procedures and call for applications; post-2004 resource pool, 45028

Separate Parts In This Issue

Part II
Department of Agriculture, Forest Service; Department of the Interior, Fish and Wildlife Service, 45081–45135

Part III
Securities and Exchange Commission, 45137–45150

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39 (6 documents) 44945, 44947, 44950, 44954, 44957, 44958

Proposed Rules:
39 (2 documents) 44988, 44990
71 (2 documents) 44993, 44994

17 CFR
41.....44960
140.....44960
240.....45138
248.....45138
249.....45138

29 CFR
697.....44967

33 CFR
117 (2 documents) 44969, 44971
165.....44971

36 CFR

Proposed Rules:
242.....45082

40 CFR
52 (2 documents) 44973, 44974
60.....44978

Proposed Rules:
52 (2 documents) 44995, 44997
60.....44997

42 CFR
57.....44981
58.....44981

44 CFR
65.....44984

46 CFR
1.....44985

50 CFR
660.....44986

Proposed Rules:
100.....45082

Rules and Regulations

Federal Register

Vol. 66, No. 166

Monday, August 27, 2001

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–38–AD; Amendment 39–12406; AD 2001–17–15]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), AD 95–09–02, that applies to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 series turboshaft and LTP101 series turboprop engines. That AD superseded priority letter AD 94–19–01 and currently requires initial and repetitive inspections of the engine fuel pump internal drive splines for wear and replacement of engine fuel pumps that exhibit wear beyond specified limits.This amendment requires a reduction in inspection intervals for the engine fuel pump internal drive splines. This amendment is prompted by a report from the engine manufacturer that 13 percent of the pumps installed on aircraft that were returned from the field for the required 900-hour interval inspection revealed excessive internal drive spline wear. The actions specified by this AD are intended to prevent worn splines in fuel pumps which could cause engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft.

DATES: Effective date October 1, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Honeywell International, Inc., Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003, telephone: (602) 365–2493, fax: (602) 365–5577. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5245, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95–09–02, Amendment 39–9206 (60 FR 20189, April 25, 1995), applicable to Textron Lycoming LTS101 series turboshaft and LTP101 series turboprop engines incorporating Chandler Evans Company (CECO) engine fuel pumps, part numbers (P/N's) 4–301–128–01, –02, –03, –04, –05, –06, –07, –08, –09, and –10 was published in the **Federal Register** on September 26, 2000 (65 FR 57753). That action proposed to require a reduction in inspection intervals for the engine fuel pump internal drive splines in accordance with AlliedSignal Service Bulletin (SB) LT 101–73–20–0203, dated August 18, 1999. Since the publication of the NPRM, Honeywell International Inc. purchased AlliedSignal and has issued SB LT 101–73–20–0203, Revision 1, dated January 5, 2001.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. However, certain editorial changes have been made to the ''Initial Inspection'' section of the AD Compliance for clarification without changing the requirements of the AD.

Updated Service Bulletin

Since the publication of the NPRM, the FAA has reviewed and approved the contents of Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001. The revised SB differs from the original SB only in that it also covers engine model LTS101–600A–3A and pump P/N 4–301–128–11. Engine model LTS–600A–3A represents a conversion from engine model LTS–600A–3, and the addition of this new engine model to the applicability of this AD will not increase the number of engines affected by this AD. Pump P/N 4–301–128–11 is installed on engine model LTS–600A–3A. Therefore, the FAA has added engine model LTS–600A–3A and pump P/N 4–301–128–11 to the applicability of this AD.

Conclusion

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

Economic Analysis

Because initial removal and replacement activities are scheduled at intervals compatible with existing AD 95–09–02, no additional impact on part and labor cost is anticipated. The number of engines affected by this AD does not change.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–9206 (60 FR 20189, April 25, 1995) and by adding a new airworthiness directive (AD), Amendment 39–12406, to read as follows:

AD 2001–17—15 Honeywell International Inc.: Amendment 39–12406. Docket No. 94–ANE–38–AD. Supersedes AD 95–09–02, Amendment 39–9206.

Applicability: This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101–600A–2, –600A–3 and –600A–3A series turboshaft and LTP101–600A–1A, –700A–1A series turboprop engines incorporating Chandler Evans Company (CECO) engine fuel pumps, part numbers (P/N's) 4–301–128–01, –02, –03, –04, –05, –06, –07, –08, –09, and –10 and –11. These engines are installed on but not limited to the following single-engine aircraft: Eurocopter France (formerly Aerospatiale) AS350D series helicopters and Airtractor AT302, Pacific Aero 08–600, and Page (Ayres S–2R) Thrush series airplanes. This AD is not applicable to engines installed on twin-engine aircraft.

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

Compliance

Required as indicated, unless accomplished previously.

To prevent engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft, accomplish the following:

Initial Inspection

(a) Remove from service and return to CECO for inspection, engine fuel pumps with greater than 751 hours time-in-service (TIS), but less than 900 hours TIS since new, overhaul, or time since last inspection on the effective date of this AD, within the next 100 hours TIS after the effective date of this AD, in accordance with AlliedSignal Service Bulletin (SB) LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001.

(b) Remove from service and return to CECO for inspection, engine fuel pumps with greater than 451 hours TIS, but less than or equal to 750 hours TIS since new, overhaul, or time since last inspection, on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD, in accordance with AlliedSignal SB LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001.

(c) Remove from service and return to CECO for inspection, engine fuel pumps with less than or equal to 450 hours TIS, but less than 600 hours TIS since new, overhaul, or time-since-last-inspection on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD, whichever occurs first, in accordance with AlliedSignal SB LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001.

(d) The time since last inspection in compliance with AD 95–09–02 may be applied to satisfy the inspection time requirements of (a), (b), and (c).

(e) Thereafter, remove from service and return to CECO for inspection, engine fuel pump at intervals not to exceed 600 hours TIS since the last inspection in accordance with the Accomplishment Instructions of AlliedSignal SB LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001.

(f) Engine fuel pumps that exhibit wear beyond the limits specified in AlliedSignal SB LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001, may not be returned to service.

Definition

(g) For the purposes of this AD, a serviceable part is defined as a new part, or a part that has been inspected by CECO in accordance with AlliedSignal SB LT 101–73–20–0203, dated August 18, 1999, or Honeywell International Inc. SB LT 101–73–20–0203, Revision 1, dated January 5, 2001, and that has not accumulated 600 hours TIS since new, or since inspection by CECO.

Alternative Method of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the LAACO. An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, LAACO. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

Special Flight Permits

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

Documents That Have Been Incorporated by Reference

(j) The inspection shall be done in accordance with the following AlliedSignal and Honeywell International Inc. service bulletins:

Document No.	Pages and revision	Date
AlliedSignal, SB LT 101–73–20–0203, Total pages: 4	All—Original	August 18, 1999.
Honeywell International, SB No. LT 101–73–20–0203. Total pages: 4	All—Revision 1	January 5, 2001.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Honeywell International, Inc, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box

29003, Phoenix, AZ 85038–9003, telephone: (602) 365–2493, fax: (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on October 1, 2001.

Issued in Burlington, Massachusetts, on August 16, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–21220 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–310–AD; Amendment 39–12409; AD 2001–17–18]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD); applicable to certain Boeing Model 737–100, –200, and –200C series airplanes; that requires repetitive inspections of certain floor beams and transverse beams, and corrective actions, if necessary. For certain airplanes, this AD also provides optional terminating action for the repetitive inspections. The actions specified by this AD are intended to detect and correct cracking at the aileron control quadrant cutouts and in the cabin floor beams and pressure web transverse beams above the main wheel well, which could result in rapid loss of cabin pressure and reduced structural integrity of the airframe.

DATES: Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

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

FOR FURTHER INFORMATION CONTACT: Scott Fung, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1221; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes was published in the **Federal Register** on March 9, 2001 (66 FR 14096). That action proposed to require inspection of certain floor beams and transverse beams, and corrective actions, if necessary.

Recommendation of 737 Aging Fleet Structures Working Group

The 737 Aging Fleet Structures Working Group has recommended accomplishment of Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992, which this AD identifies as the appropriate source of service information for the actions required by this AD. This AD is in consonance with the group's recommendation.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Applicability of AD

Several commenters request that the FAA revise the applicability statement of the proposed AD for clarification. The commenters point out that not all Boeing Model 737–100, –200, and –200C series airplanes with line numbers 1 through 1585 inclusive are included in the effectivity listing of Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992 (which the proposed rule lists as the appropriate source of service information for the proposed actions). One of the commenters specifically states that not all Model 737–200C series airplanes are included in the effectivity listing. The commenters suggest that the FAA revise the applicability statement to include only those Model 737–100, –200, and –200C series airplanes listed in the service bulletin.

The FAA concurs with the commenters' request. Certain Model 737–200 and –200C series airplanes have different structure in the area subject to this AD. Thus, these airplanes are not subject to the unsafe condition addressed by this AD. We have revised the applicability statement of this final rule accordingly.

Initial Inspection Thresholds and Repetitive Intervals: Paragraph (a)

Two commenters request that the FAA extend the compliance time for the initial inspection in paragraph (a) of the proposed AD and the interval for the repetitive inspections in paragraph (a)(1) of the proposed AD. One commenter, an operator, requests that the grace period and repetitive interval be extended from 3,000 to 4,000 flight cycles. This commenter's rationale is that such an increase would allow it to accomplish the requirements of paragraph (a) of the proposed AD during a ''C'' check. Another commenter requests that the repetitive interval in paragraph (a)(1) be increased to 6,000 flight cycles. This commenter states that an investigation by the airplane manufacturer shows that a repetitive interval of 6,000 flight cycles would adequately ensure the safety of the affected airplanes. The commenter also notes that this change will be incorporated into a future revision of Boeing Service Bulletin 737–57–1139.

The FAA concurs with the commenters' requests to extend the compliance time for the initial inspection in paragraph (a) of this AD and the repetitive interval for the inspections in paragraph (a)(1) of this AD. Based upon our review of the airplane manufacturer's investigation, we have determined that a grace period and repetitive interval of 6,000 flight cycles is adequate to ensure safety. This determination is based in part on the airplane manufacturer's recommendation to which the second commenter refers.

In addition, the FAA finds it appropriate to add a new option for a grace period for the initial inspection required by paragraph (a) of this AD. The compliance time for paragraph (a) is now 12,000 total flight cycles, 6,000 flight cycles after the effective date of this AD, or 15 months after the effective date of this AD, whichever occurs latest. The FAA finds that this new option is consistent with other inspections of aging airplane structure mandated previously and will allow operators of affected airplanes more flexibility in planning compliance.

Paragraphs (a) and (a)(1) of this AD have been revised accordingly.

Initial Inspection Thresholds and Repetitive Intervals: Paragraph (b)

One commenter requests that the FAA extend the compliance time for certain initial and repetitive inspections. Though the commenter does not specify which paragraph its comments apply to, the FAA infers, based on the context, that the commenter is requesting changes to paragraph (b). The commenter requests that the FAA extend the grace period for the initial inspection in paragraph (b) and the interval for the repetitive inspections in paragraph (b)(1) from 6,000 to 9,000 flight cycles. The commenter's rationale is that such increases will facilitate accomplishing the inspections at a regularly scheduled maintenance visit. The commenter states that the proposed compliance time would potentially adversely affect its operations and could damage its level of service to its customers. The commenter justifies its request based on the fact that, in inspections of its fleet, it has found only one airplane with cracks in the areas subject to this AD.

The FAA does not concur with the commenter's request. The FAA finds that there is insufficient data to justify revising the compliance time and repetitive interval in paragraph (b) from 6,000 to 9,000 flight cycles as the commenter requests. The commenter's crack findings (or lack thereof) in its own fleet cannot be generalized to all affected airplanes. No change to the AD is necessary in this regard.

However, as previously explained relative to paragraph (a) of this AD, the FAA finds it appropriate to add a new compliance time alternative of 15 months after the effective date of this AD for the initial inspection required by paragraph (b) of this AD. For certain operators, this may extend the compliance time for the initial inspection required by paragraph (b) of this AD. The FAA has revised paragraph (b) of this AD accordingly.

Approve Existing Repairs as Terminating Action

One commenter requests that the FAA allow existing repairs as terminating action for both the initial and repetitive inspections as well as the repairs specified in the proposed rule. The commenter states that identifying previous repairs as terminating action for actions in the proposed rule would ease the burden of gaining reapproval for existing approved repairs.

The FAA partially concurs with the commenter's request. The FAA finds that previously approved repairs (as well as repairs according to the procedures in the service bulletin) may be considered acceptable and eliminate the need for repetitive inspections of the repaired area according to this AD. Operators should note that this applies only to inspections of repaired structure: Any unrepaired areas continue to be subject to the inspection and repair requirements of this AD. Accordingly, the FAA has revised paragraph (c)(1) of this AD to state, ''For airplanes in Groups 1, 2, and 5; as listed in the service bulletin: Modification of the LBL and RBL 24.8 floor beams in the area of the aileron control quadrant cutout in accordance with Part I of the Accomplishment Instructions of the service bulletin constitutes terminating action for the *initial and* repetitive inspection requirements of paragraph (a) of this AD.'' Also, the FAA has added a new paragraph (d)(2) which states, ''Repairs approved previously as alternative methods of compliance in accordance with AD 90–06–02, amendment 39–6489, and AD 93–17–08, amendment 39–8679, are approved as alternative methods of compliance with this AD for the AREA OF REPAIR ONLY.''

Modifications Required By Previous AD

One commenter notes that the modifications in Boeing Service Bulletin 737–57–1139, Revision 4, are already required by AD 90–06–02, amendment 39–6489 (55 FR 8372, March 7, 1990). The commenter requests additional recent documentation to substantiate the need for the proposed inspections.

The FAA infers that the commenter is requesting that the FAA withdraw the proposed rule. The FAA does not concur with the commenter's request. The modifications in the referenced service bulletin are already required as part of AD 90–06–02, but that AD requires these modifications at 75,000 flight cycles. Cracking has been found on in-service airplanes much earlier than this threshold. Therefore, the FAA considers it necessary to mandate the inspections in this AD, in addition to the modifications required by AD 90–06–02, to ensure the continued safety of the airplane fleet. No change to the AD is necessary in this regard.

New Service Information

The airplane manufacturer requests that the FAA revise the proposed rule to refer to a new revision of the referenced service bulletin. The commenter states that it will issue Revision 5 of the service bulletin at an unspecified later date. The commenter notes that this new revision will revise a certain compliance time and repetitive interval.

The FAA does not concur with the commenter's request. The FAA cannot approve a document that we have not reviewed. Once the airplane manufacturer issues a new revision of the service bulletin, the FAA will review the service bulletin and approve it, if appropriate. At that point, the FAA will consider allowing Revision 5 of the service bulletin to be used as an alternative method of compliance for the actions required by this AD. With regard to the extended compliance time and repetitive interval, as explained previously, the FAA has extended the grace period for the requirements of paragraph (a) and the repetitive interval for the requirements of paragraph (a)(1) from 3,000 to 6,000 flight cycles, which corresponds to the times that the airplane manufacturer will identify in Revision 5 of the service bulletin. No further change to this AD is necessary.

Statement of Unsafe Condition

One commenter asks the FAA to revise the statement of unsafe condition to remove the statement that cracking at the aileron control quadrant cutouts and in the cabin floor beams and pressure web transverse beams above the main wheel well could result in rapid loss of cabin pressure and reduced structural integrity of the airframe. The commenter states that the redundancy in the floor beam structure over the wing center section significantly reduces the potential for rapid decompression due to fatigue cracking at a certain location of one floor beam.

The FAA does not concur with the commenter's request. Because the commenter provides no technical data to justify its request, the FAA cannot validate the commenter's claim. No change to the AD is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 971 Model 737–100, –200, and –200C series airplanes of the affected design in the worldwide fleet. The FAA estimates that 333 airplanes of U.S. registry will be affected by this AD, and that it will take approximately 10 work hours per airplane to accomplish the required

inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $199,800, or $600 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–17–18 Boeing: Amendment 39–12409. Docket 99–NM–310–AD.

Applicability: Model 737–100, -200, and ''200C series airplanes; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracks in the floor beams at the aileron control quadrant cutout and in the floor beams and pressure web transverse beams above the main wheel well, which could result in rapid loss of cabin pressure and reduced structural integrity of the airplane, accomplish the following:

Initial Inspection and Follow-On Actions: Groups 1, 2, and 5

(a) For airplanes in Groups 1, 2, and 5; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992: Prior to the accumulation of 12,000 total flight cycles, within 6,000 flight cycles after the effective date of this AD, or within 15 months after the effective date of this AD, whichever occurs latest, perform a detailed visual inspection to detect cracking of the left and right buttock line (LBL and RBL) 24.8 floor beams in the area of the aileron control quadrant cutout, in accordance with Part II of the Accomplishment Instructions of the service bulletin.

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

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles, until the modification in paragraph (c)(1) of this AD is done.

(2) If cracking is detected that is within the limits specified in Part II, Paragraphs C.1. and C.2., of the Accomplishment Instructions of the service bulletin, prior to further flight, repair the crack per the service bulletin, and accomplish the modification specified in paragraph (c)(1) of this AD.

(3) If cracking is detected that is outside the limits identified in Part II, Paragraphs C.1. and C.2., of the Accomplishment Instructions of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with a method approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For the repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Initial Inspection and Follow-On Actions: Groups 1, 2, 3, and 4

(b) For airplanes in Groups 1, 2, 3, and 4; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992: Prior to the accumulation of 20,000 total flight cycles, within 6,000 flight cycles after the effective date of this AD, or within 15 months after the effective date of this AD, whichever occurs latest, perform a detailed visual inspection to detect cracking of the transverse beams and floor beams at the beam intersections in accordance with Part II of the Accomplishment Instructions of the service bulletin.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles, until the modification in paragraph (c)(2) of this AD is done.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with a method approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For the repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Modifications (Terminating Action)

(c) The following modifications in accordance with Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992, constitute terminating action for certain requirements of this AD.

(1) For airplanes in Groups 1, 2, and 5; as listed in the service bulletin: Modification of the LBL and RBL 24.8 floor beams in the area of the aileron control quadrant cutout in accordance with Part I of the Accomplishment Instructions of the service bulletin constitutes terminating action for the initial and repetitive inspection requirements of paragraph (a) of this AD.

(2) For airplanes in Groups 1, 2, 3, and 4; as listed in the service bulletin: Modification of the transverse beams and floor beams at the beam intersections in accordance with Part III or Part I, as applicable, of the Accomplishment Instructions of the service bulletin constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

Note 3: The modifications specified in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992, are required by AD 90–06–02, amendment 39–6489, and AD 93–17–08, amendment 39–8679.

Alternative Methods of Compliance

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

(2) Repairs approved previously as alternative methods of compliance in accordance with AD 90–06–02, amendment 39–6489, and AD 93–17–08, amendment 39–8679, are approved as alternative methods of compliance with this AD for the AREA OF REPAIR ONLY.

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

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided in paragraphs (a)(3) and (b)(2) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on October 1, 2001.

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21393 Filed 8–24–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–69–AD; Amendment 39–12410; AD 2001–17–19]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes, and KC–10A and KDC–10 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC–10 series airplanes, and KC–10A and KDC–10 (military) airplanes, that requires certain modifications of the thrust reverser control and indication system and wiring on each engine. This amendment is prompted by a determination that the current thrust reverser systems do not adequately preclude unwanted deployment of a thrust reverser. These actions are necessary to prevent unwanted deployment of a thrust reverser, which could significantly jeopardize continued safety of flight and landing of the airplane.

DATES: Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Philip Kush, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5263; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–10 series airplanes, and KC–10A and KDC–10 (military) airplanes, was published in the **Federal Register** on April 28, 2000 (65 FR 24894). That action proposed to require certain modifications of the thrust reverser control and indication system and wiring on each engine.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for Proposed AD

One commenter supports the proposed AD.

Compliance Time

Three commenters inquired about the proposed compliance time.

One commenter asks that the compliance time of within 18 months or 12,000 flight hours after the effective date of this AD, whichever occurs first, as specified in paragraph (a) of the proposed AD, be extended to within 24 months or 12,000 flight hours. The commenter notes that McDonnell Douglas Service Bulletin DC10–78–060, dated December 17, 1999, requires concurrent accomplishment of McDonnell Douglas DC–10 Service Bulletin 78–40, Revision 1, dated July 24, 1979. The commenter states that it intends to accomplish the referenced service bulletins concurrently, and concludes that the modifications should be accomplished during heavy maintenance due to extensive access.

The FAA concurs with the commenter that the compliance time for accomplishment of the modification required by paragraph (a) of the final rule may be extended to 24 months or 12,000 flight hours after the effective date of this AD, whichever occurs first. Based on information supplied by the commenter and the manufacturer, we acknowledge that a compliance time of within 24 months or 12,000 flight hours corresponds more closely to the operators' normal maintenance schedules. We have determined that this extension will not adversely affect safety. But we have concluded that a compliance time of within 24 months or 12,000 flight hours after the effective date of this AD, whichever occurs first, represents the maximum interval in which the affected airplanes could continue to operate without

compromising safety. Paragraph (a) of the final rule has been revised accordingly.

A second commenter asks that the compliance time of within 5 years after the effective date of this AD for accomplishment of the thrust reverser wiring modification and installation of an additional locking system, as specified in paragraphs (b) and (c) of the proposed AD, be extended to within 6 years or 26,000 flight hours. The commenter states that the 5-year compliance time will require it to accomplish this extensive modification work at the airplane heavy check interval (3 years or 13,800 flight cycles for the commenter), and adds that the work should be accomplished at its major check interval (6 years or 26,000 flight hours). The commenter notes that the major check provides for maximum airplane access, and allows sufficient time to accomplish this work. The commenter also states that the proper time to install the indication circuit modification, as specified in paragraph (a) of the proposed AD, is concurrently with the sync-lock wiring and hardware installations.

A third commenter asks for clarification as to why the modifications specified in paragraphs (b) and (c) of the proposed AD must be accomplished within 5 years. The commenter states that the proposed 5-year compliance time for implementing these numerous modifications is very aggressive when compared to the safe operating records of Model DC–10 series airplanes; particularly because of the few, if any, occurrences of in-flight thrust reverser deployment. The commenter adds that the proposed compliance time could cause the unscheduled removal of airplanes from revenue service, possibly for an extended period of time, due to the overall scope of the modifications involved in the proposed AD. Additionally, many operators will be competing for limited industrial resources where Model DC–10 series airplanes can be modified within the proposed compliance time. The commenter plans to convert its DC–10 fleet to an MD–10 fleet between the years 2001 and 2007, and during that time the commenter states that it could incorporate this complex lock system modification. The conversion project alone will consume significant industrial modification capabilities of several aviation maintenance vendors.

The FAA does not concur with the commenters that the compliance time of within 5 years after the effective date of this AD for accomplishment of the thrust reverser wiring modification and installation of an additional locking system, as required by paragraphs (b) and (c) of this AD, should be extended to within 6 years or 26,000 flight hours, whichever occurs later. In developing an appropriate compliance time for these actions, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation as to an appropriate compliance time, and the practical aspect of accomplishing the required modification and installation within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. In light of these factors, the FAA finds a 5-year compliance time for completing the modification and installation to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

We also have noted the problem the second commenter will have meeting the compliance deadline because of lack of manpower and resources for accomplishment of the modifications in a timely manner. However, under the provisions of paragraph (d) of this AD, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Installation of Additional Locking System

One commenter disagrees with the proposed installation of an additional locking device as specified in paragraph (c) of the proposed AD. The commenter states that the installation should not be required if all other proposed actions are accomplished. The commenter's reasons and the FAA responses follow:

1. An acceptable level of reliability is achieved and maintained by accomplishing the thrust reverser health checks at the intervals specified in McDonnell Douglas Alert Service Bulletin DC10–78A056, dated January 19, 1998 (''C'' checks). As part of an intensive maintenance program, many other thrust reverser components are also inspected during the ''C'' checks.

The FAA does not concur. We have determined that periodic inspections and tests (thrust reverser health checks) are a means of verifying proper operation of the thrust reverser components, but do not provide an adequate level of safety for the remainder of the life of the fleet of Model DC–10 series airplanes due to latent and maintenance failure modes.

2. There have only been a few ''known'' in-flight deployments of the thrust reverser, and no major control problems resulted from those. The cause of these in-flight deployments is known, and modifications have been implemented to prevent future occurrences. Based on the favorable history of in-flight deployments, availability of preventive maintenance programs and modifications, and favorable flight simulator testing, the possibility of an in-flight deployment and subsequent flight control problems is highly unlikely.

The FAA does not concur. We recognize that in-flight thrust reverser deployments have occurred on Model DC–10 series airplanes in certain flight conditions with no significant airplane controllability problems being reported. However, the FAA has been unable to establish that acceptable airplane controllability would be achieved following such a deployment. The FAA finds that, in the event of thrust reverser deployment during high-speed climb using high engine power, or during cruise, the airplane may not be controllable.

3. The cost to install an additional locking device on the affected airplanes would be more than 4.2 million dollars.

The FAA's response to the significant cost incurred by installing an additional locking device on affected airplanes is discussed in the section titled, ''Cost Impact Information.''

4. Experience acquired over the last 27 years has shown that the basic thrust reverser control system, as designed, is far too complex and difficult to maintain. Currently, there are over 15 separate components for each of the thrust reverser control systems that can prevent an inadvertent in-flight deployment. The proposed modification (installation of an additional locking device) will increase the number of electromechanical devices and wiring circuits. The commenter concludes that, for the reasons specified, additional reliability and maintainability problems will occur, and there will be an increase in the number of thrust reversers that fail to deploy when the airplane lands.

The FAA does not concur. This AD addresses an unsafe condition identified as deployment of a thrust reverser during flight and requires the installation of an additional thrust reverser system locking feature to correct that unsafe condition. We have determined that the installation and modification required by paragraphs (b) and (c) of this AD are necessary because the thrust reverser system does not provide an adequate level of safety for the remainder of the life of the fleet of Model DC–10 series airplanes. We agree that the required modification (installation of an additional locking

device) will increase the electromechanical devices and wiring circuits, adding to the complexity of the thrust control system design. However, the increased reliability provided by the additional locking system will result in fewer in-flight deployments and will not significantly increase the number of thrust reversers that fail to deploy when the airplane lands.

Maintenance Issues

One commenter asks if technical data and other related maintenance documents will be available when the final rule is released. The commenter states that the service bulletins referenced in the proposed AD (not the referenced drawings that specify concurrent accomplishment of the actions), indicate that certain technical manuals will be affected. However, the commenter is not aware of the release of any technical data updates with changes related to the specified modifications. The commenter adds that, without adequate maintenance information, operators cannot properly maintain this new system after implementation. The commenter concludes that the final rule should not be released until all maintenance support issues (review of related technical data and maintenance documents) of the modifications are resolved, available, and ready for use.

The FAA does not concur. It is the responsibility of the manufacturer to provide the operators with technical data and other maintenance documents related to continued airworthiness. This includes updates with changes that affect the subject modifications. It is the operator's responsibility to implement related changes upon receipt. If the commenter is not receiving updated documentation from the manufacturer, the commenter should contact the manufacturer and request that any revised data that relates to the modifications required by this final rule be provided without delay. No change to the final rule is necessary in this regard.

Recertified Airplanes

One commenter states that it is the lead airline in the conversion and recertification of Model DC–10 series airplanes to Model MD–10 series airplanes. The commenter notes that the proposed AD and related service information do not address Model DC–10 series airplanes that will be recertified as Model MD–10 series airplanes. Accomplishment of the service bulletins referenced in paragraph (a) of the proposed AD within 18 months will result in installation of some modifications, and then removal of the installed modifications as the airplanes are converted. The commenter adds that the 18-month requirement, during implementation of airplane conversions, is an unnecessary expenditure of time and materials, because some of the modifications are subsequently removed during the conversion process.

The FAA does not concur. Most of the design changes required by this AD are incorporated into the MD–10 type design; therefore, most of the modifications would not have to be removed upon conversion. Additionally, this modification is required to reposition the reverser indications so that the pilot flying the airplane can immediately react in the event of an unwanted thrust reverser deployment. If this modification is not accomplished within the time specified, continued safety of flight could be jeopardized in the event of unwanted thrust reverser deployment.

Cost Impact Information

One commenter asserts that the proposed AD underestimates the work hours required to accomplish the proposed modifications (modify thrust reverser wiring and install additional locking system). The commenter states that the cost impact information is close to their own estimate of approximately $631,000 per airplane, which applies the same $60 per work hour labor rate, but then an additional 40% higher labor requirement is added by the commenter (plus higher cost for some materials), for accomplishment of the modifications specified in paragraphs (b) and (c) of the proposed AD. The commenter adds that accomplishing the modifications will have a significant financial impact on all Model DC–10 operators.

The commenter further notes that the proposed AD does not include sufficient information to adequately support maintenance planning after the airplane modifications are accomplished. Since the modifications are new and quite extensive, component and cost breakdowns of the numerous kits specified in the service bulletins referenced in the proposed AD should be included in the proposed AD and/or the service bulletins. This includes the modifications specified in the Middle River Aircraft Systems drawings. Such information would enable operators to conduct spares forecasting and support other maintenance planning requirements for this new airplane subsystem. Further, since the referenced service bulletins are not adequate in this area, the proposed AD should not be released until the missing information is included in the proposal and/or the service bulletins, to allow operators to assess the total impact of the cost of the modifications and plan accordingly.

The FAA infers that the commenter is asking that the cost impact information in the final rule be revised to reflect the estimate derived from the information provided (above). The FAA does not concur with the commenter's request. As specified in the ''Cost Impact'' section of the proposed AD, ''The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.''

Furthermore, the FAA considers it inappropriate to attribute the costs associated with maintenance planning after the modifications are accomplished to the cost of the AD. This is because it is the operators' responsibility to provide their own forecasting maintenance and planning schedules, as well as any associated costs. Therefore, no change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 409 Model DC–10 series airplanes and KC–10A and KDC–10 (military) airplanes of the affected design in the worldwide fleet.

For airplanes listed in McDonnell Douglas DC–10 Service Bulletin DC10–78–060, (301 U.S.-registered airplanes) described below:

For General Electric powered airplanes (277 U.S.-registered airplanes): It will take approximately 56 work hours per airplane to accomplish the modification of the indication light system, at an average labor rate of $60 per work hour. Required parts will cost between $6,419 and $11,315 per airplane. Based on these figures, the cost impact of this required modification is estimated to be between $9,779 and $14,675 per airplane.

For Pratt & Whitney-powered airplanes (24 U.S.-registered airplanes): It will take approximately 140 work hours per airplane to accomplish the

modification of the indication light system, at an average labor rate of $60 per work hour. Required parts will cost between $8,753 and $12,674 per airplane. Based on these figures, the cost impact of this required modification is estimated to be between $17,153 and $21,074 per airplane.

For airplanes listed in McDonnell Douglas DC–10 Service Bulletin 78–40 (179 U.S-registered airplanes): It will take approximately 10 work hours per airplane to accomplish the installation of a thrust reverser interlock, at an average labor rate of $60 per work hour. Required parts will be obtained from the operator's stock. Based on these figures, the cost impact of this required installation is estimated to be $107,400, or $600 per airplane.

For airplanes listed in McDonnell Douglas Service Bulletin DC10–78–7 (56 U.S-registered airplanes): It will take approximately 52 work hours per airplane to accomplish the modification of the overpressure shutoff valve, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,100 per airplane. Based on these figures, the cost impact of this required modification is estimated to be $292,320, or $5,220 per airplane.

For airplanes listed in Rohr Service Bulletin MDC–CNS 78–41 (3 U.S.-registered airplanes): It will take approximately 6 work hours per airplane to accomplish the wiring modification, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this required wiring modification is estimated to be $1,080, or $360 per airplane.

For airplanes listed in McDonnell Douglas DC–10 Service Bulletin 78–061 (284 U.S.-registered airplanes): It will take between 222 and 364 work hours per airplane to accomplish the installation of provisional wiring, at an average labor rate of $60 per work hour. Required parts will cost between $11,216 and $17,986 per airplane. Based on these figures, the cost impact of this required installation is estimated to be between $24,536 and $39,826 per airplane.

For airplanes on which Middle River Aircraft Systems Modification Drawing 537L68229 or 537L68231 is accomplished (284 U.S.-registered airplanes): It will take 96 work hours per airplane to accomplish the installation of the mounting hardware for the electromechanical locking system for the thrust reversers, at an average labor rate of $60 per work hour. Required parts will cost approximately $14,307 per airplane. Based on these figures, the cost impact of this required installation is estimated to be $5,699,028, or $20,067 per airplane.

For airplanes listed in McDonnell Douglas Service Bulletin DC10–78–062 (284 U.S.-registered airplanes): It will take approximately 622 work hours per airplane to accomplish the installation of an additional thrust reverser locking system, at an average labor rate of $60 per work hour. Required parts will cost approximately $236,000 per airplane. Based on these figures, the cost impact of this required installation is estimated to be $77,622,880, or $273,320 per airplane.

For airplanes on which Middle River Aircraft Systems Modification Drawing 537L68230 or 537L68232 is accomplished (284 U.S.-registered airplanes): It will take 32 work hours per airplane to accomplish the installation of the electromechanical locking system for the thrust reversers, at an average labor rate of $60 per work hour. Required parts will cost approximately $252,856 per airplane. Based on these figures, the cost impact of this required installation is estimated to be $72,356,384, or $254,776 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–17–19 McDonnell Douglas: Amendment 39–12410. Docket 2000–NM–69–AD.

Applicability: All Model DC–10 series airplanes and KC–10A and KDC–10 (military) airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent unwanted deployment of a thrust reverser, which could significantly jeopardize continued safety of flight and landing of the airplane, accomplish the following:

Thrust Reverser System Modifications

(a) For all airplanes: Within 24 months or 12,000 flight hours after the effective date of this AD, whichever occurs first, modify the position indicator light system for each thrust reverser in accordance with Part 3 of the Accomplishment Instructions in McDonnell Douglas Service Bulletin DC10–78–060, dated December 17, 1999. Prior to or concurrent with accomplishment of the

service bulletin, install the thrust reverser interlocks as specified in McDonnell Douglas DC–10 Service Bulletin 78–40, Revision 1, dated July 24, 1979, and accomplish the requirements in paragraph (a)(1) or (a)(2) of this AD, as applicable. The requirements of this paragraph must be accomplished prior to or concurrent with the requirements of paragraph (b) or (c) of this AD, as applicable.

(1) For General Electric-powered airplanes: Modify the overpressure shutoff valve light circuits in accordance with McDonnell Douglas DC–10 Service Bulletin 78–7, Revision 1, dated April 17, 1975.

(2) For Pratt and Whitney-powered airplanes: Modify the left and right thrust reverser wire harnesses in accordance with Rohr Service Bulletin MDC–CNS 78–41, dated June 11, 1999.

(b) For Model DC–10–10, –10F, –15, –30, and –30F series airplanes; and KC–10A and KDC–10 (military) airplanes; listed in McDonnell Douglas Service Bulletin DC10–78–061, dated February 9, 2000: Within 5 years after the effective date of this AD, accomplish the thrust reverser wiring modification on each engine in accordance with Part 3 of the Accomplishment Instructions of the service bulletin. Concurrent with accomplishment of this service bulletin, accomplish Middle River Aircraft Systems Modification Drawing 537L68229 (for CF6–50-powered airplanes) or 537L68231 (for CF6–6-powered airplanes), as applicable.

(c) For Model DC–10–10, –10F, –15, –30, and –30F series airplanes; and KC–10A and KDC–10 (military) airplanes; listed in McDonnell Douglas Service Bulletin DC10–78–062, dated February 14, 2000: Within 5 years after the effective date of this AD, install an additional locking system on each thrust reverser in accordance with Part 3 of the Accomplishment Instructions in the service bulletin. Concurrent with accomplishment of this service bulletin, accomplish Middle River Aircraft Systems Modification Drawing 537L68230 (for CF6–50-powered airplanes) or 537L68232 (for CF6–6-powered airplanes), as applicable.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(f) The actions shall be done in accordance with the following service information, as applicable:

TABLE 1.—REFERENCED SERVICE DOCUMENTS

Service document	Revision level	Date
McDonnell Douglas Service Bulletin DC10–78–060	Original	December 17, 1999.
McDonnell Douglas Service Bulletin DC10–78–061	Original	February 9, 2000.
McDonnell Douglas Service Bulletin DC10–78–062	Original	February 14, 2000.
McDonnell Douglas DC–10 Service Bulletin 78–7	1	April 17, 1975.
McDonnell Douglas DC–10 Service Bulletin 78–40	1	July 24, 1979.
Middle River Aircraft Systems Modification Drawing 537L68229	Original	May 18, 1999.
Middle River Aircraft Systems Modification Drawing 537L68230	Original	May 18, 1999.
Middle River Aircraft Systems Modification Drawing 537L68231	Original	May 18, 1999.
Middle River Aircraft Systems Modification Drawing 537L68232	Original	May 18, 1999.
Rohr Service Bulletin MDC–CNS 78–41	Original	June 11, 1999.

Revision 1 of McDonnell Douglas DC–10 Service Bulletin 78–7 contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1, 3, 10, 12, 13, 21	1	April 17, 1975.
2, 4–9, 11, 14–20, 22	Original	December 7, 1972.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on October 1, 2001.

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21394 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–318–AD; Amendment 39–12411; AD 2001–17–20]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 707 and 720 series airplanes, that requires replacement of wiring for the fuel boost pumps and override pumps with new

wiring, installation of Teflon sleeving on the wiring, and associated actions. This amendment also requires repetitive inspections to detect damage of the wiring or evidence of a fuel leak. This amendment is necessary to detect and correct damaged wiring for the fuel boost pumps and override pumps, which could cause electrical arcing that could puncture the conduit containing the wire, and result in an explosion or fire adjacent to the fuel tank. This action is intended to address the identified unsafe condition.

DATES: Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

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

FOR FURTHER INFORMATION CONTACT: Sulmo Mariano, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2686; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 707 and 720 series airplanes was published in the **Federal Register** on March 29, 2001 (66 FR 17123). That action proposed to require replacement of wiring for the fuel boost pumps and override pumps with new wiring, installation of Teflon sleeving on the wiring, and associated actions. That action also proposed to require repetitive inspections to detect damage of the wiring or evidence of a fuel leak.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. The FAA has duly considered several comments received from a single commenter.

Refer to Revised Service Information

The commenter requests that we revise the proposed rule to reference Boeing Service Bulletin A3500, Revision 1, dated April 26, 2001. (The proposed rule refers to the original issue of Boeing Alert Service Bulletin A3500, dated July 27, 2000, as the appropriate source of service information for doing the proposed actions.) The commenter notes Revision 1 of the service bulletin contains updated information, such as changes to part numbers, but necessitates no additional work on airplanes modified per the original issue of the service bulletin.

We concur and have revised paragraphs (a) and (b) of this final rule to reference Revision 1 of the service bulletin. We have also added a new note, Note 4, which states that accomplishment of the actions required by this AD prior to the effective date of this AD according to the original issue of the service bulletin is acceptable for compliance with this AD.

Refer to Service Bulletin for Rework Instructions

The commenter requests that we revise paragraph (b) of the proposed AD to remove the instructions in that paragraph and instead refer to the appropriate section of the Accomplishment Instructions of the referenced service bulletin. The commenter states that, as written, paragraph (b) would require an operator to replace the wiring, Teflon sleeving, and conduit with new parts if a small fuel leak is found, even if no evidence of electrical arcing or an exposed conductor is found. The commenter notes that the intent of the proposed AD is to require replacement of the wiring and sleeving only when there is evidence of arcing or an exposed conductor.

We concur with the commenter's request and rationale. Therefore, we have revised paragraph (b) to require, if any electrical arcing or exposed copper wire or evidence of a fuel leak is detected during any inspection per paragraph (b), accomplishment of applicable corrective actions (including finding the source of any fuel leak and repairing the affected area, replacing the wiring, replacing the conduit, or installing new Teflon sleeving; as applicable) according to the Accomplishment Instructions of the service bulletin.

Revise Cost Impact

The commenter asks that we revise the Cost Impact section of the proposed AD to reduce the number of affected U.S.-registered airplanes from 65 to 22 airplanes. The commenter states that the airplane manufacturer's records show that there are only 22 U.S.-registered Boeing Model 707 and 720 series airplanes in service.

We do not concur. The figure of 22 U.S.-registered airplanes cited by the commenter does not include all of the Model 707 series airplanes operated by the U.S. military. When these airplanes are included in the total, there are 65 U.S. airplanes affected by this AD. No change is necessary in this regard.

The commenter also asks us to revise the Cost Impact section of the proposed AD to increase the number of work hours necessary to do the required actions from 27 to 38 work hours. The commenter states that the referenced service bulletin provides a figure of 38 work hours.

We partially concur. The figure of 38 work hours in the service bulletin includes time for gaining access and closing up. The cost impact analysis in AD rulemaking actions typically includes only the ''direct'' costs of the specific actions required by the AD, and does not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. However, we find that the time needed for testing may be included in the cost estimate of this AD. Therefore, the estimate for the number of work hours for the required actions stated in the Cost Impact section of this final rule has been revised from 27 to 31 work hours.

Conclusion

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

Cost Impact

There are approximately 261 Model 707 and 720 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 65 airplanes of U.S. registry will be affected by this AD.

The replacement and initial associated actions will take approximately 31 work hours per airplane, at the average labor rate of $60 per work hour. Based on these figures, the FAA estimates the cost impact of these required actions on U.S. operators to be $120,900, or $1,860 per airplane.

The inspection for damage of the wiring or evidence of a fuel leak will take approximately 3 work hours per airplane, at the average labor rate of $60

per work hour. Based on these figures, the FAA estimates the cost impact of this required inspection on U.S. operators to be $11,700, or $180 per airplane, per inspection cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–17–20 Boeing: Amendment 39–12411. Docket 2000–NM–318–AD.

Applicability: Model 707 and 720 series airplanes, line numbers 1 through 941 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct damaged wiring for the fuel boost pumps and override pumps, which could cause electrical arcing that could puncture the conduit containing the wire and result in an explosion or fire adjacent to the fuel tank, accomplish the following:

Replacement of Wiring, Installation of Sleeving, and Associated Actions

(a) Within 1 year or 4,000 flight hours after the effective date of this AD, whichever occurs first, replace the wiring for the fuel boost pumps and override pumps, install Teflon sleeving over the wiring, and do all associated actions, per the Accomplishment Instructions of Boeing Service Bulletin A3500, Revision 1, dated April 26, 2001. The associated actions include performing a general visual inspection of the area around each fuel boost pump and override pump for evidence of a fuel leak; finding the source of any fuel leak and repairing the affected area; replacing the conduit, if required; and performing a detailed visual inspection of the wiring installed in the conduit for evidence of electrical arcing or a fuel leak, or exposed copper wire. If replacement of the conduit is deferred per the service bulletin, repeat the inspection for fuel leaks every 500 flight hours until the conduit is replaced, and replace the conduit within 6,000 flight hours or 18 months, whichever occurs first.

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

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Note 4: Use of Boeing Alert Service Bulletin A3500, dated July 27, 2000, to accomplish the actions required by this AD prior to the effective date of this AD is considered acceptable for compliance with this AD.

Repetitive Inspections

(b) After replacement of the wiring per paragraph (a) of this AD, repeat the detailed visual inspection of the wiring for the fuel boost pumps and override pumps for damage, such as evidence of electrical arcing or exposed copper wire, or evidence of a fuel leak. Repeat the inspection at least every 30,000 flight hours, per the Accomplishment Instructions of Boeing Service Bulletin A3500, Revision 1, dated April 26, 2001. If any electrical arcing or exposed copper wire or evidence of a fuel leak is detected during any inspection per this paragraph, before further flight, do the applicable corrective actions (including finding the source of any fuel leak and repairing the affected area, replacing the wiring, replacing the conduit, or installing new Teflon sleeving; as applicable) according to the Accomplishment Instructions of the service bulletin.

Alternative Methods of Compliance

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Service Bulletin A3500, Revision 1, dated April 26, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton,

Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on October 1, 2001.

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21395 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–47–AD; Amendment 39–12412; AD 2001–17–21]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model 717 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model 717 series airplanes, that requires repetitive inspections of the rod ends of the spoiler hold-down actuators for breakage along the intersection of the thread runout and the outer spherical surface of the lug; and replacement of any broken rod end of the spoiler hold-down actuators with a new rod end. This AD also requires replacement of the rod ends of the spoiler hold-down actuators with new rod ends, and reidentification of the spoiler hold-down actuators, which constitutes terminating action for the repetitive inspections. This action is necessary to prevent failure of the rod ends of the spoiler hold-down actuators due to fatigue, which could result in loss of the back-up protection of the spoiler float hold-down and unavailability of monitoring for an uncommanded spoiler movement. This action is intended to address the identified unsafe condition.

DATES: Effective October 1, 2001.

The incorporation by reference of Boeing Alert Service Bulletin 717–27A0010, dated August 15, 2000; Boeing Service Bulletin 717–27–0013, dated January 30, 2001; and Boeing Service Bulletin 717–27–0013, Revision 01, dated February 28, 2001; as listed in the regulations, is approved by the Director of the Federal Register as of October 1, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5238; fax (562) 627–5210

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model 717 series airplanes was published in the **Federal Register** on May 15, 2001 (66 FR 26817). That action proposed to require repetitive inspections of the rod ends of the spoiler hold-down actuators for breakage along the intersection of the thread runout and the outer spherical surface of the lug; and replacement of any broken rod end of the spoiler hold-down actuators with a new rod end. It also proposed to require replacement of the rod ends of the spoiler hold-down actuators with new rod ends, and reidentification of the spoiler hold-down actuators, which constitutes terminating action for the repetitive inspections.

Comments

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

Conclusions

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

Cost Impact

There are approximately 33 Model 717 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 23 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $1,380, or $60 per airplane, per inspection cycle.

It will take approximately 14 work hours per airplane to accomplish the required replacement and reidentification, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. As a result, the cost of those parts is not attributable to this AD. Based on these figures, the cost impact of the replacement and reidentification required by this AD on U.S. operators is estimated to be $19,320, or $840 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–17–21 McDonnell Douglas: Amendment 39–12412. Docket 2001–NM–47–AD.

Applicability: Model 717 series airplanes, manufacturer's fuselage numbers 5004 through 5036 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the rod ends of the spoiler hold-down actuators due to fatigue, which could result in loss of the back-up protection of the spoiler float hold-down and unavailability of monitoring for an uncommanded spoiler movement, accomplish the following:

General Visual Inspection

(a) Within 450 flight hours after the effective date of this AD, do a general visual inspection of the rod ends of the spoiler hold-down actuators of the inboard and outboard spoilers for breakage along the intersection of the thread runout and the outer spherical surface of the lug, per Boeing Alert Service Bulletin 717–27A0010, dated August 15, 2000.

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

Condition 1 (No Breakage Present)

(1) If no breakage is present, repeat the general visual inspection every 450 flight hours.

Condition 2 (Breakage Present)

(2) If any breakage is present, before further flight, replace the broken rod end of the spoiler hold-down actuator with a new rod end, per Boeing Alert Service Bulletin 717–27A0010, dated August 15, 2000; or Boeing Service Bulletin 717–27–0013, dated January 30, 2001, or Revision 01, dated February 28, 2001. As of the effective date of this AD, the replacement shall be done per Boeing Service Bulletin 717–27–0013, Revision 01, dated February 28, 2001. For rod ends that have been replaced per Boeing Alert Service Bulletin 717–27A0010, dated August 15, 2000, repeat the general visual inspection thereafter every 450 flight hours. Accomplishment of this replacement per Boeing Service Bulletin 717–27–0013 constitutes terminating action for the requirements of this AD for that rod end.

Terminating Action

(b) Within 15 months or 3,600 flight hours after the effective date of this AD, whichever occurs first, replace the rod ends of the spoiler hold-down actuators with new rod ends, and reidentify the spoiler hold-down actuators, per Boeing Service Bulletin 717–27–0013, dated January 30, 2001, or Revision 01, dated February 28, 2001. Accomplishment of this replacement and reidentification constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 717–27A0010, dated August 15, 2000; Boeing Service Bulletin 717–27–0013, dated January 30, 2001; or Boeing Service Bulletin 717–27–0013, Revision 01, dated February 28, 2001, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on October 1, 2001.

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21396 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–45–AD; Amendment 39–12301; AD 2001–13–19]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to all Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes. That AD currently requires revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, if necessary. This document corrects certain airplane models specified in Table 1 of the final rule. This correction is necessary to ensure that operators are notified of the correct airplane models, as specified in Canadian airworthiness directive CF–2000–07, dated March 3, 2000, and de Havilland Temporary Revision TR AWL 2–15, dated September 3, 1999.

DATES: Effective August 10, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of August 10, 2001 (66 FR 35538, July 6, 2001).

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On June 26, 2001, the Federal Aviation Administration (FAA) issued AD 2001–13–19, amendment 39–12301 (66 FR 35538, July 6, 2001), which applies to all Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes. That AD requires revising the Bombardier maintenance program to incorporate repetitive inspections to detect fatigue cracking in certain structures; and corrective actions, if necessary. That AD was prompted by issuance of mandatory continuing airworthiness information issued by a foreign airworthiness authority. The actions required by that AD are intended to ensure that fatigue cracking of certain principal structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Need for the Correction

The FAA notes that paragraph (a)(1), Table 1, of AD 2001–13–19, contains an error in referencing certain airplane models for the effectivity of de Havilland Temporary Revision TR AWL 2–15, dated September 3, 1999. Our intent was to specify the airplane models referenced in TR AWL 2–15 as only Models DHC–8–201 and –202 series airplanes. We also note that Canadian airworthiness directive CF–2000–07, dated March 3, 2000, as referenced in AD 2001–13–19, specifies only Model DHC–8–201 and –202 series airplanes for the effectivity of TR AWL 2–15. We have revised Table 1 of this AD accordingly.

The FAA has determined that the correction to Table 1 in paragraph (a)(1) of this AD is necessary. The correction will ensure that operators are notified of the correct airplane models that must be inspected, as required by this AD.

Correction of Publication

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

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

Since this action only corrects the airplane models as specified by Canadian airworthiness directive CF–2000–07 and TR AWL 2–15, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

2001–13–19 Bombardier, Inc. (Formerly de Havilland, Inc.): Amendment 39–12301. Docket 2000–NM–45–AD.

Applicability: Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the actions required by either paragraph (a)(1) or (a)(2) of this AD, as applicable.

Maintenance Program Revisions

(1) Revise the Bombardier maintenance program by incorporating the threshold and repetitive inspection intervals specified in the Temporary Revisions (TR's) to the DHC–8 Maintenance Program Manuals, Airworthiness Limitations List (AWL), Structural Inspection Program Task No. 5310/31A, into the Bombardier maintenance program. The TR's for specific airplane models are listed in Table 1, as follows:

TABLE 1.—LIST OF TEMPORARY REVISIONS

Bombardier models	TR Number	Date
DHC–8–102, –103, and –106 series airplanes	TR AWL–71	September 3, 1999.
DHC–8–201 and –202 series airplanes	TR AWL 2–15	September 3, 1999.
DHC–8–301, –311, –314, and –315 series airplanes	TR AWL 3–78	November 19, 1999.

Note 2: When the TR documents listed in Table 1 in paragraph (a)(1) of this AD are incorporated into the general revisions of the DHC–8 Maintenance Program Manual, you may insert the general revisions into the Bombardier maintenance program, provided that the information contained in the general revisions is identical to that specified in the TR documents.

Structural Inspections

(2) For airplanes having closing angles that are identified as principal structural elements: Do the inspections specified by the applicable TR listed in Table 1 of paragraph (a) of this AD. Thereafter, repeat the inspection at intervals not to exceed 10,000 flight cycles at the time specified in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this AD, as applicable.

(i) For airplanes that have accumulated less than 8,000 flight cycles as of the effective date of this AD: Do the threshold inspection

prior to the accomplishment of 10,000 flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(ii) For airplanes that have accumulated 8,000 flight cycles or more as of the effective date of this AD: Do the threshold inspection within 2,000 flight cycles after the effective date of this AD.

(iii) For airplanes on which a 40,000 flight cycle inspection specified by the applicable TR listed in Table 1 of paragraph (a) of this AD has been done: Start the 10,000 flight cycle repetitive inspection at the time specified by paragraph (a)(2)(iii)(A) or (a)(2)(iii)(B) of this AD, as applicable.

(A) If no cracks were found, start the cycle from the date of the 40,000 flight cycle inspection.

(B) If cracks have been found and the closing angles have been replaced as provided in paragraph (b) of this AD, start the cycle from the date of the replacement.

Corrective Actions

(b) If any crack is detected during any structural inspection required by paragraph (a)(2) of this AD, before further flight, repair any such cracking or replace the closing angles per a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or the Transport Canada Civil Aviation (or its delegated agent). For a repair or replacement method to be approved by the Manager, New York ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(c) Except as provided by paragraph (d) of this AD: After the actions specified in paragraphs (a) and (b) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified by the documents listed in Table 1 of paragraph (a)(1) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided in paragraph (b) of this AD, the actions shall be done in accordance with de Havilland Temporary Revision TR AWL–71, dated September 3, 1999; de Havilland Temporary Revision TR AWL 2–15, dated September 3, 1999; and de Havilland Temporary Revision TR AWL 3–78, dated November 19, 1999. This incorporation by reference was approved previously by the Director of the Federal Register as of August 10, 2001. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York ACO, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2000–07, dated March 3, 2000.

Effective Date

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

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21490 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 41 and 140

RIN 3038–AB82

Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rulemaking.

SUMMARY: The Commodity Futures Trading Commission hereby adopts new regulations providing notice procedures for a national securities exchange, a national securities association, or an alternative trading system to become a designated contract market in security futures products, in accordance with the Commodity Futures Modernization Act of 2000. Such notice-designated contract markets would be subject to certain limited filing requirements, based on various provisions of the Commodity Exchange Act. Notice-designated contract markets may apply for exemptive relief from any section of the Commodity Exchange Act or regulations thereunder, to the extent such an exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

EFFECTIVE DATE: August 21, 2001.

FOR FURTHER INFORMATION CONTACT: Joshua R. Marlow, Attorney-Advisor, or David P. Van Wagner, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5490, electronic mail: jmarlow@cftc.gov or dvanwagner@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Commodity Futures Modernization Act of 2000 (''CFMA'') [1] amended the Commodity Exchange Act (''Act'') to permit the trading of security futures products,[2] subject to the joint jurisdiction of the Commodity Futures Trading Commission (''Commission'' or ''CFTC'') and the Securities and Exchange Commission (''SEC'').[3] Security futures products may be traded on any board of trade either designated as a contract market (''DCM'') by the Commission pursuant to section 5 of the Act or registered with the Commission as a derivatives transaction execution facility (''DTF'') pursuant to section 5a of the Act.[4]

Alternatively, section 5f of the Act permits certain entities that are otherwise regulated by the SEC to become designated contract markets for the limited purpose of trading security futures products.[5] Specifically, any board of trade registered with the SEC as a national securities exchange pursuant to section 6(a) of the '34 Act or as a national securities association

[1] Pub. L. 106–554, 114 Stat. 2763 (December 21, 2000).

[2] The term ''security futures product'' is defined in section 1a(32) of the Act to mean ''a security future or any put, call, straddle, option, or privilege on any security future.'' The term ''security future'' is defined in section 1a(31) of the Act and specifically excludes, among other things, ''excluded swap transactions'' (as defined in section 2(g) of the Act). Because the CFMA also provides that options on security futures cannot be traded until at least December 21, 2003, security futures are the only security futures products that may be available for trading before such date. *See* section 2(a)(1)(D)(iii)(II) of the Act.

[3] *See* section 251(a)(2) of the CFMA. Prior to passage of the CFMA, section 2(a)(1)(B)(v) of the Act prohibited the trading of security futures products.

[4] The CFMA prescribes certain dates before which trading in security futures products shall not commence. Specifically, trading on a principal-to-principal basis between eligible contract participants (''ECPs'') was not permissible prior to August 21, 2001, and retail trading may not begin until December 21, 2001. However, both of these dates are conditioned upon the registration of a futures association as a national securities association under the Securities Exchange Act of 1934 (''34 Act''). *See* section 202(a)(5) of the CFMA and section 6(g)(5) of the '34 Act.

[5] *See* section 252(a)(2) of the CFMA.

pursuant to section 15A(a) of the '34 Act, or that operates as an alternative trading system (''ATS'') as defined by section 1a(1) of the Act, shall be a designated contract market in security futures products (''SFPCM'') if:

(1) Such national securities exchange, national securities association, or alternative trading system lists or trades no other contracts of sale for future delivery, except for security futures products;

(2) such national securities exchange, national securities association, or alternative trading system files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers; and

(3) the registration of such national securities exchange, national securities association, or alternative trading system is not suspended pursuant to an order by the Securities and Exchange Commission.[6]

The designation ''shall be effective contemporaneously with the submission of notice * * * to the Commission.'' [7] Moreover, section 5f(b)(4) of the Act permits the Commission to exempt SFPCMs from any provision of the Act or regulations thereunder, and requires that the Commission determine procedures which would allow SFPCMs to apply to the Commission for such an exemption, ''to the extent [any] such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.''

Accordingly, on May 31, 2001, the Commission proposed new regulations 41.31, 41.32, 41.33, and 41.34, which would apply to boards of trade seeking notice-designation as an SFPCM.[8] In addition to these rule proposals, the Commission sought comment on a variety of related issues, including a potential disparity between the Commission's proposed notice-designation procedures and related notice-registration procedures proposed by the SEC. The Commission received two comment letters.[9]

II. Final Rules

A. Regulation 41.1—Definitions

To implement the procedures identified in regulations 41.31 through 41.34, the Commission proposed to establish regulation 41.1, which would contain six definitions: ''alternative trading system''; board of trade''; ''national securities association''; ''national securities exchange''; ''rule''; and ''security futures product.'' The definitions of ''alternative trading system,'' ''board of trade,'' and ''security futures product'' would be taken verbatim from section 1a of the Act. The terms ''national securities exchange'' and ''national securities association'' would have the same meanings as in the ''34 Act, and the definition of ''rule'' would be identical to the definition found in Commission regulation 40.1.[10] No comments were received regarding this rule, and the Commission has determined to adopt it as proposed.

B. Regulation 41.31—Notice—Designation

Section 5f(a)(2) of the Act states that a board of trade may obtain designation as a contract market in security futures products by filing ''written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers.'' The Commission therefore proposed new regulation 41.31, which would establish notice-designation procedures for any board of trade which operates as a national securities exchange, national securities association, or alternative trading system and which seeks designation as an SFPCM.

The proposed content requirements of the notice include contact information, a description of the security futures products that would be traded, a copy of the rules of the board of trade, and five certifications derived from various requirements found in sections 5f and 2(a)(1)(D)(vii) of the Act.[11] The Commission believes that this information is necessary in order to maintain communication with a board of trade and to receive information about its operations, two functions that are ''necessary or appropriate in the public interest or for the protection of customers.'' CBT is supportive of this proposed rule, stating that the Commission's approach is ''reasonable and consistent with the intent of the CFMA.'' [12] The Commission has determined to adopt regulation 41.31 as proposed.[13]

C. Regulation 41.32—Continuing Obligations

Proposed regulation 41.32 would establish a mechanism for the Commission to receive the following from an SFPCM:

(1) Notification of any change in its regulatory status with the SEC or with a futures association registered under section 17 of the Act; [14]

(2) a certification consistent with the requirements of section 2(a)(1)(D)(vii) of the Act each time the board of trade lists a new security futures product for trading; [15]

(3) a copy of any new rules or rule amendments that relate to the trading of security futures products, including any operational rules and the terms and conditions of any security futures products; [16]

(4) upon request, information related to its business as a designated contract market in security futures products; and

(5) upon request, a written demonstration, including supporting data, that the board of trade is in compliance with a specified provision of the Act or regulations thereunder.

This information would facilitate the Commission's efforts in carrying out its market oversight responsibilities under the Act and would help ensure that SFPCMs continue to comply with the conditions of designation under section 5f(a) of the Act and regulation 41.31.[17]

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[6] Section 5f(a) of the Act.

[7] Id.

[8] *See* 66 FR 29517 (May 31, 2001). The comment period expired on July 2, 2001.

[9] Comments were provided by the Chicago Board of Trade (''CBT'') on July 2, 2001, and by the American Stock Exchange (''AMEX'') on July 12, 2001.

[10] *See* 66 FR 42256 (Aug. 10, 2001). Commission regulations referred to herein are found at 17 CFR Ch. I (2000).

[11] Section 2(a)(1)(D)(vii) of the Act states: ''It shall be unlawful for a board of trade to trade or execute a security futures product unless the board of trade has provided the Commission with a certification that the specific security futures product and the board of trade, as applicable, meet the criteria specified in subclauses (I) through (XI) of [section 2(a)(1)(D)(i)], except as otherwise provided in [section 2(a;)(1)(D)(vi)].''

[12] CBT's comment in this regard was a response to both the Commission's proposed regulation 41.31 and the request for comment regarding the potential disparity between the proposed notice-designation procedures and the related SEC notice-registration procedures.

[13] If a board of trade previously filed documents with the SEC containing information that satisfies any of these requirements, the Commission would accept copies of such documents in lieu of the required information.

The Commission intends to amend regulation 41.31(a)(5)(iii) so that it cross-references regulations 41.22 and 41.23, rather than the Act, should regulations 41.22 and 41.23 become final. Proposed regulations 41.22 and 41.23 would establish listing standards for the trading of security futures products, pursuant to section 2(a)(1)(D)(i) and (vii) of the Act. *See* 66 FR 37932 (July 20, 2001).

[14] A change in regulatory status includes, among other things, suspension of registration pursuant to an order by the SEC, a switch in SEC registration from ''alternative trading system'' to ''national securities exchange,'' or suspension or revocation of membership by a registered futures association.

[15] *See supra* note 11.

[16] A change in the clearing facilities by an SFPCM would be included in this category.

[17] As is the case under regulation 41.31, if a board of trade previously filed documents with the SEC which contain information satisfying any of these proposed informational requirements, the Commission would accept copies of such documents in lieu of the required information.

As stated in the proposing release,[18] these requirements are authorized by various recordkeeping and reporting provisions of the Act that are applicable to all designated contract markets. In particular, section 4g(b) of the Act requires that ''[e]very registered entity * * * maintain daily trading records * * * includ[ing] such information as the Commission shall prescribe by rule,''[19] and section 4g(d) of the Act continues, ''[d]aily trading records shall be maintained in a form suitable to the Commission * * * . Reports shall be made from the records maintained * * * in such form as the Commission may prescribe.'' Moreover, sections 8(a)(1) and 2(a)(1)(D)(iv)(I) of the Act, respectively, permit the Commission to ''make such investigations as it deems necessary to ascertain the facts regarding the operations of boards of trade * * * subject to the provisions of this Act'' and to make ''such reasonable periodic or special examinations * * * as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.''[20] Under section 3 of the Act, the Commission also has general responsibilities to prevent manipulation and other disruptions to market integrity, to ensure the financial integrity of all transactions subject to the Act, and to protect all market participants from fraud.

The Commission stated in the proposing release, and reiterates now, that regulation 41.32 is not an exhaustive list of SFPCM regulatory requirements meant to supplant SFPCMs' statutory and other regulatory obligations.[21] AMEX commented that SFPCMs would face regulatory uncertainties because the Commission ''did not identify the particular* * * regulations with which SFPCMs were expected to comply.''[22] Because AMEX's concern in this instance is bound up with its concerns over proposed regulation 41.34, the Commission will address the AMEX comment below in section II.D. AMEX did not, however, take issue with any of the particular requirements of regulation 41.32, and the Commission has decided to adopt regulation 41.32 in substantially the same form as proposed.[23]

Additionally, the proposing release noted the Commission's authority under Section 4i of the Act to collect information on the positions of large traders.[24] This information ordinarily is provided to the Commission by futures commission merchants (''FCMs''), clearing members, and foreign brokers, pursuant to Part 17 of the Commission's regulations. Because Part 17 will apply to the trading of security futures products, but might fail to capture large trader information under certain circumstances, the Commission requested comment on amending Part 17.[25] No comments were received on this issue. The Commission plans to address this issue separately in the near future.[26]

D. Regulations 41.33(a)–(f), 41.34, and 140.99—Exemptions

Section 5f(b)(4)(A) of the Act provides that the Commission ''by rule, regulation or order, may conditionally or unconditionally exempt'' any board of trade designated as an SFPCM from any provisions of the Act or regulations thereunder, to the extent that the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors. Section 5f(b)(4)(B) directs the Commission to determine the procedures by which an exemptive order under section 5f(b)(4)(A) shall be granted, and vests the Commission with sole discretion to decline to entertain any application for such an order.

Accordingly, the Commission proposed regulation 41.33, which would require an SFPCM seeking an exemption to file an application with the Commission containing various information, including: the name and address of the SFPCM requesting relief, and a contact person at the SFPCM; a certification that the SEC registration of the SFPCM is not suspended pursuant to an order of the SEC; an identification of the provision(s) from which the SFPCM is requesting relief and, if applicable, whether the SFPCM is subject to similar SEC provisions; the type of relief sought; and an explanation of the need for relief, including the extent to which such relief is necessary or appropriate in the public interest and consistent with the protection of investors.

The Commission proposed that it would have 90 days to review the application, but could stay the review period at any time if it determined that the application was materially incomplete. Moreover, the Commission could, in its sole discretion, decline to entertain an application for any reason, without explanation, at any time during the review period. These exemptive order procedures would become an enumerated exception to the applicability of Commission Regulation 140.99, which governs generally the form and manner of requests for exemptive letters.

AMEX objected to the discretion that would be afforded Commission staff under this exemption process.[27] It asserted that the Commission should modify proposed regulation 41.33:

(1) *To require* Commission review of SFPCM requests for exemptive orders using

[18] *See* 66 FR 29517 at 29519.

[19] The term ''registered entity'' is defined by Section 1a(29) of the Act to include DCMs, DTFs, derivatives clearing organizations, and SFPCMs.

[20] The Commission's authority under section 2(a)(1)(D)(iv)(I) of the Act is subject to certain limitations appearing later in that provision.

[21] For example, the Commission emphasized in the proposing release that an SFPCM would be subject to the requirements of Part 16 of the Commission's regulations, but that the Commission would endeavor to limit its requests to information deemed necessary for routine market surveillance. The Commission also noted that SFPCM would be required to grant the Commission access to any books and records relating to transactions conducted in reliance on its designation as an SFPCM, pursuant to sections 4(a)(3), 4(b), 4g(b), and 4g(d) of the Act and Commission regulation 1.31. (Regulation 1.31 has been reserved by the Commission's recent regulatory reform rulemaking. *See* 66 FR 42256 at 42277).

[22] CBT was generally supportive of regulation 41.32.

[23] Proposed regulation 41.32 has been modified in two respects. The Commission has determined to delete the first eight words from proposed regulation 41.32(a)(3). This deletion is made in order to eliminate any potential confusion regarding the inapplicability of Part 40 to SFPCMs, discussed *infra* section II.D. The Commission also added a clause to the end of paragraph (a) to notice that all filings made pursuant to regulation 41.32(a) shall be addressed to the Commission's Secretary at its Washington, D.C. headquarters.

The Commission intends to amend regulation 41.32(a)(2) so that it cross-references regulation 41.22 and 41.23, rather than the Act, should requlations 41.22 and 41.23 become final. Proposed regulations 41.22 and 41.23 would establish listing standards for the trading of security futures products, pursuant to section 2(a)(1)(D)(i) and (vii) of the Act. *See* 66 FR 37932 (July 20, 2001).

[24] Section 4i of the Act prohibits any person to ''have or obtain a long or short position in any commodity or any future of such commodity equal to or in excess of such amount as shall be fixed from time to time by the Commission, unless such person files or causes to be filed with the properly designated officer of the Commission such reports regarding any [such] transactions or positions * * * * as the Commission may by rule or regulation require''.

[25] For example, if an ATS operates a non-intermediated marketplace and notice-designates as an SFPCM, it is not clear who would be responsible for providing to the Commission any large trader information arising out of security futures product transactions conducted on that marketplace. The Commission therefore requested comment on amending Part 17 so that, in such circumstances, the ATS itself would be required to provide large trader position information that otherwise would be provided by an FCM.

[26] The Commission also requested comment on whether there are other potential circumstances under which large trader position information might not be captured by Part 17, in its current form, particularly in light of this rulemaking. No comments were received. The Commission will address this issue when a need arises.

[27] CBT did not comment on this proposed rule.

the CFMA standard, that is, the ''necessary or appropriate in the public interest and is consistent with the protection of investors'' standard; and

(2) *To require* the preparation of a written explanation upon request of the reasons for a denial of a request for an exemptive order.[28]

(emphasis in original)

The Commission notes that proposed regulation 41.33(a) already requires that requests for exemptive orders be reviewed using the CFMA standard. Moreover, paragraphs (b) and (e) of proposed regulation 41.33 would require that the Commission notify the board of trade of any decision in writing. The Commission believes that this is appropriate in light of section 5f(b)(4)(B) of the Act, which states that ''the Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section is granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.'' This grant of exemptive authority by Congress gives the Commission ''sole discretion'' whether to decline to entertain exemptive order applications. If the Commission were to bind itself to a requirement that a written explanation be provided, it would effectively undermine its authority to decline to entertain an application; a formal, written explanation under such circumstances would be indistinguishable from a denial of the application. In order to maintain conformity between the statutory and regulatory provisions, the Commission has determined that it will adopt regulation 41.33 as proposed.[29] Nonetheless, as discussed below, the Commission welcomes any suggestions concerning potential exemptions, and is committed to providing a thorough, expeditious review to any petitions filed pursuant to these provisions.

The Commission also proposed regulation 41.34, which would list the provisions of the Act from which SFPCMs would be exempted. Paragraph (a) lists each of the statutory provisions enumerated in section 5f(b)(1) of the Act.[30] Paragraph (b), which originally contained only section 6(a) of the Act,[31] has been expanded to include Parts 38 and 40 of the regulations.[32] Because SFPCMs are exempted from sections 5 and 5c of the Act,[33] which are the source for much of the authority for Parts 38 and 40, the Commission has modified regulation 41.34 to reflect that SFPCMs also are exempt from the provisions of Parts 38 and 40.[34]

Regarding paragraph (a) of proposed regulation 41.34, AMEX commented that the Commission did not identify the particular regulations with which SFPCMs were expected to comply.[35] AMEX also noted that it may be difficult to ascertain which Commission requirements were promulgated pursuant to provisions of Act from which SFPCMs are exempt. The Commission understands this predicament, and requested comment on precisely these two issues.[36] However, no commenters, including AMEX, offered any specific examples of which Commission requirements were duplicative of SEC obligations.

As discussed above, the Commission has identified section 6(a) of the Act and Parts 38 and 40 of the regulations as additional provisions from which SFPCMs are exempted. Moreover, in the spirit of the general intent of the CFMA to reduce the burdens of shared jurisdiction, the Commission remains open to suggestions regarding any provisions from which SFPCMs should be exempted.[37] The Commission believes that SFPCMs are in the best position to determine which Commission requirements are duplicative of their other regulatory obligations. Accordingly, regulation 41.34(a) will be adopted as proposed. Commission staff is always available to consult with any board of trade that seeks or accomplishes notice-designation and is unsure of its regulatory and compliance responsibilities.

E. Regulation 41.33(g)—Delegation of Authority

Finally, the Commission proposed to delegate to the Director of the Division of Trading and Markets and the Director of the Division of Economic Analysis, jointly, with the concurrence of the Commission's General Counsel, the authority to grant or deny applications for exemptive orders under regulation 41.33. This delegation of authority is intended to expedite the procedures described in proposed regulation 41.33 and to place responsibility for them with those Commission staff members most directly involved in the relevant matters. No comments were received on this issue, and the Commission will adopt the delegation of authority as proposed. The Commission believes that this delegation will maximize regulatory efficiency with respect to the processing of regulation 41.33 exemption applications.

III. Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act generally provides that a substantive rule may not be made effective less than 30 days after notice is published in the **Federal Register**.[38] One exception to the 30-day requirement, among others, is an agency's finding of good cause for providing a shorter effective date.

[28] This argument was made in the alternative. AMEX's primary objection, addressed below, is that the Commission should publish ''a comprehensive list of rules that SFPCMs should comply with.'' AMEX believes that if the Commission does not publish such a list, it should seek to minimize the discretion afforded Commission staff in the exemptive order application process.

[29] Adoption of regulation 41.33 includes an associated amendment to Commission regulation 140.99, which makes applications for exemptive orders submitted pursuant to regulation 41.33 an exception to the procedures identified in regulation 140.99.

[30] Section 5f(b)(1) of the Act states—

A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder.

(A) Subsections (c), (e), and (g) of section 4c.

(B) Section 4j.

(C) Section 5.

(D) Section 5c.

(E) Section 6a.

(F) Section 8(d).

(G) Section 9(f).

(H) Section 16.

[31] Section 6(a) of the Act addresses the application process applicable to DCMs and DTFs.

[32] *See* 66 FR 42256 (Aug. 10, 2001) (promulgating, among other things, Parts 38 and 40 of the Commission's regulations). Although proposed regulation 41.34(b) only included section 6(a) of the Act, the proposing release discussed the inapplicability of parts 38 and 40 to SFPCMs. *See* 66 FR 29517 at 29520. No comments were received regarding the Commission's proposal to exempt SFPCMs from section 6(a) of the Act or the Commission's discussion of Parts 38 and 40 generally.

[33] *See* supra note 30.

[34] Moreover, regulation 38.1, addressing the ''scope'' of Part 38 generally, states that ''(t)he provisions of this part 38 shall apply to every board of trade or trading facility that has been designated as a contract market in a commodity under section 6 of the Act.'' Because other paragraphs under section 6 remain applicable to SFPCMs, the Commission believes that specifically exempting SFPCMs from section 6(a) of the Act further clarifies that Part 38 is inapplicable to SFPCMs.

[35] CBT did not comment on this proposed rule.

[36] ''In addition to the proposals above, the Commission seeks comment from boards of trade and other interested persons regarding whether there are any other provisions of the Act or regulations thereunder from which SFPCMs should be exempt by regulation. The Commission is particularly interested in commenters' views regarding, among other things, the interplay between the enumerated exemptions in sections 5f(b)(1) and (2) of the Act and the Commission's regulations generally.'' 66FR 29517 at 29520.

[37] The Commission notes that no comments were received regarding which provisions a notice-designated ATS might be appropriately exempted from pursuant to section 5f(b)(2) of the Act. *See* 66 FR 29517 at note 27. The Commission also remains open to suggestions on this matter.

[38] *See* 5 U.S.C. 553(d).

The CFMA provides that principal-to-principal transactions in security futures products between ECPs may commence on August 21, 2001.[39] Prior to passage of the CFMA, there was no need for the Commission to have rules providing for the expedited designation of certain boards of trade as contract markets in security futures products. Since passage of the CFMA, the Commission has moved quickly to adopt rules that would facilitate notice-designation. The Commission, after reviewing and considering the comments received, is now adopting these rules in substantially the same form as proposed. By allowing certain principal-to-principal transactions to commence on August 21, 2001, Congress, in essence, established a statutory deadline for the promulgation of these rules. If the effective date is delayed for 30 days, then those boards of trade that wish to notice-designate as contract markets in security futures products would not be able to begin listing products for trading, assuming the various other conditions[40] for the commencement of trading would have been met before the 30 days expired.

The primary purpose of delaying effectiveness of new rules for 30 days is to give affected parties a reasonable period of time to adjust. In this instance, parties that might be affected would not be harmed by immediate effectiveness of the rules because they would only be subject to the rules voluntarily. Moreover, to the extent that these rules have been promulgated in substantially the same form as the proposed rules and were published for comment, any affected boards of trade are already familiar with the rules. Finally, the 30-day delay in effectiveness could interfere with the goals and mandates of the CFMA. Therefore, the Commission concludes that there is good cause for making these rules effective immediately upon publication.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'')[41] requires that agencies, in proposing regulations, consider the impact of those regulations on small businesses. The regulations discussed herein affect boards of trade seeking to be designated as contract markets in security futures products under notice procedures promulgated pursuant to section 5f(a) of the Act. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its regulations on such entities in accordance with the RFA.[42] The Commission determined that contract markets are not small entities for the purpose of the RFA.[43]

The Commission further notes that section 252 of the CFMA requires the Commission to promulgate these regulations. Moreover, the regulations promulgated herein would not impose any new burdens upon entities seeking to be designated as an SFPCM pursuant section 5f(a) of the Act. Rather, these regulations would facilitate exemptive relief from the more burdensome requirements in sections 5 and 5a of the Act, and regulations thereunder, that otherwise would be applicable to entities seeking to list security futures products for trading. Therefore, the Commission believes that the adoption of these regulations reduces the burden of compliance by such entities.

Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the regulations herein will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

This rulemaking contains information collection requirements within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[44] As required by the PRA, the Commission has submitted a copy of this part to the Office of Management and Budget (''OMB'') for its review. In response to the Commission's invitation in the notice of proposed rulemaking to comment on any potential paperwork burdens associated therewith, no comments were received.

The final rules do not contain any disclosure requirements or any consumer reporting requirements. It does, however, require the collection of certain information from boards of trade seeking to be notice-designated as contract markets in security futures products, and from notice-designated contract markets in security futures products which seek an exemption from the Act or regulations thereunder. The Commission may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number. The Commission has received a control number for this information collection from OMB.

C. Cost-Benefit Analysis

Section 15 of the Act, as amended by section 119 of the CFMA, requires the Commission, before promulgating a new regulation under the Act, to consider the costs and benefits of the Commission's action. The Commission recently applied the cost-benefit provisions of section 15 for the first time with respect to a final rulemaking,[45] and understands that although section 15, as amended, requires the Commission to consider the costs and benefits of a new regulation, it does not require the Commission to quantify those costs and benefits or determine whether the benefits of the regulation outweigh its costs.

The amended Section 15 further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery;[46] (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that, notwithstanding its costs, a particular regulation was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The main areas of concern relevant to this rulemaking are the first two set forth in the Act, ''protection of market participants and the public'' and ''efficiency, competitiveness and financial integrity of the futures markets.'' The Commission notes that the CFMA specifically mandates that certain boards of trade be notice-designated by the Commission as a contract market if they seek to list or trade security futures products only, and that procedures be established by the Commission for such entities to apply for exemptions from the Act or regulations thereunder. Further, the Commission believes that these additional registrants may promote the efficiency and competitiveness of those futures markets on which security future products may be traded and, in turn, may serve to promote the financial integrity of those markets. The Commission has endeavored to impose minimal costs—i.e., only necessary disclosure and recordkeeping—on any of the entities involved, so that the benefits of the notice-designation and

[39] *See* supra note 4.

[40] *Id.*

[41] *See* 5 U.S.C. 601 *et seq.* (1994) and Supp. II 1996).

[42] *See* 47 18618 (April 30, 1982).

[43] *See* 47 FR 18618 at 18619–20.

[44] *See* 44 U.S.C. 3501 *et seq.*

[45] *See* 66 FR 20740 (Apr. 25, 2001).

[46] Price discovery is not a concern relevant to this rulemaking.

exemptive processes intended by Congress can be fully realized. Furthermore, submission of an application for exemptive relief is not required of SFPCMs, but elected on a voluntary basis.

AMEX commented that the costs and benefits of applying the Commission's regulations to SFPCMs should have been assessed in the proposed rulemaking. The Commission notes that SFPCMs' exposure to CFTC regulatory requirements has been imposed by Congress, by virtue of its passage of CFMA, rather than as a result of this rulemaking. The applicability of Commission regulations to SFPCMs is implicit in section 5f(b) of the Act, which exempts SFPCMs from only a limited number of provisions of the Act and regulations thereunder. If Congress intended that SFPCMs be exempt from additional provisions of the Act and regulations thereunder, the list of enumerated exemptions in section 5f(b)(1) would have been longer. Moreover, the fact that Congress contemplated procedures to exempt SFPCMs ''from any provision of this Act or of any rule or regulation thereunder'' [47] further demonstrates that it intended for any requirements not enumerated under section 5f(b)(1) to apply initially. Therefore, the Commission disagrees that SFPCMs are subjected to new regulatory requirements as a result of this rulemaking; the imposition of any new regulatory requirements result directly from passage of the CFMA.

List of Subjects

17 CFR Part 41

Contract markets, reporting and recordkeeping requirements, security futures products.

17 CFR Part 140

Authority delegations.

For the reasons discussed in the preamble, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

1. The heading for Part 41 is revised to read as follows: [1]

PART 41—SECURITY FUTURES PRODUCTS

2. The authority citation for Part 41 is revised to read as follows:

Authority: Sections 251 and 252, Pub. L. 106–554, 114 Stat. 2763; 7 U.S.C. 1a, 2, 6f, 6j, 7a–2, 12a.

3. Section 41.1 is amended by adding paragraphs (a) and (b) and (f) through (i) as follows:

§ 41.1 Definitions.

For purposes of this part:

(a) Alternative trading system shall have the meaning set forth in section 1a(1) of the Act.

(b) Board of trade shall have the meaning set forth in section 1a(2) of the Act.

* * * * *

(f) National securities association means a board of trade registered with the Securities and Exchange Commission pursuant to section 15A(a) of the Securities Exchange Act of 1934.

(g) National securities exchange means a board of trade registered with the Securities and Exchange Commission pursuant to section 6(a) of the Securities Exchange Act of 1934.

(h) Rule shall have the meaning set forth in Commission regulation 40.1.

(i) Security futures product shall have the meaning set forth in section 1a(32) of the Act.

4. Subpart D (§§ 41.31 through 41.34) is added as follows:

Subpart D—Designated Contract Markets in Security Futures Products

Sec.
41.31 Notice-designation requirements.
41.32 Continuing obligations.
41.33 Applications for exemptive orders.
41.34 Exempt provisions.

Subpart D—Notice-Designated Contract Markets in Security Futures Products

§ 41.31 Notice-designation requirements.

(a) Any board of trade that is a national securities exchange, a national securities association, or an alternative trading system, and that seeks to operate as a designated contract market in security futures products under section 5f of the Act, shall so notify the Commission. Such notification shall be filed with the Secretary of the Commission at its Washington, D.C. headquarters, in either electronic or hard copy form, shall be labeled as ''Notice of Designation as a Contract Market in Security Futures Products,'' and shall include:

(1) The name and address of the board of trade;

(2) The name and telephone number of a contact person designated to receive communications from the Commission on behalf of the board of trade;

(3) A description of the security futures products that the board of trade intends to make available for trading, including an identification of all facilities that would clear transactions in security futures products on behalf of the board of trade;

(4) A copy of the current rules of the board of trade; and

(5) A certification that the board of trade—

(i) Will not list or trade any contracts of sale for future delivery, except for security futures products;

(ii) Is registered with the Securities and Exchange Commission as a national securities exchange, national securities association, or alternative trading system, and such registration is not suspended pursuant to an order by the Securities and Exchange Commission;

(iii) Will meet the criteria specified in subclauses (I) through (XI) of section 2(a)(1)(D)(i) of the Act, except as otherwise provided in section 2(a)(1)(D)(vi) of the Act, for each specific security futures product that the board of trade intends to make available for trading;

(iv) Will comply with the conditions for designation under this section and section 5f of the Act, including a specific representation by any alternative trading system that it is a member of a futures association registered under section 17 of the Act; and

(v) Will comply with the continuing obligations of regulation 41.32.

(b) A board of trade which files notice with the Commission under this section shall be deemed a designated contract market in security futures products upon the Commission's receipt of such notice. Accordingly, the Commission shall send prompt acknowledgment of receipt to the filer.

(c) Designation as a contract market in security futures products pursuant to this section shall be deemed suspended if the board of trade:

(1) Lists or trades any contracts of sale for future delivery, except for security futures products; or

(2) Has its registration as a national securities exchange, national securities association, or alternative trading system suspended pursuant to an order by the Securities and Exchange Commission.

§ 41.32 Continuing obligations.

(a)(1) A board of trade designated as a contract market in security futures products pursuant to §41.31 of this chapter shall:

(i) Notify the Commission of any change in its regulatory status with the Securities and Exchange Commission or with a futures association registered under section 17 of the Act;

(ii) Comply with the filing requirements of section 2(a)(1)(D)(vii) of the Act each time the board of trade lists a security futures product for trading;

[47] *See* section 5f(b)(4) of the Act.

[1] **Note:** This revision supersedes the part heading added on August 10, 2001 (66 FR 42287) which was to become effective October 9, 2001.

(iii) Provide the Commission with any new rules or rule amendments that relate to the trading of security futures products, including both operational rules and the terms and conditions of products listed for trading on the facility, promptly after final implementation of such rules or rule amendments; and

(iv) Upon request, file promptly with the Commission—

(A) Such information related to its business as a designated contract market in security futures products as the Commission may request; and

(B) A written demonstration, containing such supporting data and other information and documents as the Commission may specify, that the board of trade is in compliance with one or more applicable provisions of the Act or regulations thereunder as specified in the request.

(2) Any information filed pursuant to paragraph (a) of this section shall be addressed to the Secretary of the Commission at its Washington, D.C. headquarters, shall be labeled ''SFPCM Continuing Obligations,'' and may be transmitted in either electronic or hard copy form.

(b) Except as exempted under section 5f(b) of the Act or under §§ 41.33 and 41.34 of this chapter, any board of trade designated as a contract market in security futures products pursuant to § 41.31 of this chapter shall be subject to all applicable requirements of the Act and regulations thereunder. Failure to comply shall subject the board of trade to Commission action under, among other provisions, sections 5e and 6(b) of the Act.

§ 41.33 Applications for exemptive orders.

(a) Any board of trade designated as a contract market in security futures products pursuant to § 41.31 of this chapter may apply to the Commission for an exemption from any provision of the Act or regulations thereunder. Except as provided in sections 5f(b)(1) and 5f(b)(2) of the Act, the Commission shall have sole discretion to exempt a board of trade, conditionally or unconditionally, from any provision of the Act or regulations thereunder pursuant to this section. The Commission may issue such an exemptive order in response to an application only to the extent it finds, after review, that the issuance of an exemptive order is necessary or appropriate in the public interest and is consistent with the protection of investors.

(b) Each application for exemptive relief must comply with the requirements of this section. The Commission may, in its sole discretion, decline to entertain any application for an exemptive order under this section without explanation; *provided, however,* that the Commission shall notify the board of trade of such a decision in writing.

(c) Application requirements. (1) Each application for an exemptive order made pursuant to this section must include:

(i) The name and address of the board of trade requesting relief, and the name and telephone number of a person whom Commission staff may contact to obtain additional information regarding the request;

(ii) A certification that the registration of the board of trade is not suspended pursuant to an order of the Securities and Exchange Commission;

(iii) The provision(s) of the Act or regulations thereunder from which the board of trade seeks relief and, if applicable, whether the board of trade is otherwise subject to similar provisions as a result of Securities and Exchange Commission jurisdiction; and

(iv) The type of relief requested and the order sought; an explanation of the need for relief, including all material facts and circumstances giving rise to the request; and the extent to which such relief is necessary or appropriate in the public interest and consistent with the protection of investors.

(2) Each application must be filed with the Secretary of the Commission at its Washington, D.C. headquarters, in either electronic or hard copy form, signed by an authorized representative of the board of trade, and labeled ''Application for an Exemptive Order pursuant to Commission regulation 41.33.''

(d) *Review Period.* (1) The Commission shall have 90 days upon receipt of an application for an exemptive order in which to make a determination as to whether such relief should be granted or denied.

(2) The Commission may request additional information from the applicant at any time prior to the end of the review period.

(3) The Commission may stay the review period if it determines that an application is materially incomplete; *provided, however,* that this paragraph (d) does not limit the Commission's authority, under paragraph (b) of this section, to decline to entertain an application.

(e) Upon conclusion of the review period, the Commission shall issue an order granting or denying relief, or granting relief subject to conditions; *provided, however,* that the Commission's obligations under this paragraph shall not limit its authority, under paragraph (b) of this section, to decline to entertain an application. The Commission shall notify the board of trade in writing of its decision to grant or deny relief under this paragraph.

(f) An application for an exemptive order may be withdrawn by the applicant at any time, without explanation, by filing with the Secretary of the Commission a written request for withdrawal, signed by an authorized representative of the board of trade.

(g) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets and the Director of the Division of Economic Analysis, jointly, with the concurrence of the General Counsel, authority to make determinations on applications for exemptive orders pursuant to this section; *provided, however,* that:

(1) The Director of the Division of Trading and Markets or the Director of the Division of Economic Analysis may submit to the Commission for its consideration any matter which has been delegated pursuant to paragraph (g) of this section; and

(2) Nothing in this section shall be deemed to prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Trading and Markets and the Director of the Division of Economic Analysis under paragraph (g) of this section.

§ 41.34 Exempt provisions.

Any board of trade notice-designated as a contract market in security futures products pursuant to § 41.31 of this chapter also shall be exempt from:

(a) The following provisions of the Act, pursuant to section 5f(b)(1) of the Act:

(1) Section 4c(c);
(2) Section 4c(e);
(3) Section 4c(g);
(4) Section 4j;
(5) Section 5;
(6) Section 5c;
(7) Section 6a;
(8) Section 8(d);
(9) Section 9(f);
(10) Section 16; and

(b) The following provisions, pursuant to section 5f(b)(4) of the Act:

(1) Section 6(a) of the Act;
(2) Part 38 of this chapter; and
(3) Part 40 of this chapter.

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

5. The authority citation for Part 140 continues to read as follows:

Authority: 7 U.S.C. 4a and 12a.

6. Section 140.99(i) is amended by revising paragraphs (i)(1) and (2) and adding new paragraph (i)(3) as follows:

§ 140.99 Requests for exemptive, no-action and interpretive letters.

* * * * *

(i) * * *

(1) Notice filings required to be made to claim relief from the Act or from a Commission rule, regulation, or order including, without limitations, §§ 4.5, 4.7(a), 4.7(b), 4.12(b), 4.13(b) and 4.14(a)(8) of this chapter;

(2) Requests for exemption pursuant to section 4(c) of the Act; or

(3) Requests for exemption pursuant to §41.33 of this chapter.

Issued in Washington, DC on August 20, 2001 by the Commission.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 01–21452 Filed 8–24–01; 8:45 am]

BILLING CODE 6351–01–U

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 697

Industries in American Samoa; Wage Order

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: Under the Fair Labor Standards Act, minimum wage rates in American Samoa are set by a special industry committee appointed by the Secretary of Labor. This document puts into effect the minimum wage rates recommended for various industry categories by Industry Committee No. 24 (the Committee), which met in public and executive session in Pago Pago, American Samoa, during the week of June 4, 2001.

DATES: This rule and the schedule of rate increases included shall become effective on September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Alan Moss, Chief Economist, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3510, 200 Constitution Avenue, NW., Washington, DC 20210: telephone (202) 693–0063. (This is not a toll free number.) Copies of the Final Rule in alternative formats may be obtained by calling (202) 693–0072 or (202) 693–1461 (TTY). The alternative formats available are large print, electronic file on computer disk (Word Perfect, ASCII, Mates with Duxbury Braille System) and audiotape.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

This rule contains no reporting or record keeping requirements which are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

II. Background

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 665 (66 FR 7513), the Secretary of Labor appointed and convened Industry Committee No. 24 for Industries in American Samoa, referred to the Committee the question of the minimum rates of wages to be paid under section 8 of the FLSA to employees within the industries, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted in Pago Pago pursuant to the notice, the Committee filed with the Acting Administrator of the Wage and Hour Division a report containing its findings of fact and recommendations with respect to minimum wage rates for various industry classifications. The FLSA requires that the Secretary publish this report in the **Federal Register** and further requires that the recommendations in the report be effective 15 days after publication. Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 and 29 CFR 511.18, this rule hereby revises §§ 697.1 and 697.3 of 29 CFR part 697 to implement the recommendations of Industry Committee No. 24.

For the convenience of the public, this regulation has been restructured to facilitate understanding of its content. Section 697.1 provides definitions of the industries for which minimum wage rates have been established. Section 697.2 provides industry wage rates and their effective dates in table form. Under the column heading ''September 11, 2001,'' the rates provided are those established prior to the effective date of the rates recommended by Special Industry Committee No. 24 except for the fish canning and processing industry, for which the Committee set an effective date of ''September 11, 2001.'' The prior rate for the fish canning and processing industry was $3.20. The final two columns of the table provide the rates effective on October 1, 2001 and October 1, 2002. Section 697.4 (formerly § 697.3) specifies the effective date of this regulation.

III. Executive Order 12866, Section 202 of the Unfunded Mandates Reform Act of 1995 and Small Business Regulatory Enforcement Fairness Act

This rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866, and no regulatory impact analysis is required. This document puts into effect the wage rates recommended by Industry Committee No. 24, which met in Pago Pago, American Samoa during the week of June 4, 2001. The Committee recommended increases over two years in various industry categories, ranging from 6 cents per hour for fish canning and processing and the bottling, brewing, and dairy products industry to 12 cents per hour over two years for shipping and transportation, classification A, stevedoring, lighterage, and maritime shipping agency activities.

When these increases are fully implemented, wage rates will range from $2.57 an hour (miscellaneous activities) to $4.09 an hour (shipping and transportation, classification A, stevedoring, lighterage, and maritime shipping activities).

There are approximately 16,000 covered employees in the various industry classifications. Based on the number of workers whose wages must be increased to the new minimum wage levels in 2001 and/or 2002, and assuming that some employees currently paid at or in excess of the new minimum wages will also receive commensurate wage increases to maintain relative pay comparability, increases in the overall annual wage bill are expected to be very modest. Thus, this rule is not expected 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 Executive Order 12866.

For reasons similar to those noted above, the rule does not require a § 202 statement under the Unfunded Mandates Reform Act of 1995.

Finally, the rule is not a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. Although the rule will impact solely on American Samoa, its impact on costs or prices is not expected to be major, for the reasons discussed above.

IV. Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have federalism implications.

The rule does 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.

V. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 533(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96–354,94 Stat. 1164, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analysis, do not apply to this rule. See 5 U.S.C. 601(2).

VI. Administrative Procedure Act

Good cause exists for issuance of this rule without publication 30 days in advance of its effective date, as normally required by Section 553(d) of the Administrative Procedure Act. As discussed above, Section 8 of the FLSA requires that the rule be effective 15 days after publication.

VII. Document Preparation

This document was prepared under the direction and control of Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 697

American Samoa, Minimum wages.

Signed at Washington, D.C. this 21st day of August, 2001.

Annabelle T. Lockhart,

Acting Administrator, Wage and Hour Division.

Accordingly, part 697 of Chapter V of Title 29, Code of Federal Regulations is amended as set forth below.

PART 697—INDUSTRIES IN AMERICAN SAMOA

1. The authority citation for part 697 is revised to read as follows:

Authority: 29 U.S.C. 205, 206, 208.

2. Section 697.1 is revised to read as follows:

§ 697.1 Industry definitions.

(a) *Government employees.* This industry includes all activities of employees of the Government of American Samoa. This industry does not include any employees of the United States or its agencies.

(b) *Fish canning and processing.* This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any by-product thereof, and the manufacture of cans and related activities.

(c) *Petroleum marketing.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities.

(d) *Shipping and transportation.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including storage and lighterage operations: *Provided, however,* that this industry shall not include the operation of tourist bureaus and of travel and ticket agencies. *Provided, further,* that this industry shall not include bunkering of petroleum products or activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity. Within this industry there shall be three classifications:

(1) *Classification A: Stevedoring, lighterage and maritime shipping agency activities.* This classification shall include all employees of employers who engage in each of the following three services: stevedoring, lighterage and maritime shipping agency activities.

(2) *Classification B: Unloading of fish.* This classification shall include the unloading of raw and/or frozen fish from vessels.

(3) *Classification C: All other activities.* This classification shall include all other activities in the shipping and transportation industry.

(e) *Construction.* This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(f) *Retailing, wholesaling and warehousing.* This industry includes all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and sales offices engaged in the distribution of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses: *Provided, however,* that this industry shall not include retailing and wholesaling activities included within other industry wage orders which are applicable in American Samoa.

(g) *Bottling, brewing and dairy products.* The bottling, brewing and dairy products industry includes the bottling, sale and distribution of malt beverages and soft drinks in bottles and other containers and the processing or recombining of fluid milk and cream for wholesale and retail distribution and the manufacture of malt beverages, butter, natural and processed cheese, condensed and evaporated milk, malted milk, ice cream and frozen desserts; including also any warehousing operation incidental to the above activities of firms engaged in these activities.

(h) *Printing.* The printing industry is that industry which is engaged in printing, job printing, and duplicating. This industry shall not include printing performed by an employer who publishes a newspaper, magazine, or similar publications.

(i) *Publishing.* This industry is that industry which is engaged in the publishing of newspapers, magazines, or similar publications other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county or counties contiguous thereto.

(j) *Finance and insurance.* The finance and insurance industry includes all banks (whether privately or government owned in whole or in part) and trust companies, credit agencies other than banks, holding companies, other investment companies, collection agencies, brokers and dealers in securities and commodity contracts, as well as carriers of all types of insurance, and insurance agents and brokers.

(k) *Ship maintenance.* This industry is defined as all work activity associated with ship repair and maintenance, including marine, railway, and dry dock operation.

(l) *Hotel.* This industry shall include all activities in connection with the operation of hotels (whether privately or government owned in whole or in part), motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public, including such laundry and cleaning and other activities as are engaged in by a hotel or motel or other lodging facility on its own linens or on garments of its guests.

(m) *Tour and travel services.* This industry shall include the operation of tourist bureaus and of travel and passenger ticket services and agencies: *Provided, however,* that this industry shall not include the operation of a freight-shipping agency.

(n) *Private hospitals and educational institutions.* This industry shall include all activities performed in connection with the operation of private hospitals, nursing homes, and related institutions primarily engaged in the care of the sick, the aged or the mentally or physically disabled or for gifted children, preschools, elementary or secondary schools, or institutions of higher education: *Provided, however,* that this industry shall not include employees of the Government of American Samoa or employees of any agency or corporation of the Government of American Samoa.

(o) *Garment manufacturing.* This industry is defined as the manufacture from any material of articles of apparel and clothing made by knitting, spinning, crocheting, cutting, sewing, embroidering, dyeing, or any other processes and includes but is not limited to all the following clothing: men's, women's, and children's suits, clothing and other products; hosiery; gloves and mittens; sweaters and other outerwear; swimwear; leather, leather goods, and related products; handkerchief, scarf, and art linen products; shirts; blouses; and underwear; uniforms and work clothing; and includes assembling, tagging, ironing, and packing apparel for shipping. This industry does not include manufacturing, processing or mending of apparel in retail or service establishments, including clothing stores, laundries, and other stores.

(p) *Miscellaneous activities.* This industry shall include every activity not included in any other industry defined herein.

3. Sections 697.2 and 697.3 are redesignated as § 697.3 and § 697.4.

4. A new § 697.2 is added to read as follows:

§ 697.2 Industry wage rates and effective dates.

Every employer shall pay to each of his employees in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

Industry	Effective dates		
	Sept. 11, 2001	Oct. 1, 2001	Oct. 1, 2002
(a) Government Employees	$2.69	$2.73	$2.77
(b) Fish Canning and Processing	3.26	3.26	3.26
(c) Petroleum Marketing	3.78	3.82	3.85
(d) Shipping and Transportation:			
(1) Classification A	3.97	4.03	4.09
(2) Classification B	3.81	3.87	3.92
(3) Classification C	3.77	3.83	3.88
(e) Construction	3.50	3.55	3.60
(f) Retailing, Wholesaling, and Warehousing	3.01	3.06	3.10
(g) Bottling, Brewing, and Dairy Products	3.10	3.15	3.19
(h) Printing	3.40	3.45	3.50
(i) Publishing	3.53	3.58	3.63
(j) Finance and Insurance	3.88	3.94	3.99
(k) Ship Maintenance	3.25	3.30	3.34
(l) Hotel	2.78	2.82	2.86
(m) Tour and Travel Services	3.22	3.27	3.31
(n) Private Hospitals and Educational Institutions	3.24	3.29	3.33
(o) Garment Manufacturing	2.60	2.64	2.68
(p) Miscellaneous Activities	2.50	2.54	2.57

5. Redesignated § 697.3 is amended to remove the word ''§ 697.1'' wherever it appears and add, in its place, the word ''§ 697.2''.

6. Redesignated § 697.4 is amended to remove the phrase ''September 20, 1999'' and add, in its place, the phrase ''September 11, 2001.''

[FR Doc. 01–21577 Filed 8–24–01; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–023]

RIN 2115–AE47

Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the Rock Island Railroad & Highway Drawbridge, across the Upper Mississippi River at Mile 482.9, at Rock Island, Illinois. The drawbridge need not open for river traffic and may remain in the closed-to-navigation position from 7 a.m. to 11 a.m. on September 23, 2001. This temporary rule is issued to allow the scheduled running of a foot race as part of a local community event.

DATES: This rule is effective from 7 a.m. Central Standard Time on September 23, 2001, until 11 a.m. Central Standard Time on September 23, 2001.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD–08–01–023 and are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, at (314) 539–3900, extension 378.

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. This rule is being promulgated without an NPRM due to the short time frame allowed between the submission of the request by the U.S. Army and the date of the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This rule should be made effective in less than 30 days due to the short time frame allowed between the submission of the request by the U.S. Army and the date of the event.

Background and Purpose

On July 11, 2001, the Department of the Army Rock Island Arsenal requested a temporary change to the operation of the Rock Island Railroad & Highway Drawbridge across the Upper Mississippi River, Mile 482.9 at Rock Island, Illinois. The Rock Island Railroad Drawbridge navigation span has a vertical clearance of 23.8 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. Presently, the draw opens on signal for passage of river traffic. The Rock Island Arsenal requested the drawbridge be permitted to remain closed-to-navigation from 7 a.m. until 11 a.m. on September 23, 2001. During this time a foot race will cross the bridge. This temporary drawbridge operation regulation has been coordinated with the commercial waterway operators. No objections to the proposed temporary rule were raised.

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).

The Coast Guard expects the economic impact of the temporary 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 is because river traffic is not likely to be delayed more than 4 hours.

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.

This rule will be in effect for only 4 hours early in the day and the Coast Guard expects the impact of this action to be minimal. Therefore, 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.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provisions of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 378.

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 contains 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's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not affect 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.

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.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Promulgation of changes to drawbridge regulations has been found not to have significant effect on the human environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Effective 7 a.m. through 11 a.m. September 23, 2001, § 117.T394 is added to read as follows:

§ 117.T394 Upper Mississippi River.

Rock Island Railroad and Highway Drawbridge, Mile 482.9, Upper Mississippi River. From 7 a.m. to 11 a.m. on September 23, 2001 the drawspan need not open for river traffic and may be maintained in the closed-to-navigation position.

Dated: August 15, 2001.

Roy J. Casto,

RADM, USCG, Commander, Eighth Coast Guard District.

[FR Doc. 01–21564 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–026]

Drawbridge Operating Regulation; Bayou Boeuf, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Burlington Northern Santa Fe Railway, swing span bridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana. This deviation allows the Burlington Northern Railroad to close the bridge to navigation from 7 a.m. until 5 p.m. from September 16, 2001 through September 18, 2001. Presently, the draw is required to open on signal. This temporary deviation is issued to allow for repairs to the rest pier and fender system.

DATES: This deviation is effective from 7 a.m. on Sunday, September 16, 2001 until 5 p.m. on Tuesday, September 18, 2001.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Bayou Boeuf swing span bridge across Bayou Boeuf, mile 10.2, near Amelia, St. Mary and Assumption Parishes, Louisiana, has a vertical clearance of 6 feet above high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, and recreational craft. The Burlington Northern Santa Fe Railway Company requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance and repair work on the west side rest pier and fender system. These repairs are necessary for the continued operation of the bridge.

This deviation allows the draw of the Bayou Boeuf swing span drawbridge across Bayou Boeuf, mile 10.2, to remain closed to navigation from 7 a.m. until 5 p.m. from September 16, 2001 through September 18, 2001.

Dated: August 15, 2001.

Roy J. Casto,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01–21565 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–115]

RIN 2115–AA97

Safety Zone; Milwaukee Home Run 2001 Hog Rally Fireworks, Milwaukee, WI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on and around Harbor Island in the outer Milwaukee Harbor, Milwaukee, Wisconsin for the Milwaukee Home Run 2001 Hog Rally fireworks display. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone is intended to restrict vessel traffic from a portion of the Milwaukee Harbor, Milwaukee, Wisconsin.

DATES: This temporary rule is effective from 9:30 p.m. until 10:30 p.m. (CST) on August 31, 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 [CGD09–01–115] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The phone number is (414) 747–7155.

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 permit application did not allow sufficient time for publication of an NPRM followed by a temporary final rule effective 30 days after publication. Any delay of the effective date of this rule would be contrary to the public interest by exposing the public to the known dangers associated with

fireworks displays and the possible loss of life, injury, and damage to property.

Background and Purpose

This safety zone is established to safeguard the public from the hazards associated with launching of fireworks from Harbor Island in the outer Milwaukee Harbor. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The safety zone will be in effect on August 31, 2001, from 9:30 p.m. until 10:30 p.m. (CST). The safety zone will encompass all waters bounded by the following coordinates: from the point of origin at 43°02.209′N, 087°53.714′W; southeast to 43°02.117′N, 087°53.417′W; south to 43°01.767′N, 087°53.417′W; southwest to 43°01.555′N, 087°53.772′W; north along the shoreline back to the point of origin. This also includes the Harbor Island Lagoon area. The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents. These coordinates are based upon North American Datum 1983 (NAD 83).

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee 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).

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: the owners or operators of vessels intending to transit or anchor in the vicinity of Harbor Island in Milwaukee's outer harbor from 9:30 p.m. until 10:30 p.m. (CST) on August 31, 2001.

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 only one hour on one day and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative. Before the effective period, we will issue maritime advisories widely available to users of the Port of Milwaukee.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can 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 Milwaukee (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) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

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.lC, this rule is categorically excluded from further environmental documentation.

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 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—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), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T09–994 is added to read as follows:

§ 165.T09–994 Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin.

(a) *Location.* All waters of the Milwaukee Harbor encompassed by the following coordinates: from the point of origin at 43°02.209′N, 087°53.714′W; southeast to 43°02.117′N, 087°53.417′W; south to 43°01.767′N, 087°53.417′W; southwest to 43°01.555′N, 087°53.772′W; north along the shoreline back to the point of origin. This also includes the Harbor Island Lagoon area. These coordinates are based upon North American Datum 1983 (NAD 83).

(b) *Effective times and date.* From 9:30 p.m. until 10:30 p.m. on August 31, 2001.

(c) *Regulations.* (1) The general regulations 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 Milwaukee or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) This safety zone should not adversely effect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF–FM.

Dated: August 20, 2001.

M.R. DeVries,

Commander, U.S. Coast Guard, Captain of the Port, Milwaukee, Wisconsin.

[FR Doc. 01–21562 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 248–0288c; FRL–7028–9]

Interim Final Determination That the State of California Has Corrected Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published a direct final rulemaking fully approving the State of California's submittal of a revision to the El Dorado County Air Pollution Control District (EDCAPCD) portion of the State Implementation Plan (SIP). We have also published a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on our direct final action, we will withdraw our direct final rule and will consider any comments received before taking final action on the State's submittal. Based on the full approval, we are making an interim final determination by this action that the State has corrected the deficiencies for which a sanctions clock began on November 1, 1999. See 64 FR 53210. This action will stay the imposition of the offset sanction and defer the imposition of the highway sanction. Although this action is effective upon publication, we will take comment. If no comments are received on our approval of the State's submittal and on our interim final determination, the direct final action published in today's **Federal Register** will also finalize our determination that the State has corrected the deficiencies that started the sanctions clock. If comments are received on our approval or on this interim final determination, we will publish a final rule taking into consideration any comments received.

DATES: Effective on August 27, 2001. Comments must be received by September 26, 2001.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSD at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Building C, Placerville, CA 95667.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 744–1135.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Background

On April 5, 1991, the State of California submitted a revision to the EDCAPCD portion of the SIP, which we disapproved in part on October 1, 1999. See 64 FR 53210. Our disapproval action started an 18-month clock beginning on November 1, 1999 for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP). The State subsequently submitted revised SIP rules on May 23, 2001. We have taken direct final action on this submittal pursuant to our modified direct final policy set forth at 59 FR 24054 (May 10, 1994). In the Rules and Regulations section of today's **Federal Register**, we have issued a direct final full approval of the State of California's submittal of its SIP revision. In addition, in the Proposed Rules section of today's **Federal Register**, we have proposed full approval of the State's submittal. Based on the direct final full approval set forth

in today's **Federal Register**, we believe that it is more likely than not that the State has corrected the original disapproval deficiencies. Therefore, we are taking this final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. However, we are also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on our proposed full approval of the State's submittal, we determine that the State's submittal is not fully approvable and this final action was inappropriate, we will either propose or take final action finding that the State has not corrected the original disapproval deficiencies. As appropriate, we will also issue an interim final determination or a final determination that the deficiency has been corrected.

This action does not stop the sanctions clock that started for this area on November 1, 1999. However, this action will stay the imposition of the offsets sanction and will defer the imposition of the highway sanction. If our direct final action fully approving the State's submittal becomes effective, such action will permanently stop the sanctions clock and will permanently lift any imposed, stayed or deferred sanctions. If we must withdraw the direct final action based on adverse comments and we subsequently determine that the State, in fact, did not correct the disapproval deficiencies, we will also determine that the State did not correct the deficiencies and the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832 (August 4, 1994), codified at 40 CFR 52.31.

II. EPA Action

We are taking interim final action finding that the State has corrected the disapproval deficiencies that started the sanctions clock. Based on this action, imposition of the offset sanction will be stayed and imposition of the highway sanction will be deferred until our direct final action fully approving the State's submittal becomes effective or until we take action proposing or finally disapproving in whole or part the State submittal. If our direct final action fully approving the State submittal becomes effective, at that time any sanctions clocks will be permanently stopped and any imposed, stayed, or deferred sanctions will be permanently lifted.

Because we have preliminarily determined that the State has an approvable submittal, relief from sanctions should be provided as quickly as possible. Therefore, we are invoking the good cause exception to the 30-day notice requirement of the Administrative Procedure Act because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely stays and defers federal sanctions. 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 only stays an imposed sanction and defers the imposition of another, 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 stays a sanction and defers another one, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not contain technical standards, thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the neceessary 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impractible, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of August 27, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Represenetatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Dated: July 31, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. 01–21437 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 248–0288a; FRL–7028–7]

Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the El Dorado County Air Pollution Control District (EDCAPCD) portion of the

California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from Phase I gasoline transfer into stationary storage tanks/Phase II gasoline transfer into vehicle fuel tanks, organic liquid loading, and valves and flanges. We are approving local rules and approving the recision of local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are also approving a negative declaration that concerns VOC emissions from bulk terminal facilities or external or internal floating roof tank sources. The EDCAPCD has certified that these source categories are not present in the District and this negative declaration is being added to the federally-approved SIP.

DATES: This rule is effective on October 26, 2001 without further notice, unless EPA receives adverse comments by September 26, 2001. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Building C, Placerville, CA 95667

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 744–1135.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal
A. What rules did the State submit?
B. Are there other versions of these rules?
C. What are the purposes of the submitted rule revisions?
II. EPA's Evaluation and Action
A. How is EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. EPA recommendations to further improve the rules
D. Public comment and final action
III. Background Information
A. Why were these rules submitted?
IV. Administrative Requirements

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving or rescinding and the negative declaration we are approving with the dates that they were adopted or rescinded by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted or (rescinded)	Submitted
EDCAPCD	238	Gasoline Transfer and Dispensing	03/27/01	05/23/01
EDCAPCD	244	Organic Liquid Loading and Transport Vessels	03/27/01	05/23/01
EDCAPCD	245	Valves and Flanges	03/27/01	05/23/01
EDCAPCD	900	Definitions	03/27/01 (Rescinded)	05/23/01
EDCAPCD	901	Submerged Fill Pipe	03/27/01 (Rescinded)	05/23/01
EDCAPCD	902	Phase I Vapor Recovery Requirements	03/27/01 (Rescinded)	05/23/01
EDCAPCD	903	Phase II Vapor Recovery System Requirements	03/27/01 (Rescinded)	05/23/01
EDCAPCD	904	Operation and Maintenance	03/27/01 (Rescinded)	05/23/01
EDCAPCD	905	Delivery Vessels Equipped with Vapor Recovery	03/27/01 (Rescinded)	05/23/01
EDCAPCD	906	Transfer Provisions	03/27/01 (Rescinded)	05/23/01
EDCAPCD	907	Delivery Vessels Not Equipped with Vapor Recovery	03/27/01 (Rescinded)	05/23/01
EDCAPCD	908	Vapor Collection and Disposal System at Loading Facilities	03/27/01 (Rescinded)	05/23/01
EDCAPCD	909	Standards	03/27/01 (Rescinded)	05/23/01
EDCAPCD	910	New or Modified Bulk Petroleum Facilities	03/27/01 (Rescinded)	05/23/01
EDCAPCD	911	Test Methods	03/27/01 (Rescinded)	05/23/01
EDCAPCD	912	Administrative	03/27/01 (Rescinded)	05/23/01
EDCAPCD	913	Compliance	03/27/01 (Rescinded)	05/23/01
EDCAPCD	914	Application and Permit Requirement	03/27/01 (Rescinded)	05/23/01
EDCAPCD	Neg Dec	Bulk Terminal Facilities or External or Internal Floating Roof Tank Sources.	04/03/01	05/23/01

On July 3, 2001, these submittals were found to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We approved a version of Rule 238 into the SIP on October 1, 1999 (64 FR 53210) as Rules 900, 901, 902, 903, and 904. We approved a version of Rule 244 into the SIP on October 1, 1999 (64 FR 53210) as Rules 905, 906, 907, 908, 910, 911, and 912. There are no previous versions of Rule 245 in the SIP. Rules 909, 913, and 914 were approved into the SIP on October 1, 1999 (64 FR 53210) and are now submitted for recision.

C. What Are the Purposes of the Submitted Rule Revisions?

The purposes of the revisions contained in Rule 238 are to:

- Remedy the deficiencies cited in the limited approval and limited disapproval of October 1, 1999 (64 FR 53210). Most of these deficiencies addressed enforceability problems.
- Simplify by combining five rules into one.
- Revise the rule to include new CARB standards, reverification testing, inspection procedures, test methods, and recordkeeping.

The purposes of the revisions contained in Rule 244 are to:

- Remedy the deficiencies cited in the limited approval and limited disapproval of October 1, 1999 (64 FR

53210). Most of these deficiencies addressed enforceability problems.

• Simplify by combining seven rules into one.

The purpose of new Rule 245 is to:

• Require that valves and flanges in a petroleum refinery, chemical plant, or oil production field handling VOCs shall be inspected and repaired according to specific requirements and that records be kept for five years.

The purposes of rescinding Rules 909, 913, and 914 are, respectively, to remove a rule without any applications to regulate, to remove a local enforcement rule not appropriate for the SIP, and to remove a permitting rule that has already been replaced.

The purpose of the negative declaration is to certify that there are no sources in the District in the categories of bulk terminal facilities or external or internal floating roof tanks. The TSD has more information about all of these rules.

II. EPA's Evaluation and Actions

A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (see section 110(a) of the CAA), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A) and 182(b)(3)(A)), and must not relax existing requirements (see sections 110(l) and 193). The EDCAPCD regulates a severe ozone nonattainment area (see 40 CFR part 81), so Rules 238, 244, and 245 must fulfill the requirements of RACT.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

• Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.

• ''*Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 Federal Register Notice*,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

Rule 238 was also evaluated against the EPA Draft *Model Rule, Gasoline Dispensing Facility—Stage II Vapor Recovery* (August 17, 1992). In evaluating RACT, EPA also considered information published since the 1992 Draft *Model Rule*, including documents associated with development of CARB's Enhanced Vapor Recovery Guidelines (March 23, 2000) and South Coast Air Quality Managements District's Draft Rule 461, Gasoline Transfer and Dispensing (December 15, 1999). EPA, Region IX, has summarized RACT requirements in the Draft *Gasoline Vapor Recovery Guidelines* (April 24, 2000).

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. All of the deficiencies identified in our previous limited approval and limited disapproval action have been adequately addressed as follows:

• (Lack of a specific definition of the facilities to which the rules apply.) Applicability statements were added to all submitted rules.

• (Improper definition of test methods.) Appropriate test methods were added to all submitted rules.

• (Control Officer discretion to require unspecified control equipment.) A CARB certified vapor recovery system is required in Rule 238 and is an alternate requirement in Rule 244. The other alternate in Rule 244, where a CARB-certified system is not required, is to have the same vapor recovery as a CARB-certified system and obtain District approval. Control equipment is not relevant to Rule 245.

• (A higher throughput exemption than allowed by section 182(b)(3) of the CAA.) Throughput exemptions are not now used in any of the submitted rules.

Rules 238 and 245 are more stringent than the corresponding existing SIP requirements. Rule 244 is less stringent than the corresponding existing SIP requirements, due to the decreased vapor recovery system efficiency.[1] However, this decrease in efficiency is more than offset by the increased stringency of Rules 238 and 245. Therefore, the combined submittal of Rules 238, 244, and 245 are given full approval as a strengthening of the SIP.

Rescinded Rules 900, 901, 902, 903, and 904 are replaced by Rule 238. Rescinded Rules 905, 906, 907, 908, 910, 911, and 912 are replaced by Rule 244. Rescinded Rule 914 is replaced by SIP Rule 501.

Rescinded Rule 913 is not replaced. Rule 913 concerns local enforcement authority which is not appropriate for the SIP, because EPA independently has this authority.

Rescinded Rule 909 is not replaced. A Negative Declaration certifying that the EDCAPCD does not have any Bulk Terminal Facility or External or Internal Floating Roof Tank Sources regulated by Rule 909 is approved. The Negative Declaration is provided to show that there is no such source in the District that needs to meet the requirements of RACT and to demonstrate that there is no relaxation of the SIP by rescinding Rule 909. The TSD has more information on our evaluations.

C. EPA Recommendations To Further Improve the Rules

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the CAA, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by September 26, 2001, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on October 26, 2001. This will incorporate these rules into the federally-enforceable SIP.

III. Background Information

A. Why Were These Rules Submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

[1] Reducing the vapor recovery system efficiency of displaced vapors was an oversight related to changing the units of measure. EDCAPCD has committed to restoring the required vapor recovery system efficiency to 0.08 pounds per 1,000 gallons (99% of displaced vapors).

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended CAA.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671*q*.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. 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 32111, ''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 pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 26, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 31, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183)(i)(H)(*2*), (183)(i)(H)(*3*), (183)(i)(H)(*4*), (183)(i)(H)(*5*), (183)(i)(H)(*6*), and (281) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(H) * * *

(*2*) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(*1*) of this section and now deleted Rules 900, 901, 902, 903, and 904 (now replaced by Rule 238).

(*3*) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(*1*) of this section and now deleted Rules 905, 906, 907, 908, 910, 911, and 912 (now replaced by Rule 244).

(*4*) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(*1*) of this section and now deleted Rule 909 (now replaced by a Negative Declaration adopted on April 3, 2001).

(*5*) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(*1*) of this section and now deleted without replacement Rule 913.

(*6*) Previously approved on October 1, 1999 in paragraph (c)(183)(i)(H)(*1*) of this section and now deleted Rule 914 (now replaced by Rule 501).

* * * * *

(281) New and amended regulations for the following APCDs were submitted on May 23, 2001, by the Governor's designee.

(i) Incorporation by reference.

(A) El Dorado County Air Pollution Control District.

(*1*) Rules 238, 244, and 245, adopted on March 27, 2001.

* * * * *

3. Section 52.222 is amended by adding paragraph (a)(7)(i) to read as follows:

§ 52.222 Negative Declarations.

* * * * *

(a) * * *

(7) El Dorado County Air Pollution Control District.

(i) Bulk Terminal Facilities or External or Internal Floating Roof Tank Sources was submitted on May 23, 2001 and adopted on April 3, 2001.

* * * * *

[FR Doc. 01–21438 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–7039–2]

Amendments for Testing and Monitoring Provisions; Removal of a Provision for Opacity Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We, the EPA, are taking direct final action to remove an amendment published as part of a final rule entitled ''Amendments for Testing and Monitoring Provisions'' on October 17, 2000 (65 FR 61744). We are removing this provision because it inadvertently established substantive new requirements for facilities that are subject to the New Source Performance Standards requiring the installation of continuous opacity monitors on effluent streams, although the amendments were explicitly intended to be minor in nature and not substantive.

DATES: Effective Date. This final rule amendment is effective on October 11, 2001 without further notice, unless we receive adverse comments on this direct final rule by September 26, 2001. If we receive timely adverse comments or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing you, the public, that this direct final rule will not take effect.

ADDRESSES: *Comments.* You may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–97–12 at the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, SW., Room 1500, Washington, DC 20460.

Docket. A docket containing supporting information used in developing this direct final rule amendment is available for public inspection and copying at our docket office located at the above address in Room M–1500, Waterside Mall (ground floor). You are encouraged to phone in advance to review docket materials. To schedule an appointment, call the Air Docket Office at (202) 260–7548. Refer to Docket No. A–97–12. The Docket Office may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Foston Curtis, Environmental Protection Agency, Office Air Quality Planning and Standards, at 919/541–1063, e-mail: *curtis.foston@epa.gov*, facsimile 919/541–1039.

SUPPLEMENTARY INFORMATION:

Outline. The information in this preamble is organized as follows:

I. Background
II. Authority
III. Administrative Requirements
A. Executive Order 12866: ''Significant Regulatory Action Determination'
B. Regulatory Flexibility
C. Paperwork Reduction Act
D. Unfunded Mandates Reform Act
E. Docket
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
I. Submission to Congress and the General Accounting Office
J. National Technology Transfer and Advancement Act
K. Executive Order 13211 (Energy Effects)

I. Background

On October 17, 2000 (65 FR 61744), we published a notice of final rulemaking to adopt a number of changes to the test methods listed in 40 CFR parts 60, 61, and 63. As the preamble to the final rule explained, these changes were largely intended to be minor, nonsubstantive revisions and represented, in effect, a ''housekeeping'' effort to correct typographical and technical errors, and eliminate obsolete or no longer applicable material. In addition, we promulgated Performance Specification 15, which contains criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy, and we changed the outline of the test methods and CEMS performance specifications already listed in parts 60, 61, and 63 to fit a new format recommended by the Environmental Monitoring Management Council. The editorial changes and technical corrections were intended to update the rules and help maintain their original intent.

The amendment made to § 60.13(g) which is affected by today's action applies to facilities that are subject to New Source Performance Standards (NSPS) and are required to install continuous opacity monitors on effluent streams. Specifically, the amendment provides that when the effluents from two or more affected facilities subject to the same opacity standard are combined into a single stack, and if opacity is monitored on each stream, a combiner system comprised of opacity and flow monitoring systems must be installed. In this case, gas flow rates from the individual streams must be known to correct the measured opacity to the exit stack dimensions and therefore must be measured. By contrast, preamended § 60.13(g) only implied, but did not explicitly require, that flow measurements from the individual streams were necessary. The intent of the amendment was to explicitly require such flow measurements and to identify what we perceived to be the most commonly used method of doing that (namely, the use of flow monitors). However, during the public comment period, some members of the utility industry objected to our specifying flow monitors as the only option and suggested that other indicators of flow

rate they had traditionally employed (e.g., unit load, fan motor ampere readings, damper settings, etc.) should continue to be allowed. Because we did not anticipate the industry having to make substantive changes from its current practices to implement the amendments, we promulgated the amended § 60.13(g) without fully responding to the industry's comments in the preamble to the final rule. After further consideration, we have concluded that the amendment constitutes a substantive change in the original rule since it requires subject facilities to install flow monitors instead of allowing them to continue to use flow indicator methods. Moreover, we did not raise the question of adequacy of such methods in the previous rulemaking and no commenter has presented information indicating that they do not provide adequate measurements of flow rates for the purposes of the NSPS monitoring requirements. This removal of the amendment will reinstate the old § 60.13(g) provision which allowed subject facilities to use flow measuring techniques besides flow monitors.

II. Authority

The statutory authority for this action is 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7601, and 7602.

III. Administrative Requirements

A. Executive Order 12866: ''Significant Regulatory Action Determination''

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in 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 entitlement, grants, user fees, or loan programs of 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.

Because this rule merely removes an amendment to, and reinstates the prior provisions of 40 CFR 60.13(g), EPA has determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. However, in consideration of the very limited and remedial scope of this amendment, we consider 30 days to be sufficient in providing a meaningful public comment period, if requested, for this rulemaking.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) requires us to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. The EPA has determined that removing the 40 CFR 60.13(g) amendment will not have a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not necessary in connection with this action.

C. Paperwork Reduction Act

Because this action does not include or create any information collection activities subject to the Paperwork Reduction Act, the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, does not apply.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before we promulgate a rule for which a written statement is needed, section 205 of the UMRA 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 the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. That plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This action contains no regulatory requirements that might significantly or uniquely affect small governments. This action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Docket

The docket includes an organized and complete file of all the information upon which we relied in taking this direct final action. The docketing system is intended to allow you to identify and locate documents readily so that you can participate effectively in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, except for certain interagency documents, will serve as the record for judicial review. (See CAA section 307(d)(7)(A).)

F. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), 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 Section 6 of Executive Order 13132, we may not issue a regulation that has 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 we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless we consult with State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implications. The 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. Today's action does not create a mandate on State, local or tribal governments. This action does not impose any new or additional enforceable duties on these entities. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that the EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) that the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This removal action is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by Executive Order 12866, and the action does not address an environmental health or safety risk that would have a disproportionate effect on children.

H. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

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

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

I. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, 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 Congress and to the Comptroller General of the United States. We 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 before it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective October 11, 2001.

J. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113 (March 7, 1996), we are required to use voluntary consensus standards in our regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) which are adopted by voluntary consensus standard bodies. Where we do not use available and potentially applicable voluntary consensus standards, the NTTAA requires us to provide Congress, through OMB, an explanation of the reasons for not using such standards. This action does not involve technical standards. The purpose of today's action is to remove portions of a rule, reinstating previous provisions, and not to impose new substantive requirements or to adopt new technical standards. Consequently, the requirements of NTTAA do not apply.

K. Executive Order 13211 (Energy Effects)

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

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Continuous emission monitors.

Dated: August 14, 2001.

Christine Todd Whitman,

Administrator.

For the reasons stated in the preamble, The Environmental Protection Agency amends title 40, chapter I of the Code of Federal Regulations as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

Authority: 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7601, and 7602.

§ 60.13 [Amended]

2. Section 60.13 is amended by revising paragraph (g) to read as follows:

§ 60.13 Monitoring requirements.

* * * * *

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation

of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.

* * * * *

[FR Doc. 01–21440 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Parts 57 and 58

RIN: 0906–AA53

Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships and Student Loans and Grants for Training of Public Health and Allied Health Personnel

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule rescinds and removes various Public Health Service (PHS) health professions, nursing, public health, and allied health training grant regulations from the Code of Federal Regulations (CFR) at 42 CFR parts 57 and 58. (The student loan program regulations in part 57 at subparts C and D are not to be affected.)

EFFECTIVE DATE: This rule is effective August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Marilyn Biviano, Director, Office of Planning and Program Development, Bureau of Health Professions, Health Resources and Services Administration, Room 8–67, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: (301) 443–9792.

SUPPLEMENTARY INFORMATION: On October 6, 1999, the Health Resources and Services Administration published in the **Federal Register** (64 FR 54263) a Notice of Intent to remove by technical amendment (final rule) various Agency health professions, nursing, public health, and allied health training grant program regulations under 42 CFR parts 57 and 58 of the Code of Federal Regulations. The Department received no comments response from the public on the Notice of Intent. The statutory authorities of these regulations have been extensively amended since their issuance. Consequently, the regulations no longer reflect the current law. Therefore, the Department is removing the following 19 training grant program regulations from the Code of Federal Regulations:

Part 57—Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships and Student Loans

Subpart F—Grants for Nurse Anesthetist
Subpart H—Grants for Physician Assistant Training Programs
Subpart I—Programs for the Training of Physician Assistants
Subpart L—Grants for Residency Training and Advanced Education in the General Practice of Dentistry
Subpart Q—Grants for Predoctoral, Graduate, and Faculty Development Education Programs in Family Medicine
Subpart R—Grants for the Establishment of Departments of Family Medicine
Subpart S—Educational Assistance to Individuals from Disadvantaged Backgrounds
Subpart V—Grants for Centers of Excellence
Subpart Y—Grants for Nurse Practitioner and Nurse Midwifery Programs
Subpart Z—Grants for Advanced Nurse Education Programs
Subpart CC—Scholarships for Students of Exceptional Financial Need
Subpart DD—Financial Assistance for Disadvantaged Health Professions Students
Subpart EE—Grants for Residency Training in Preventive Medicine
Subpart FF—Grants for Residency Training and Faculty Development in General Internal Medicine and/or General Pediatrics
Subpart MM—Area Health Education Center Program
Subpart OO—Grants for Geriatric Education Centers
Subpart PP—Grants for Faculty Training Projects in Geriatric Medicine and Dentistry

Part 58—Grants for Training of Public Health and Allied Health Personnel

Subpart C—Grants for Public Health Traineeships for Students in Schools of Public Health and in Other Graduate Public Health Programs
Subpart D—Grants for Health Administration Traineeships and Special Projects Program

Program specific guidance and information for preparing applications for the current program authorities under Pub. L. 105–392 are now provided in the grant application materials. Further, current program information is announced in the HRSA Preview and published in the **Federal Register** semi-annually. The HRSA Preview provides the general public with a single source of program and application information related to the Agency's competitive grant reviews and is designed to replace multiple **Federal Register** notices which traditionally advertised the availability of HRSA's discretionary funds for its various programs. The most recent edition of the HRSA Preview was published in the **Federal Register** on July 7, 2000 (Part III, 65 FR 42190–42331).

Justification for Omitting Notice of Proposed Rulemaking

This final rule rescinds and removes various Public Health Service health professions, nursing, public health, and allied health training grant regulations from title 42 of the CFR, parts 57 and 58. The existing training grant regulations are fundamentally and extensively inconsistent with present statutes as set out in titles VII and VIII of the Public Health Service Act, particularly as most recently amended by the Health Professions Education Partnerships Act of 1998 (Pub. L. 105–392), enacted November 13, 1998. The general focus of that legislation was to consolidate a myriad of small, highly categorical Federal training grant programs into seven general categories of authorities. These categories are designed to support the training of health personnel most likely to enter practice in rural and other medically underserved areas, and to provide flexibility to program managers in adapting the training supported to changing needs. We have concluded, based on our experience in carrying out the revised programs over the past two years, that this flexibility is best exercised through program-specific guidance and information provided in annual grant application materials. Because statutes always take precedence over regulations, and the existing regulations are inconsistent with the interdisciplinary approach of the current law, the regulations are largely irrelevant and certainly confusing. For these reasons, and in accordance with the October 6, 1999, Notice of Intent referred to above, the Secretary has determined, under 5 U.S.C. 553, that it is unnecessary, impractical, and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these amendments to parts 57 and 58.

Economic and Regulatory Impact

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and,

when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety distributive and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities the Secretary must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

Executive Order 12866 requires that all regulations reflect consideration of alternatives, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding an unnecessary burden. Regulations which are ''significant'' because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

The Department has determined that no resources are required to implement the requirements in this rule. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA) and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, the Secretary certifies that this rule will not have a significant impact on a substantial number of small entities. The Secretary has also determined that this final rule does not meet the criteria for a major rule as defined by Executive Order 12866 and would have no major effect on the economy or Federal expenditures.

We have determined that the rule is not a ''major rule'' within the meaning of the statute providing for Congressional review of agency rulemaking, 5 U.S.C. 801. Similarly, it will not have effects on State, local, and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act of 1980

Because this final rule rescinds and removes 19 subparts under 42 CFR parts 57 and 58, the following information collections required under the following 12 subparts, under OMB control number 0915–0060 are also rescinded and removed:

42 CFR Part 57—Grants for Construction of Teaching Facilities, Educational Improvement, Scholarship and Student Loans

Subpart F: Grants for Nurse Anesthetist Traineeship Programs		
57.509(c)	Demonstration of financial need	Disclosure.
57.510(a)(1)	Statement of appointment—trainee	Disclosure.
57.510(a)(2)	Statement of appointment—grantee	Record-keeping.
57.512(b)	Notification to trainee	Disclosure.
Subpart H: Grants for Physician Assistant Training Program		
57.705	Application	Reporting.
57.705(d)	Project director incapacity	Reporting.
57.705(f)	Annual Report	Reporting.
Subpart L: Grants for Residency Training and Advanced Education in the General Practice of Dentistry		
57.1104	Application	Reporting.
Subpart R: Grants for Establishment of Departments of Family Medicine		
57.1704	Program requirements—cont. application	Reporting.
Subpart Y: Nurse Practitioner and Nurse Midwifery Program Grants		
57.2404	Application	Reporting.
57.2405(b)	Program director incapacity	Reporting.
57.2405(c)	Data collection and evaluation	Reporting.
Subpart Z: Grants for Advanced Nurse Education Program		
57.2504	Application	Reporting.
Subpart EE: Grants for Residency Training in Preventive Medicine		
57.3003	Application	Reporting.
57.3004(e)	Minority recruitment	Reporting.
57.3007(a)	Other sources of funding	Reporting.
Subpart FF: Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics		
57.3104	Application	Reporting.
Subpart MM: Area Health Education Center (AHEC) Program		
57.3804(d)(1)	Written agreement with AHEC	Record-keeping.
57.3804(d)(3)(ii)	Written request for waiver	Reporting.
57.3804(d)(5)(iii)	Written agreement	Record-keeping.
57.3804(e)(7)(i)	Provide potential employers with information about nurse practitioners and physician assistants.	Disclosure.
57.3804(e)(7)(iii)	Distribution information about training programs	Disclosure.
Subpart PP: Grants for Faculty Training Projects in Geriatric Medicine and Dentistry		
57.4103	Application	Reporting.
57.4110(a)	Statement of appointment—trainee	Disclosure.
57.4110(a)	Statement of appointment—grantee	Record-keeping.
57.4111(b)	Notice of tuition refund	Disclosure.

42 CFR Part 58—Grants for Training of Public Health and Allied Health Personnel

Subpart C: Grants for Public Health Traineeships for Students in Schools of Public Health and in Other Graduate Public Health Programs

58.208(a)	Statement of appointment	Record-keeping.
58.208(d)	Advice to trainees	Disclosure.
	Subpart D: Grants for Health Administration Traineeships and Special Projects Program	
58.224	Application	Reporting.

List of Subjects in 42 CFR Parts 57 and 58

Aged, Dental health, Education of the disadvantaged, Educational facilities, Educational study programs, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs, Medical and dental schools, Student aid, Reporting and recordkeeping requirements, Scholarships and fellowships, Public health.

Dated: April 24, 2001.

Elizabeth M. Duke,

Acting Administrator.

Approved: May 30, 2001.

Tommy G. Thompson,

Secretary.

Accordingly, under the authority of section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 and 67 Stat. 631 (42 U.S.C. 216), we are amending 42 CFR parts 57 and 58 as set forth below:

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart F—Grants for Nurse Anesthetist (§§ 57.501–57.514)—[Removed and Reserved]

1. Part 57 is amended by removing and reserving subpart F (consisting of §§ 57.501–57.514).

Subpart H—Grants for Physician Assistant Training Programs (§§ 57.701–57.712)—[Removed and Reserved]

2. Part 57 is amended by removing and reserving subpart H (consisting of §§ 57.701–57.712).

Subpart I—Programs for the Training of Physician Assistants (§§ 57.801–57.803)—[Removed and Reserved]

3. Part 57 is amended by removing and reserving subpart I (consisting of §§ 57.801–57.803).

Subpart L—Grants for Residency Training and Advanced Education in the General Practice of Dentistry (§§ 57.1101-57.1112)—[Removed and Reserved]

4. Part 57 is amended by removing and reserving subpart L (consisting of §§ 57.1101–57.1112).

Subpart Q—Grants for Predoctoral, Graduate, and Faculty Development Education Programs in Family Medicine (§§ 57.1601–57.1610)—[Removed and Reserved]

5. Part 57 is amended by removing and reserving subpart Q (consisting of §§ 57.1601–57.1610).

Subpart R—Grants for the Establishment of Departments of Family Medicine (§§ 57.1701–57.1710)—[Removed and Reserved]

6. Part 57 is amended by removing and reserving subpart R (consisting of §§ 57.1701–57.1710).

Subpart S—Educational Assistance to Individuals from Disadvantaged Backgrounds (§§ 57.1801–57.1811)—[Removed and Reserved]

7. Part 57 is amended by removing and reserving subpart S (consisting of §§ 57.1801–57.1811).

Subpart V—Grants for Centers of Excellence (§§ 57.2101–57.2110)—[Removed and Reserved]

8. Part 57 is amended by removing and reserving subpart V (consisting of §§ 57.2101–57.2110).

Subpart Y—Grants for Nurse Practitioner and Nurse Midwifery Programs (§§ 57.2401–57.2410)—[Removed and Reserved]

9. Part 57 is amended by removing and reserving subpart Y (consisting of §§ 57.2401–57.2410, including the Appendix to Subpart Y— Guidelines for Nurse Practitioner and Nurse Midwifery Programs).

Subpart Z—Grants for Advanced Nurse Education Programs (§§ 57.2501–57.2510)—[Removed and Reserved]

10. Part 57 is amended by removing and reserving subpart Z (consisting of §§ 57.2501–57.2510).

Subpart CC—Scholarships for Students of Exceptional Financial Need (§§ 57.2801–57.2810) —[Removed and Reserved]

11. Part 57 is amended by removing and reserving subpart CC (consisting of §§ 57.2801–57.2810).

Subpart DD—Financial Assistance for Disadvantaged Health Professions Students (§ 57.2901–57.2910)—[Removed and Reserved]

12. Part 57 is amended by removing and reserving subpart DD (consisting of §§ 57.29801–57.2910).

Subpart EE—Grants for Residency Training in Preventive Medicine (§§ 57.3001–57.3011)—[Removed and Reserved]

13. Part 57 is amended by removing and reserving subpart EE (consisting of §§ 57.3001–57.3011).

Subpart FF—Grants for Residency Training and Faculty Development in General Internal Medicine and/or General Pediatrics (§§ 57.3101–57.3112)—[Removed and Reserved]

14. Part 57 is amended by removing and reserving subpart FF (consisting of §§ 57.3101–57.3112).

Subpart MM—Area Health Education Center Program (§§ 57.3801–57.3813)—[Removed and Reserved]

15. Part 57 is amended by removing and reserving subpart MM (consisting of §§ 57.3801–57.3813).

Subpart OO—Grants for Geriatric Education Centers (§§ 57.4001–57.4010)—[Removed and Reserved]

16. Part 57 is amended by removing and reserving subpart OO (consisting of §§ 57.4001–57.4010).

Subpart PP—Grants for Faculty Training Projects in Geriatric Medicine and Dentistry (§§ 57.4101–57.4115)—[Removed and Reserved]

17. Part 57 is amended by removing and reserving subpart PP (consisting of §§ 57.4101–57.4115).

PART 58—GRANTS FOR TRAINING OF PUBLIC HEALTH AND ALLIED HEALTH PERSONNEL

Subpart C—Grants for Public Health Traineeships for Students in Schools of Public Health and in Other Graduate Public Health Programs (§§ 58.201–58.215)—[Removed and Reserved]

18. Part 58 is amended by removing and reserving subpart C (consisting of §§ 58.201–58.215).

Subpart D—Grants for Health Administration Traineeships and Special Projects Program (§§ 58.221–58.234)—[Removed and Reserved]

19. Part 58 is amended by removing and reserving subpart D (consisting of §§ 58.221–58.234).

[FR Doc. 01–21544 Filed 8–24–01; 8:45 am]

BILLING CODE 4160–15–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–B–7419]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Administrator, Federal Insurance and Mitigation Administration reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Acting Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and Record keeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: San Diego.	City of Oceanside (00–09–332P).	June 15, 2001, June 22, 2001, *North County Times*.	The Honorable Terry Johnson, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, California 92054.	May 31, 2001	060294
California: Sonoma	City of Cloverdale (01–09–122P).	June 13, 2001, June 20, 2001, *Cloverdale Reveille*.	The Honorable Robert Jehn, Mayor, City of Cloverdale, City Hall, P.O. Box 217, Cloverdale, California 95425–0217.	May 23, 2001	060376
California: Shasta	City of Redding (01–09–218P).	July 13, 2001, July 20, 2001, *Redding Record Searchlight*.	The Honorable Dave McGeorge, Mayor, City of Redding, 777 Cypress Avenue, Redding, California 96001.	October 18, 2001	060360
Colorado: Douglas	Town of Parker (01–08–180P).	July 11, 2001, July 18, 2001, *Douglas County News*.	The Honorable Gary Lasater, Mayor, Town of Parker, 20120 East Main Street, Parker, Colorado 80138.	June 22, 2001	080310
Colorado: Douglas	Unincorporated Areas (01–08–180P).	July 11, 2001, July 18, 2001, *Douglas County News*.	The Honorable Melanie Worley, Chairperson, Douglas County, Board of Commissioners, 100 Third Street, Castle Rock, Colorado 80104.	June 22, 2001	080049
Kansas: Butler	City of Andover (00–07–552P).	July 5, 2001, July 12, 2001, *Andover Journal Advocate*.	The Honorable Dennis L. Bush, Mayor, City of Andover, P.O. Box 295, Andover, Kansas 67002–0295.	June 19, 2001	200383
North Carolina: Wake.	City of Raleigh (01–04–061P).	June 7, 2001, June 14, 2001, *News and Observer*.	The Honorable Paul Coble, Mayor, City of Raleigh, City Hall, P.O. Box 590, Raleigh, North Carolina 27602.	May 30, 2001	370243
Nevada: Clark	City of Mesquite (01–09–170P).	May 24, 2001, May 31, 2001, *Las Vegas Review-Journal*.	The Honorable Charles Home, Mayor, City of Mesquite, 10 East Mesquite Boulevard, Mesquite, Nevada 89027.	August 29, 2001 ..	320035
Nevada: Clark	Unincorporated Areas (00–09–828P).	June 15, 2001, June 22, 2001, *Las Vegas Review-Journal*.	The Honorable Dario Herrera, Chairman, Clark County, Board of Commissioners, 500 Grand Central Parkway, Las Vegas, Nevada 89155.	September 20, 2001.	320003
Oklahoma: Oklahoma.	City of Oklahoma City (00–06–879P).	July 6, 2001, July 13, 2001, *Daily Oklahoman*.	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.	June 20, 2001	405378
Texas: Collin	City of Plano (01–06–359P).	July 13, 2001, July 20, 2001, *Plano Star Courier*.	The Honorable Jeran Akers, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	June 20, 2001	480140
Texas: Fort Bend	City of Missouri City (00–06–727P).	April 19, 2001, April 26, 2001, *Southwest Sun*.	The Honorable Allen Owen, Mayor, City of Missouri City, P.O. Box 666, Missouri City, Texas 77459.	March 23, 2001	480304
Texas: Fort Bend	Unincorporated Areas (00–06–727P).	April 19, 2001, April 26, 2001, *Southwest Sun*.	The Honorable James Adolphus, Fort Bend County Judge, 301 Jackson Street, Suite 719, Richmond, Texas 77469.	March 23, 2001	480228

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: August 21, 2001.

Robert F. Shea, Jr.,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01–21589 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 1

[USCG 2001–8894]

RIN 2115–AG11

Right To Appeal; Director, Great Lakes Pilotage

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On June 13, 2001, we published a direct final rule (66 FR 31842). The direct final rule notified the public of the Coast Guard's intent to amend its appellate procedures to provide explicit authority for appeal of decisions or actions taken by the Director, Great Lakes Pilotage. We have not received an adverse comment, or notice of intent to submit an adverse comment, on this rule. Therefore, this rule will go into effect as scheduled.

DATES: The effective date of the direct final rule is confirmed as September 11, 2001.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Mr. John Bennett, Coast Guard, telephone 202–267–2856. If you have questions on viewing the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of

Transportation, telephone 202–366–5149.

Dated: August 20, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–21563 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010105005–1206-02; I.D. 120600A]

RIN 0648–AO64

Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 9

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 9 to the Coastal Pelagic Species Fishery Management Plan (FMP), which was submitted by the Pacific Fishery Management Council (Council) for review and approval by the Secretary of Commerce (Secretary) and which was approved on March 22, 2001. Amendment 9 was prepared to provide for documentation of bycatch in the coastal pelagic species fishery (CPS), to ensure that a standardized reporting methodology to assess the amount and type of bycatch is in place, to put in place any necessary conservation and management measures to minimize bycatch, and to ensure that Indian fishing rights are implemented according to treaties between the U.S. and the tribes. The final rule implements Amendment 9 with respect to Indian fishing rights and codifies a provision in the FMP that authorizes the Regional Administrator, Southwest Region, to require observers on fishing vessels for scientific purposes should such observers be necessary. The intent of this final rule is to implement Amendment 9 and to codify the authorization to require observers.

DATES: Effective September 26, 2001.

ADDRESSES: Copies of Amendment 9, which includes an environmental assessment/regulatory impact review, may be obtained from Donald O. McIssac, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, Oregon, 97201.

FOR FURTHER INFORMATION CONTACT: James Morgan, Sustainable Fisheries Division, NMFS, at 562–980–4036.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 9 for Secretarial review on November 21, 2000. NMFS published a notice of availability for Amendment 9 in the **Federal Register** on December 21, 2000 (65 FR 80411), announcing a 60-day public comment period, which ended on February 20, 2001. The Secretary approved Amendment 9 on March 22, 2001. The proposed rule implementing Amendment 9 was published in the **Federal Register** on March 30, 2001 (66 FR 17395). The comment period ended on May 14, 2001. No comments were received. The regulatory text remains the same as that in the proposed rule.

On June 10, 1999, Amendment 8 to the Northern Anchovy Fishery Management Plan was partially approved by the Secretary. The portions of Amendment 8 approved by the Secretary added four species to the plan, implemented limited entry to prevent overcapitalization, and changed the name of the plan to the Coastal Pelagic Species Fishery Management Plan. Other provisions were not approved. The optimum yield (OY) for squid and the bycatch provisions in Amendment 8 were not approved because they did not conform to National Standards 1 and 9, respectively, of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Amendment 8, contrary to the requirements of National Standard 9, failed to include a standardized reporting methodology to assess the amount and type of bycatch in the CPS fishery and did not explain whether additional management measures to minimize bycatch and the mortality of unavoidable bycatch were practicable. Also, Amendment 8 failed to provide an estimate of maximum sustainable yield (MSY) for squid, which is necessary in order to determine OY.

Background on the preparation and review of Amendment 9 was summarized in the preamble to the proposed rule and is not repeated here. Based on testimony concerning MSY for squid, the Council decided to include in Amendment 9 only the bycatch provision and a provision establishing a framework to ensure that Indian fishing rights are implemented according to treaties between the U.S. and the specific tribes. Since implementation of the FMP, the CPS fishery has expanded to Oregon and Washington. As a result, the FMP must discuss Indian fishing rights in these areas.

A stock assessment workshop on squid was held at the Southwest Fisheries Science Center on May 14-16, 2001, to review the research being conducted in California. Based on the results of this workshop, the Council will prepare an amendment that will address OY and MSY for squid.

Classification

The Administrator, Southwest Region, NMFS, determined that Amendment 9 is necessary for the conservation and management of the coastal pelagic species fishery and that it is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

This rule only implements provisions of Amendment 9 that relate to Indian fishing rights and codifies existing elements of the FMP requiring observers. The other provisions of Amendment 9 do not require regulatory text.

This rule does not contain policies with tribal impacts within the meaning of Executive Order 13175.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that it would not have a significant economic impact on a substantial number of small entities. No comments were received on the economic impacts of this rule on small entities, and the basis for this certification has not changed. Accordingly, a regulatory flexibility analysis was not prepared.

NMFS initiated an informal consultation with the Protected Resources Division, Southwest Region, on January 12, 1999, with regard to the effects of Amendment 8 on endangered and threatened marine mammals and salmon under NMFS' jurisdiction. On June 3, 1999, NMFS determined that Amendment 8 would not likely adversely affect listed species under NMFS jurisdiction.

On June 8, 1999, NMFS provided the U.S. Fish and Wildlife Service (FWS) with background information on the harvest strategies in Amendment 8 and their potential impact on other species. NMFS requested that FWS concur with NMFS' determination that Amendment 8 would not likely adversely affect any threatened or endangered birds under FWS' jurisdiction. On June 10, 1999, FWS stated that Amendment 8 would

not adversely affect endangered or threatened birds under its jurisdiction.

NMFS reinitiated consultation with its Protected Resources Division, Southwest Region, following the publication of additional listed species. On, September 2, 1999, NMFS determined that the FMP was not likely to adversely affect Central Valley spring-run chinook and coastal California chinook. However, since the CPS fishery has expanded to Oregon and Washington, NMFS reinitiated consultation on April 19, 2000. This consultation is pending. The existing consultations remain adequate because this rule does not affect how the coastal pelagic fisheries impact listed species.

List of Subject in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated August 21, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. Sections 660.518 and 660.519 are added to subpart I to read as follows:

§ 660.518 Pacific Coast Treaty Indian Rights.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest CPS in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this section, ''Pacific Coast treaty Indian tribes'' and their ''usual and accustomed fishing areas'' are described at § 660.324(b) and (c).

(c) Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(d) *Procedures.* The rights referred to in paragraph (a) of this section will be implemented in accordance with the procedures and requirements of the framework contained in Amendment 9 to the FMP and in this Subpart.

(1) The Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public, will implement Indian fishing rights.

(2) The rights will be implemented either through an allocation of fish that will be managed by the tribes or through regulations that will apply specifically to the tribal fisheries.

(3) An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the NMFS Southwest Regional Administrator at least 120 days prior to the start of the fishing season as specified at § 660.510 and will be subject to public review according to the procedures in § 660.508(d).

(4) The Regional Administrator will announce the annual tribal allocation at the same time as the annual specifications.

(e) The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

§ 660.519 Scientific observers.

All fishing vessels operating in the coastal pelagic species fishery, including catcher/processors, at-sea processors, and vessels that harvest in Washington, Oregon, or California and land catch in another area, may be required to accommodate NMFS-certified observers aboard to collect scientific data. An observer program will be considered only for circumstances where other data collection methods are deemed insufficient for management of the fishery. Any observer program will be implemented in accordance with § 660.517.

[FR Doc. 01–21511 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 166
Monday, August 27, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–80–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 65–90, 65–A90, 65–A90–1, 65–A90–4, B90, C90, C90A, E90, and H–90 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Beech Models 65–90, 65–A90, 65–A90–1, 65–A90–4, B90, C90, C90A, E90, and H–90 airplanes. This proposed AD would require you to repetitively inspect the main landing gear upper torque knees and lower torque knees for evidence of fatigue cracks; and replace any torque knee with evidence of fatigue cracks. The proposed AD is the result of reports of many incidents of main landing gear torque knees cracking or breaking on the above-referenced airplanes. The actions specified by this proposed AD are intended to detect and replace cracked main landing gear torque knees, which could result in failure of the main landing gear and consequent loss of control of the airplane during takeoff, landing, or other ground operations.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule by October 31, 2001.

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; or on the Internet at http://www.raytheon.com/rac/servinfo/32–3134r1.pdf and http://www.raytheon.com/rac/servinfo/32–3116.pdf. These files are in Adobe Portable Document Format. The Acrobat Reader is available at http://www.adobe.com/. You may read this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–80–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Docket No. 99–CE–80–AD.'' We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The FAA has received reports of many incidents of fatigue cracks occurring on main landing gear torque knees. There have been at least four reports where the main landing gear separated from the airplane.

The cause of this problem is cumulative fatigue damage on the main landing gear torque knees.

What are the consequences if the condition is not corrected? This condition, if not corrected, could result in the failure of the main landing gear while the airplane is in operation with consequent loss of control of the airplane during takeoff, landing, or other ground operations.

Relevant Service Information

Is there service information that applies to this subject? Raytheon has issued these service bulletins:

—Service Bulletin SB 32–3134, Revision 1, Revised: July 1999; and
—Service Bulletin SB 32–3116, issued October 1999.

What are the provisions of this service bulletin? The service bulletins include procedures for:

—Repetitively inspecting the main landing gear upper and lower torque knees for fatigue cracks; and
—replacing any torque knees with fatigue cracks.

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

What has FAA decided? After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

—The unsafe condition referenced in this document exists or could develop on other Raytheon Beech Models 65–90, 65–A90, 65–A90–1, 65–A90–4, B90, C90, C90A, E90, and H–90 airplanes of the same type design;
—the actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
—AD action should be taken in order to correct this unsafe condition.

What would the proposed AD require? This proposed AD would require you to incorporate the actions in the previously referenced service bulletins.

Cost Impact

How many airplanes does this proposed AD impact? We estimate that this proposed AD would affect 2,124 airplanes in the U.S. registry.

What is the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to inspect the landing gear torque knees:

Labor cost	Parts cost	Total cost for each airplane	Total cost on U.S. airplane operators
20 workhours × $60 per hour = $1200	$50 per airplane	$1,250	$1,250 × 2,124 = $2,655,000

The manufacturer will also allow warranty credit to the extent noted in the service bulletin.

These costs only take into account the costs of the initial inspection. We have no way of determining the number of repetitive inspections each owner/operator will incur over the life of the affected airplane.

We estimate the following costs to do any necessary torque knee replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such replacement:

Labor cost	Parts cost	Total cost per airplane
8 workhours × $60 per hour = $480	$3,286 per airplane	$3,766 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Raytheon Aircraft Company: Docket No. 99–CE–80–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following Beech airplane models and serial numbers that are certificated in any category:

Model	Serial numbers
65–90, 65–A90, B90, C90, and C90A.	LJ–1 through LJ–1559.
65–A90–1	LM–1 through LM–141.
65–A90–4	LU–1 through LU–16.
E90	LW–1 through LW–347.
H–90	LL–1 through LL–61.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and replace cracked main landing gear torque knees, which could result in failure of the main landing gear with consequent loss of control of the airplane during takeoff, landing, or other ground operations.

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

Actions	Compliance times	Procedures
(1) Inspect the main landing gear upper torque knee and lower torque knee for fatigue cracks.	Inspect within the next 100 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 1,000 hours TIS.	Do the action following the Accomplishment Instructions paragraph of Raytheon Mandatory Service Bulletin SB 32–3134, Revision 1, Revised: July 1999, and the applicable airplane maintenance manual.
(2) If fatigue cracks are found in the main landing gear torque knees during any inspection required by this AD, replace the cracked torque knees.	Before further flight after the inspection	Do the action following the Accomplishment Instructions paragraph of Raytheon Mandatory Service Bulletin SB 32–3116, Issued: October 1999, and the applicable airplane maintenance manual.
(3) When both the left and right main landing gear upper and lower torque knees are replaced with new upper torque knees (part number 50–810032–12) and new lower torque knees (part number 50–810295–25), the repetitive inspection requirement of this AD is no longer required.	You may replace all torque knees at any time, except for those torque knees that are found with evidence of fatigue cracks. Such torque knees must be replaced before further flight, as required by paragraph (d)(2) of this AD.	Do the action following the Accomplishment Instructions paragraph of Raytheon Mandatory Service Bulletin SB 32–3116, Issued: October 1999, and the applicable airplane maintenance manual.

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

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

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Send your request through an

FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

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

(h) *How do I get copies of the documents referenced in this AD?* You can get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; or on the Internet at http://www.raytheon.com/rac/servinfo/32–3134r1.pdf and http://www.raytheon.com/rac/servinfo/32–3116.pdf. These files are in Adobe Portable Document Format. The Acrobat Reader is available at http://www.adobe.com/. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri.

Issued in Kansas City, Missouri, on August 17, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21498 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–204–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and B4, A300 B4–600 and B4–600R, and A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A300 B2 and B4, A300 B4–600 and B4–600R, and A310 series airplanes. This proposal would require modification of the terminal blocks of the starter feeder line of the auxiliary power unit (APU). This action is necessary to prevent slackness and subsequent overheat and arcing of certain wiring connections. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by September 26, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–204–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–204–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–204–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–204–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A300 B2 and B4, A300 B4–600, A300 B4–600R, and A310 series airplanes. The DGAC advises that an operator reported a number of cases of incorrect tightening of the retaining nuts of the terminal blocks of the starter feeder line of the auxiliary power unit (APU). In some cases, arcing has been seen at the level of either the terminal lugs or the terminal block itself. Incorrect tightening of the retaining nuts, if not corrected, could result in slackness and subsequent overheat and arcing of certain wiring connections.

Background

In July 1996, a Boeing Model 747 series airplane was involved in an accident. As part of re-examining all

aspects of the service experience of the airplane involved in the accident, the FAA participated in design review and testing to determine possible sources of ignition in center fuel tanks. As part of the review, the FAA examined fuel system wiring with regard to the possible effects that wire degradation may have on arc propagation.

In 1997 in a parallel preceding, at the recommendation of the White House Commission on Aviation Safety and Security, the FAA expanded its Aging Transport Program to include non-structural systems and assembled a team for evaluating these systems. This team performed visual inspections of certain transport category airplanes for which 20 years or more had passed since date of manufacture. In addition, the team gathered information from interviews with FAA Principal Maintenance Inspectors and meetings with representatives of airplane manufacturers. This evaluation revealed that the length of time in service is not the only cause of wire degradation; inadequate maintenance, contamination, improper repair, and mechanical damage are all contributing factors. From the compilation of this comprehensive information, we developed the Aging Transport Non-Structural Systems Plan to increase airplane safety by increasing knowledge of how non-structural systems degrade and how causes of degradation can be reduced.

In 1999, the FAA Administrator established a formal advisory committee to facilitate the implementation of the Aging Transport Non-Structural Systems Plan. This committee, the Aging Transport Systems Rulemaking Advisory Committee (ATSRAC), is made up of representatives of airplane manufacturers, operators, user groups, aerospace and industry associations, and government agencies. As part of its mandate, ATSRAC will recommend rulemaking to increase transport category airplane safety in cases where solutions to safety problems connected to aging systems have been found and must be applied. Detailed analyses of certain transport category airplanes that have been removed from service, studies of service bulletins pertaining to certain wiring systems, and reviews of previously issued ADs requiring repetitive inspections of certain wiring systems, have resulted in valuable information on the cause and prevention of wire degradation due to various contributing factors (e.g. inadequate maintenance, contamination, improper repair, and mechanical damage).

In summary, as a result of the investigations described above, the FAA has determined that corrective action may be necessary to minimize the potential hazards associated with wire degradation and related causal factors (e.g. inadequate maintenance, contamination, improper repair, and mechanical damage).

Other Related Rulemaking

This proposed AD is one of a series of actions identified as part of the ATSRAC program initiative to maintain continued operational safety of aging non-structural systems in transport category airplanes. The program is continuing, and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–24–0079, Revision 02, dated January 3, 2001 (for Model A300 B2 and B4 series airplanes); A300–24–6034, Revision 03, dated April 6, 2001 (for Model A300 B4–600 and B4–600R series airplanes); and A310–24–2045, Revision 05, dated April 6, 2001 (for Model A310 series airplanes). The service bulletins describe procedures for modifying the terminal blocks of the APU starter feeder line. The modification involves inspecting the threaded portion of the terminal portion of the terminal lugs to detect damage, distortion, or elongation; measuring the dimensions of the studs of the terminal blocks; and re-identifying the terminal blocks. Corrective actions include replacing any discrepant terminal block with a new part. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2001–266(B), dated June 27, 2001, to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 153 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 1 to 3 work hours per airplane (depending on configuration) to accomplish the proposed actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $60 to $180 per airplane.

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

Regulatory Impact

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

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

contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2001–NM–204–AD.

Applicability: The following airplanes, certificated in any category:

TABLE 1.—APPLICABILITY

Model—	Excluding those airplanes modified per Airbus modification 10212, or Airbus Service Bulletin—
A300 B2 and B4 series airplanes	A300–24–0079, Revision 02, dated January 3, 2001.
A300 B4–600 and B4–600R series airplanes	A300–24–6034, Revision 03, dated April 6, 2001.
A310 series airplanes	A310–24–2045, Revision 05, dated April 6, 2001.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent slackness and subsequent overheat and arcing of certain wiring connections, accomplish the following:

Modification

(a) Modify the terminal blocks (including a general visual inspection of the threaded portion of the lugs to detect damage, distortion, or elongation; measurement of stud dimensions; and re-identification of the terminal blocks), as specified by Table 2 of this AD. If any discrepancy is detected, prior to further flight, replace the terminal block with a new part in accordance with the applicable service bulletin. Table 2 follows:

TABLE 2.—MODIFICATION REQUIREMENTS

For model—	Perform the modification in accordance with Airbus Service Bulletin—	Prior to the times specified by paragraphs (i) and (ii), whichever occurs later, for each model:
(1) A300 B2 and B4 series airplanes	A300–24–0079, Revision 02, dated January 3, 2001.	(i) The accumulation of 32,000 total flight cycles or 40,000 total flight hours, whichever occurs first. (ii) 3,600 flight cycles after the effective date of this AD.
(2) A300 B4–600 and B4–600R series airplanes.	A300–24–6034, Revision 03, dated April 6, 2001.	(i) The accumulation of 26,000 total flight cycles or 40,000 flight hours, whichever occurs first. (ii) 3,600 flight cycles after the effective date of this AD.
(3) A310 series airplanes	A310–24–2045, Revision 05, dated April 6, 2001.	(i) The accumulation of 26,000 total flight cycles or 40,000 flight hours, whichever occurs first. (ii) 3,600 flight cycles after the effective date of this AD.

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

Note 3: Modification, prior to the effective date of this AD, in accordance with Airbus Service Bulletin A300–24–0079, dated March 15, 1993, or Revision 01, dated September 22, 1993 (for Model A300 B2 and B4 series airplanes); A300–24–6034, dated March 15, 1993, Revision 01, dated September 22, 1993; or Revision 02, dated September 7, 1994 (for Model A300 B4–600 and B4–600R series airplanes); or A310–24–2045, dated March 15, 1993, Revision 01, dated September 22, 1993, Revision 02, dated September 7, 1994, Revision 03, dated February 24, 1995, or Revision 04, dated November 24, 1995 (for Model A310 series airplanes); is acceptable for compliance with the requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 5: The subject of this AD is addressed in French airworthiness directive 2001–266(B), dated June 27, 2001.

Issued in Renton, Washington, on August 16, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21223 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–06]

Proposed Modification of Class E Airspace, Cedar City, UT

AGENCY: Federal Aviation Administration, (FAA), DOT

ACTION: Notice of Proposed Rulemaking (NPRM.

SUMMARY: This action proposes to modify the Class E airspace at Cedar City, UT. Newly developed Area Navigation (RNAV) approach at the Cedar City, Regional Airport has made this proposal necessary. Additional Class E 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (Global Positioning System (GPS)) RWY 20 at Cedar City, Regional Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operating at Cedar City, Regional Airport, Cedar City, UT.

DATES: Comments must be received on or before October 11, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 01–ANM–06, 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 addressed listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 01–ANM–06, 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: ''Comment to Airspace No. 01–ANM–06.'' 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 the 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 Cedar City, UT. Newly developed Area Navigation (RNAV) approach at the Cedar City, Regional Airport has made this proposal necessary. Additional Class E 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV (GPS) RWY 20, at Cedar City, Regional Airport, has made this proposal necessary. 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 Cedar City, Regional 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.

§ 71.7 [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 Cedar City, UT [Revised]

Cedar City Regional Airport, UT
(lat. 37°42′03″N., long. 113°05′55″W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 38°03′00″N., long. 113°13′30″W., to lat. 38°05′30″N., long. 112°58′30″W., to lat. 37°58′30″N., long. 112°45′30″W.; to lat. 37°45′00″N., long. 112°56′45″W.; to lat. 37°47′30″N., long. 113°15′00″W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 38°00′00″N., long. 113°45′30″W; to lat. 38°19′00″N., long. 112°51′30″W.: to lat. 37°58′32″N., long 112°38′00″W.; to lat. 37°37′00″N., long. 112°53′30″W.; to lat. 37°38′15″N., long 113°22′18″W.; thence to point of origin; and excluding that airspace within Federal airways; the Milford, UT, and St. George, UT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on August 13, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–21613 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–34]

Proposed Revision of Class E Airspace, Greeley, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action proposes to revise the Class E airspace at Greeley, CO. A newly revised Airport Reference Point (ARP) coordinates at the Greeley-Weld Airport has made this proposal necessary. The change of the ARP coordinates requires the legal description of Greeley-Weld Airport Class E airspace to reflect the new coordinates. Additionally, a revision to the Class E 700-feet controlled airspace, above the surface of the earth is required to reflect changes in airspace configurations in Colorado. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Greeley-Weld Airport, Greeley, CO.

DATES: Comments must be received on or before October 11, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–34, 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: Brain Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–34, 1601 Lind Avenue SW, Renton, Washington, 98055–4056: telephone number (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parites 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–34.'' 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 revising Class E airspace legal description at Greeley, CO. A change in the ARP at the Greely-Weld Airport has made this proposal necessary. The change of the ARP coordinates requires the legal description of Greeley-Weld Airport Class E airspace to reflect the new coordinates and to revise the airspace to provide adequate controlled airspace to contain IFR procedures. Additionally, a revision to the Class E 700-feet controlled airspace, above the surface of the earth is required to realign configurations in the Denver, Colorado area due to the conversion from Stapleton International Airport to the Denver International Airport. Class E 700-feet controlled airspace, above the surface of the earth is required to contain aircraft executing IFR Procedures at Greeley-Weld 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 Greeley-Weld 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, or 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 Designation 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 CO E5 Greeley, CO [Revised]

Greeley-Weld County Airport, CO
(lat. 40°25′43″N., long. 104°37′58″W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 40°38′00″N., long. 104°53′02″W.; to lat. 40°41′00″N., long. 104°27′02″W.; to lat. 40°18′00″N., long. 104°23′30″W.; to lat 40°15′30″N., long. 104°49′30″W.; thence to point of origin; excluding the airspace within Federal Airways, the Denver, CO; Fort Collins, CO, and Loveland CO Class E Airspace areas.

* * * * *

Issued in Seattle, Washington, on August 13, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–21614 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD112–3066; FRL–7043–7]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Distilled Spirits Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. The revision establishes reasonably available control technology (RACT) requirements to reduce emissions of volatile organic compounds (VOC) from distilled spirits facilities. The intended effect of this action is to propose approval of Maryland's proposed revised regulation to reduce VOC emissions from distilled spirits facilities. This action is being taken under the Clean Air Act. EPA is also withdrawing its earlier proposal to approve Maryland's regulation for the control of VOC emissions from distilled spirits facilities, published in the **Federal Register** on May 22, 2001.

DATES: Written comments must be received on or before September 26, 2001.

ADDRESSES: Written comments may be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or via e-mail at quinto.rose@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 13, 2000, the State of Maryland submitted formal revisions to its SIP. These SIP revisions, submitted by the Maryland Department of the Environment (MDE), consisted of Code of Maryland Regulations (COMAR) 26.11.19.29, Control of Volatile Organic Compounds from Distilled Spirits Facilities. The State of Maryland had adopted COMAR 26.11.19.29 to establish and impose RACT to reduce VOC from distilled spirits facilities.

On May 22, 2001 (66 FR 23138), EPA proposed to approve COMAR 26.11.19.29, Control of Volatile Organic Compound from Distilled Spirits Facilities as a SIP revision. EPA received an adverse comment on that proposal. Subsequent to EPA's proposing approval of COMAR 26.11.19.29, MDE informed EPA of its intent to revise that regulation. Because EPA is withdrawing its proposed approval of the un-revised version of COMAR 26.11.19.29, EPA does not address the substance of that adverse comment in this current rulemaking. EPA will receive comments on this proposal to approve a revised version of COMAR 26.11.19.29 as a SIP revision. With respect to this current rulemaking, EPA will only consider newly submitted comments, if any.

II. Summary of Maryland's Proposed SIP Revision and EPA's Evaluation

On July 2, 2001, the MDE requested that EPA parallel process its approval of the proposed revised version of COMAR 26.11.19.29, Control of Volatile Organic Compounds from Distilled Spirits Facilities. The proposed revised regulation still imposes RACT for the control of VOC emissions from distilled spirits facilities. To expedite the approval of this regulation as a revision to the Maryland SIP, EPA is using the parallel rulemaking process to propose approval of Maryland's amended regulation concurrently with the State's own process for adopting the amended version of COMAR 26.11.19.29. On August 10, 2001, the MDE proposed the revised version of COMAR 26.11.19.29, Control of Volatile Organic Compounds from Distilled Spirits Facilities, in the Maryland Register.

A. Summary of Maryland's Regulation

The regulation at COMAR 26.11.19.29 establishes RACT to control VOC emissions from distilled spirits facilities that have the total potential to emit 25

tons or more of VOCs per year. Distilled spirits facilities receive bulk liquor by train or tank truck, transfer the liquor into wood barrels to age, and bottle and package the final product. The aging process is the primary source of fugitive VOC emissions which are mostly ethanol and are caused by the breathing of the barrels. Fugitive VOCs are also discharged when filling and emptying barrels, during the blending and bottling operations, and during the storage of empty barrels. Maryland's regulation includes definitions for the terms ''aging warehouse'', ''bottling operation'', ''distilled spirits'', ''distilled spirits facility'' and ''automated filing system''. The RACT to control VOC emissions include requirements that subject facilities must empty barrels using a pump-operated, bayonet-type suction device, or comparably effective device that minimizes VOC evaporative losses when emptying barrels; drain distilled spirits from filter plates that are located between the barrel unloading and storage tanks to either a recycling tank or to an enclosed collection system; and use a gravity and vacuum or pressure filling system or comparably effective system to minimize fugitive emissions from the bottling operations. The regulation further that during the warmer weather, used barrels that are stored in the outdoors awaiting disposal shall be periodically (at least weekly) wetted down to reduce potential leakage and fugitive emissions. The regulation also requires that subject facilities submit to MDE, for approval, a good operating practices manual to minimize fugitive VOC emissions from the aging warehouse, and other operations.

B. EPA's Evaluation

EPA has not issued a control technique guideline recommending RACT for control of VOC emissions generated from distilled spirits facilities. Having reviewed COMAR 26.11.19.29, Control of Volatile Organic Compounds from Distilled Spirits Facilities, EPA believes the VOC control requirements of COMAR 26.11.19.29 are both reasonable and constitute RACT to control VOC from distilled spirits facilities. The regulation satisfies sections 182 and 184 of the Clean Air Act and strengthens the Maryland SIP.

III. Proposed Action

EPA is proposing to approve COMAR 26.11.19.29, Control of Volatile Organic Compounds from Distilled Spirits Facilities, as submitted by the State of Maryland on July 2, 2001, as a revision to the Maryland SIP. This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the State's procedures for amending its regulations. If the proposed revision is substantially changed, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by Maryland and submitted formally to EPA for incorporation into the SIP. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This proposed rule to approve Maryland's RACT requirements to reduce VOC from distilled spirits facilities does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 16, 2001.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. 01–21560 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 248–0288b; FRL–7028–8]

Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the El Dorado County Air Pollution Control District (EDCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from Phase I gasoline transfer into stationary storage tanks/Phase II gasoline transfer into vehicle fuel tanks, organic liquid loading, and valves and flanges. We are proposing to approve local rules and proposing to approve the recision of local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are also proposing to approve a negative declaration that concerns VOC emissions from bulk terminal facilities or external or internal floating roof tank sources.

DATES: Any comments on this proposal must arrive by September 26, 2001.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

El Dorado County Air Pollution Control District, 2850 Fairlane Court, Building C, Placerville, CA 95667.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 744–1135.

SUPPLEMENTARY INFORMATION: This proposal addresses the approval of the local EDCAPCD Rules 238, 244, and 245, the recision of local EDCAPCD Rules 900 through 914, and approval of a Negative Declaration concerning Bulk Terminal Facilities or External or Internal Floating Roof Tank Sources. In the Rules and Regulations section of this **Federal Register**, we are approving and rescinding these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: July 31, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. 01–21439 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–7039–3]

Amendments for Testing and Monitoring Provisions; Removal of a Provision for Opacity Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to remove an amendment published as part of a final rule entitled ''Amendments for Testing and Monitoring Provisions'' on October 17, 2000 (65 FR 61744). We are proposing to remove this provision because it inadvertently established substantive new requirements for facilities that are subject to the New Source Performance Standards requiring the installation of continuous opacity monitors on effluent streams, although the amendments were explicitly intended to be minor in nature and not substantive. We do not consider this amendment controversial and expect no adverse comments, so we are also publishing it as a direct final rule without prior proposal in the Final Rules section of this **Federal Register** Publication. We have set forth a detailed rationale for this proposal in the direct final rule. We will take no further action unless, within the time allowed (see **DATES**), we receive adverse comments about the proposal or direct final rule, or we receive a request for a public hearing on the proposal. If we receive no adverse comments, we contemplate no further action on this proposal. We will not institute a second comment period on this action. People interested in commenting on the direct final rule should do so at this time.

DATES: Comments. We will accept comments regarding the proposed amendment on or before September 26, 2001. We will arrange a public hearing concerning the accompanying proposed rule if we receive a request for one by September 11, 2001. If someone requests a hearing it will be held on October 11, 2001 beginning at 10 a.m. For more information about submittal of comments and requesting a public hearing, see the **SUPPLEMENTARY INFORMATION** section in this preamble.

ADDRESSES: Comments. Interested parties having comments on this action may submit these comments in writing (original and two copies, if possible) to Docket No. A–97–12 at the following address: Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street, SW., Room 1500, Washington, DC 20460.

We request that a separate copy of the comments also be sent to the contact person listed in the following paragraph of this preamble. If someone requests a hearing, the hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, NC.

FOR FURTHER INFORMATION CONTACT: Foston Curtis, Environmental Protection Agency, Office Air Quality Planning and Standards, at 919/541–1063, e-mail: *curtis.foston@epa.gov,* facsimile 919/541–1039.

SUPPLEMENTARY INFORMATION:

Docket: A docket containing supporting information used in developing this proposed rule amendment is available for public inspection and copying at our docket office located at the above address in Room M–1500, Waterside Mall (ground floor). You are encouraged to phone in advance to review docket materials or schedule an appointment by phoning the Air Docket Office at (202) 260–7548. Refer to Docket No. A–97–12. The Docket Office may charge a reasonable fee for copying docket materials.

Outline: The information in this preamble is organized as follows:

I. Background
II. Authority
III. Administrative Requirements
A. Executive Order 12866: ''Significant Regulatory Action Determination''

B. Regulatory Flexibility
C. Paperwork Reduction Act
D. Unfunded Mandates Reform Act
E. Docket
F. Executive Order 13132: Federalism
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
I. National Technology Transfer and Advancement Act
J. Executive Order 13211 (Energy Effects)

I. Background

On October 17, 2000 (65 FR 61744), we published a notice of final rulemaking to adopt a number of changes to the test methods listed in 40 CFR parts 60, 61, and 63. As the preamble to the final rule explained, these changes were largely intended to be minor, nonsubstantive revisions and represented, in effect, a ''housekeeping'' effort to correct typographical and technical errors, and eliminate obsolete or no longer applicable material. In addition, we promulgated Performance Specification 15, which contains criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy, and we changed the outline of the test methods and CEMS performance specifications already listed in parts 60, 61, and 63 to fit a new format recommended by the Environmental Monitoring Management Council. The editorial changes and technical corrections were intended to update the rules and help maintain their original intent.

The amendment made to § 60.13(g) which is affected by today's action applies to facilities that are subject to New Source Performance Standards (NSPS) and are required to install continuous opacity monitors on effluent streams. Specifically, the amendment provides that when the effluents from two or more affected facilities subject to the same opacity standard are combined into a single stack, and if opacity is monitored on each stream, a combiner system comprised of opacity and flow monitoring systems must be installed. In this case, gas flow rates from the individual streams must be known to correct the measured opacity to the exit stack dimensions and therefore must be measured. By contrast, preamended § 60.13(g) only implied, but did not explicitly require, that flow measurements from the individual streams were necessary. The intent of the amendment was to explicitly require such flow measurements and to identify what we perceived to be the most commonly used method of doing that (namely, the use of flow monitors). However, during the public comment period, some members of the utility industry objected to our specifying flow monitors as the only option and suggested that other indicators of flow rate they had traditionally employed (e.g., unit load, fan motor ampere readings, damper settings, etc.) should continue to be allowed. Because we did not anticipate the industry having to make substantive changes from its current practices to implement the amendments, we promulgated the amended § 60.13(g) without fully responding to the industry's comments in the preamble to the final rule. After further consideration, we have concluded that the amendment constitutes a substantive change in the original rule since it requires applicable subject facilities to install flow monitors instead of allowing them to continue to use flow indicator methods. Moreover, we did not raise the question of adequacy of such methods in the previous rulemaking and no commenter has presented information indicating that they do not provide adequate measurements of flow rates for the purposes of the NSPS monitoring requirements. This removal of the amendment will reinstate the old § 60.13(g) provision which allowed subject facilities to use flow measuring techniques besides flow monitors.

II. Authority

The statutory authority for this action is 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7601, and 7602.

III. Administrative Requirements

A. Executive Order 12866: ''Significant Regulatory Action Determination''

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in 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 entitlement, grants, user fees, or loan programs of 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.

Because this rule merely proposes to remove an amendment to, and reinstate the prior provisions of 40 CFR 60.13(g), we have determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review. Executive Order 12866 also encourages agencies to provide a meaningful public comment period, and suggests that in most cases the comment period should be 60 days. However, in consideration of the very limited and remedial scope of this amendment, we consider 30 days to be sufficient in providing a meaningful public comment period, if requested, for this rulemaking.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) requires us to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. We have determined that removing the 40 CFR 60.13(g) amendment will not have a significant impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not necessary in connection with this action.

C. Paperwork Reduction Act

Because this action does not include or create any information collection activities subject to the Paperwork Reduction Act, the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, does not apply.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before we promulgate a rule for which a written statement is

needed, section 205 of the UMRA 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 the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. That plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This action contains no regulatory requirements that might significantly or uniquely affect small governments. This action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's action is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Docket

The docket includes an organized and complete file of all the information upon which we relied in taking this direct final action. The docketing system is intended to allow you to identify and locate documents readily so that you can participate effectively in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, except for certain interagency documents, will serve as the record for judicial review. (See CAA section 307(d)(7)(A).)

F. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), 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 Section 6 of Executive Order 13132, we may not issue a regulation that has 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 we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless we consult with State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implications. The 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. Today's action does not create a mandate on State, local or tribal governments. This action does not impose any new or additional enforceable duties on these entities. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that the EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) that the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This removal action is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by Executive Order 12866, and the action does not address an environmental health or safety risk that would have a disproportionate effect on children.

H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

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

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

I. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113 (March 7, 1996), we are required to use voluntary consensus standards in our regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) which are adopted by voluntary consensus standard bodies. Where we do not use available and potentially applicable voluntary consensus standards, the NTTAA requires us to provide Congress, through OMB, an explanation of the reasons for not using such standards. This action does not involve technical standards. The purpose of today's action is to remove portions of a rule, reinstating previous provisions, and not to impose new substantive requirements or to adopt new technical standards. Consequently, the requirements of NTTAA do not apply.

J. Executive Order 13211 (Energy Effects)

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

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Continuous emission monitors.

Dated: August 14, 2001.

Christine Todd Whitman,

Administrator.

[FR Doc. 01–21441 Filed 8–24–01; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 66, No. 166

Monday, August 27, 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

Commodity Credit Corporation

Bioenergy Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of request for comments.

SUMMARY: The Commodity Credit Corporation (CCC) hereby gives notice that it is accepting comments regarding the expansion of commodities producers may use to produce bioenergy under the Bioenergy Program (Program).

DATES: Comments on this notice must be received on or before September 26, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: James Goff, 202–720–5396; e-mail *James_Goff@wdc.fsa.usda.gov;* or mailing address: Warehouse and Inventory Division, FSA, United States Department of Agriculture, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250–0553.

SUPPLEMENTARY INFORMATION:

Background

Consistent with Executive Order 13134, Developing and Promoting Biobased Products and Bioenergy, CCC announced the implementation of the Bioenergy Program and published regulations in the **Federal Register** on November 13, 2000. The Program provides for incentive payments to bioenergy producers who increase their purchases of eligible commodities as compared to the previous fiscal year purchases and convert that commodity into increased commercial fuel grade ethanol and biodiesel production as compared to previous fiscal year ethanol and biodiesel production. The Program defines ''eligible commodity'' as barley, corn, grain sorghum, oats, rice, wheat, soybeans, sunflower seed, canola, crambe, rapeseed, safflower, sesame seed, flaxseed, mustard seed, and cellulosic crops, such as switchgrass and short rotation trees, grown on farms, for the purpose of producing ethanol and/or biodiesel or any other commodity or commodity by-product as determined and announced by CCC used in ethanol and biodiesel production which is produced in the United States and its territories.'' For fiscal year 2001, CCC announced the above listed commodities as eligible for Program payments.

Purpose

The purpose of this notice is to request comments on expanding the commodities CCC will announce as eligible for Program payments for fiscal year 2002.

The CCC Charter Act authorizes CCC to conduct various activities to stabilize, support, and protect farm income and prices. Section 5(e) of the CCC Charter Act provides that CCC is authorized to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic markets or by developing or aiding in the development of new and additional markets, marketing facilities, and uses for such commodities. The purpose of this Program is to increase the domestic consumption of agricultural commodities by encouraging increases in the production of ethanol and biodiesel.

Public comments (submitted to the address above) are requested generally, and specifically on the following topics:

(1) What additional agricultural commodity, if any, should be eligible for payment under the Program and why?

(2) How can the recommended commodity be considered as an agricultural commodity first used in the production of ethanol or biodiesel? The Program is designed to encourage new primary uses of the commodity rather than provide new markets for by-products of agricultural commodities.

(3) What market prices are already established for the recommended commodity? If none, how could CCC establish prices for the recommended commodity?

(4) What is the applicable gallon conversion factor, as defined in 7 CFR 1424.3, for each recommended commodity?

(5) What agricultural markets will be impacted, and how, by including the recommended commodity in this Program?

(6) What is the expected impact to consumption and production levels of the recommended commodity by adding it to this Program?

Signed in Washington, DC, on June 28, 2001.

James R. Little,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–20904 Filed 8–22–01; 3:44 pm]

BILLING CODE 3410–05–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Monday, Tuesday, and Wednesday, September 10–12, 2001, at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, September 10, 2001

1:30 p.m.–5:00 p.m.—Ad Hoc Committee—Passenger Vessels (Closed Meeting)

Tuesday, September 11, 2001

9:30 a.m.–Noon—Committee of the Whole—Americans with Disabilities Act/Architectural Barriers Act Final Rule (Closed Meeting)

1:30 p.m.–3:00 p.m.—Technical Programs Committee

Wednesday, September 12, 2001

9:00 a.m.–10:30 a.m.—Planning and Budget Committee

10:30 a.m.–Noon—Executive Committee

1:30 p.m.–3:00 p.m.—Board Meeting

ADDRESSES: The meetings will be held at the Washington Renaissance Hotel, 999 9th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, extension 113 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items.

Open Meeting

- Executive Director's report.
- Approval of the minutes of the March 7, and May 9, 2001 board meetings.
- Technical Programs Committee: ongoing research and technical assistance projects; scooter research; and proposed research and technical assistance projects for fiscal year 2002.
- Planning and Budget Committee: budget spending plan for fiscal year 2001; fiscal year 2002 budget; fiscal year 2003; and out-of-town meetings.
- Executive Committee: Executive Director's report; and introducing new Federal board members.

Closed Meeting

- Committee of the Whole Report on the Americans with Disabilities Act/ Architectural Barriers Act Final Rule.
- Ad Hoc Committee on Passenger Vessels.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 01–21540 Filed 8–24–01; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China; Notice of Final Results of Antidumping Duty New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On April 10, 2001, the Department of Commerce (the Department) published the preliminary results of its new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). *See Preliminary Results of New Shipper Reviews and Rescission of a New Shipper Review: Freshwater Crawfish Tail Meat From the People's Republic of China,* 66 FR 18604 (April 10, 2001). The new shipper reviews cover the period September 1, 1999 through March 31, 2000.

Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Reviews.''

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith or Maureen Flannery; Office of Antidumping/ Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–4052 and (202) 482–3020, respectively.

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2000).

Background

The companies covered by these new shipper reviews are China Kingdom Import & Export Co., Ltd. (China Kingdom), Nantong Shengfa Frozen Food Co., Ltd. (Nantong Shengfa), and Weishan Fukang Frozen Foodstuffs Co., Ltd. (Weishan Fukang). Since the publication of the preliminary results (*see Preliminary Results of Antidumping Duty New Shipper Administrative Reviews and Rescission of a New Shipper Review: Freshwater Crawfish Tail Meat From the People's Republic of China,* 66 FR 18604 (April 10, 2001) (*Preliminary Results*)), the following events have occurred. On April 30, 2001, we received a timely submission of publicly available information on the surrogate value for whole live crawfish from the Crawfish Processors Alliance (petitioner) and the Louisiana Department of Agriculture & Forestry and Bob Odom, Commissioner, and from China Kingdom. The petitioner's publicly available information addressed the use of Australian crawfish as the surrogate value for whole crawfish.

On May 10, 2001, we received case briefs from the petitioner and from China Kingdom. On May 15, 2001, we received rebuttal briefs from petitioner, China Kingdom, and Weishan Fukang.

On June 20, 2001, the Department faxed a memorandum giving notice that we were sending teams to Australia and Mexico during the last week of June. From June 25 through June 29, 2001, the Department conducted research in Australia and Mexico to examine information that had been put on the record by the parties to the proceeding concerning the value of whole live crawfish as an input for tail meat. *See Memorandum to the File from Abdelali Elouaradia and Thomas Gilgunn: Freshwater Crawfish Tail Meat from the People's Republic of China: Meetings Regarding the Crawfish Industry in Western Australia,* dated July 18, 2001; and *Memorandum to the File from Jacqueline Arrowsmith and Mark Hoadley: Freshwater Crawfish Tail Meat from the People's Republic of China: Meetings Regarding the Crawfish Industry in Mexico,* also dated July 18, 2001.

We invited interested parties to comment. Parties were allowed five days to comment and two additional days to submit rebuttal comments. On July 23, 2001, we received comments from petitioner. On July 24, 2001, we received comments from China Kingdom. On July 25, 2001, we received rebuttal comments from petitioner, China Kingdom and Weishan Fukang. We rejected China Kingdom's July 24 and July 25, 2001 submissions because these submissions included new information that was untimely submitted. China Kingdom resubmitted these submissions on August 10, 2001, and August 2, 2001 respectively, and we have included these comments in our analysis for these final results.

On July 31, 2001, we issued two additional memoranda about the results of our research with respect to whole live crawfish. *See Memorandum to the File from Abdelali Elouaradia, Mark Hoadley, Jacky Arrowsmith and Christian Hughes: Communication and Findings Regarding Whole Live Crawfish Production in Reference to the Administrative Review and New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated July 31, 2001; and *Memorandum to the File from Abdelali Elouaradia and Thomas Gilgunn: Freshwater Crawfish Tail Meat (crawfish) from the People's Republic of China (PRC): Meetings Regarding the Crawfish Industry in Western Australia—Cambinata Yabbies,* also dated July 31, 2001.

We invited interested parties to comment. Interested parties were allowed two days to comment and two

additional days to submit rebuttal comments. On August 2, 2001, we received comments from petitioner and Weishan Fukang.

On August 6, 2001, the Department conducted a public hearing on the issues presented by interested parties in their case and rebuttal briefs and in their comments on the crawfish surrogate value memoranda.

The Department has now completed these reviews in accordance with section 751(a)(2)(B) of the Act.

Scope of Reviews

The product covered by these reviews is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTS for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the U.S. Customs Service in mid-year 2000, and HTS items 0306.19.00.10 and 0306.29.00, which are reserved for fish and crustaceans in general. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the briefs filed by parties to these new shipper reviews are addressed in the *Issues and Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary for AD/CVD Enforcement Group III, to Faryar Shirzad, Assistant Secretary for Import Administration: Issues and Decision Memo for the Final Results of the Antidumping New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated August 20, 2001 (*Decision Memo*), which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded, all of which are in *Decision Memo,* is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099 of the main Commerce Building. In addition, a complete version of *Decision Memo* can be accessed directly on the internet at *http://ia.ita.doc.gov.* The paper copy and electronic version of *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. For a discussion of the issues and changes made for each company, refer to *Decision Memo.*

Valuation of Crawfish Input

In the investigation of sales at less than fair value (LTFV) and in previous reviews of this order, we used data on imports into Spain from Portugal to value the live crawfish input for tail meat production. *See e.g.,* Freshwater *Crawfish Tail Meat from the People's Republic of China: Final Results of Antidumping Administrative Reviews and New Shipper Reviews and Final Partial Rescission of Antidumping Duty Administrative Reviews,* 66 FR 20634 (April 24, 2001) (*1998–1999 Final Results*). However, information on the record of the current new shipper reviews indicates that the volume of imports from Portugal into Spain has decreased significantly since the period of the investigation and the first administrative review, and constituted a mere 17 metric tons during the period of these new shipper reviews. For this reason, we used data on Spanish exports to the European Union, which were in significant quantities, as an alternative to import data for the preliminary results of these new shipper reviews.

For *1998–1999 Final Results,* we used data on imports into Spain from Portugal because both petitioner and respondents argued against the use of the export data used in the preliminary results for these new shipper reviews, because they appeared to include exports of items other than live crawfish. For further details, *see 1998–1999 Final Results.* After analyzing the comments received, we determined that the best available information on the record of the administrative and new shipper reviews for September 1998 through August 1999 was data on Spanish imports of live crawfish from Portugal published by Agencia Tributaria of the Spanish government. This is the same source that we had used in the investigation and previous reviews of this order. However, in the *1998–1999 Final Results,* we announced our intention to search for alternative sources of surrogate data for the live crawfish input in other ongoing and future reviews.

We conducted such a search in connection with the instant new shipper reviews. *See Memorandum to the File from Abdelali Elouaradia and Thomas Gilgunn: Freshwater Crawfish Tail Meat from the People's Republic of China: Meetings Regarding the Crawfish Industry in Western Australia,* dated July 18, 2001; *Memorandum to the File from Jacqueline Arrowsmith and Mark Hoadley: Freshwater Crawfish Tail Meat from the People's Republic of China: Meetings Regarding the Crawfish Industry in Mexico,* dated July 18, 2001; *Memorandum to the File from Abdelali Elouaradia, Mark Hoadley, Jacky Arrowsmith and Christian Hughes: Communication and Findings Regarding Whole Live Crawfish Production in Reference to the Administrative Review and New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated July 31, 2001; and *Memorandum to the File from Abdelali Elouaradia and Thomas Gilgunn: Freshwater Crawfish Tail Meat (crawfish) from the People's Republic of China (PRC): Meetings Regarding the Crawfish Industry in Western Australia—Cambinata Yabbies,* dated July 31, 2001.

We have found that, in Australia, there are commercial sales of whole live freshwater crawfish comparable to the whole live freshwater crawfish used in the production of subject merchandise, and we obtained data on such sales. We found an indication of a crawfish industry in Spain, but we were unable to obtain sales data for that industry. We do not find that a commercial crawfish industry exists in any other country at this time. Therefore, we are using sales of comparable Australian freshwater crawfish, the yabby, to value the raw crawfish input for these final results. We have determined that yabbies between 30 and 40 grams are the most comparable to the raw crawfish input of Chinese producers. For further details, *see Decision Memo.*

The Adjustment to Raw Crawfish Input for Scrap

All three exporters claimed, and we granted, an adjustment to the raw material input value for scrap. In the preliminary results, we made no adjustment for differences between the wet condition of the crawfish scrap as it was sold in China and the dry condition of the scrap that was used to value the Chinese scrap. For these final results we have determined that the scrap was sold wet and have made the appropriate adjustment. For further details, *see Decision Memo.*

Final Results of Reviews

We determine that the following weighted-average margins exist for the period September 1, 1999 through March 31, 2000:

Manufacturer/exporter	Margin (percent)
China Kingdom	57.87
Nantong Shengfa	14.87
Weishan Fukang	14.40

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific ad valorem duty assessment rates. We will direct the Customs Service to assess the resulting percentage margins against the entered Customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period (see 19 CFR 351.212(a)). Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is de minimis (i.e., less than 0.50 percent). For entries from the PRC non-market economy (NME) entity companies (i.e., PRC exporters which are not entitled to separate rates), the Customs Service shall assess ad valorem duties at the PRC-wide rate. Because the PRC-wide entity was not reviewed during this period of review (POR), the PRC-wide was not reviewed during this period of review (POR), the PRC-wide rate remains that established in the administrative review for the most recent period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of new shipper reviews for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis,* the Department shall require no deposit of estimated antidumping duties; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, 201.63 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice 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 subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These new shipper reviews and notice are in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: August 20, 2001.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix—List of Issues

1. Use of Australian Data as a Surrogate Value for Whole Live Freshwater Crawfish
2. Use of Mexican Data as a Surrogate Value for Whole Live Freshwater Crawfish
3. Crawfish Grown in Mexico Are Wild Like Crawfish Grown in China
4. Comment Periods for the Mexican and Australian Reports were Insufficient
5. Use of Factual Findings Related to Surrogate Values for Whole Live Freshwater Crawfish
6. Spanish Export Prices Are not Appropriate as a Surrogate Value for Whole Live Freshwater Crawfish
7. Application of The Continued Dumping and Subsidy Offset Act (Byrd Amendment)
8. Crawfish By-Product Adjustment
9. Ministerial Error in Calculation of the By-Product Adjustment
10. Application of Partial Facts Available for China Kingdom
11. Finnish Production Data from the Department's July 31, 2001 ''Crawfish Research Report'' Memorandum
12. Department's Findings from ''Crawfish Research Report'' Memorandum

[FR Doc. 01–21608 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–835]

Fifth Administrative Review of Oil Country Tubular Goods From Japan: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of rescission of the antidumping duty administrative review for the period August 1, 1999 through July 31, 2000.

SUMMARY: In accordance with 19 CFR 351.213(b)(1), the Department received a timely request from petitioner U.S. Steel Group, a unit of USX Corporation, to conduct an administrative review of the sales of Sumitomo Metal Industries. On September 29, 2000, the Department initiated an administrative review of the antidumping duty order on oil country tubular goods (OCTG) for the period of review (POR) of August 1, 1999 to July 31, 2000. Because the interested party has withdrawn its request for review, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(1).

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Doug Campau, Holly Hawkins, or Maureen Flannery at Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–1395, 202–482–0414, and (202) 482–3020 respectively.

SUPPLEMENTARY INFORMATION:

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 Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Background

On August 31, 2000, the Department received a timely request from

petitioner U.S. Steel Group that we conduct an administrative review of the sales of Sumitomo Metal Industries. On September 29, 2000, the Department initiated an administrative review of the antidumping duty order on oil country tubular goods (OCTG) for the period of review (POR) of August 1, 1999 to July 31, 2000, in order to determine whether merchandise imported into the United States is being sold at dumped prices. On October 2, 2000, the Department published a notice of initiation of the antidumping administrative review on OCTG from Japan, in accordance with 19 CFR 351.221(c)(1)(i). See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 65 FR 58733 (October 2, 2000). On May 17, 2001, petitioner U.S. Steel Group withdrew its request for review. On August 3, 2001, we distributed a memorandum which notified interested parties for our intent to rescind this review. We received no comments. *See Memorandum to Barbara E. Tillman from Holly Hawkins: Oil Country Tubular Goods (OCTG) from Japan: Intent to Rescind Administrative Review.*

Rescission of Review

Pursuant to our regulations, the Department will rescind an administrative review, ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' *See* 19 CFR 351.213(d)(1). This section further provides that the Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. See 19 CFR 351.213(d)(1). Although the interested party's withdrawal of its request for review was not within the 90-day time limit, there were no objections to the withdrawal from other interested parties, and the Department has no compelling reason to deny the request. As a result, we are rescinding this administrative review for the period August 1, 1999 through July 31, 2000. The Department will issue appropriate assessment instructions to the U.S. Customs Service.

Dated: August 20, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 01–21607 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty New Shipper Review: Petroleum Wax Candles From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey or Abdelali Elouaradia, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2312 or (202) 482–1374, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

Background

On February 28, 2001, and in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), the Department received a timely request from Shanghai New Star Im/Ex Co., Ltd. (Shanghai) for the initiation of a new shipper review of this antidumping duty order which has a February semiannual anniversary month. On March 14 and 16, 2001, Shanghai clarified in additional submissions that it had only one shipment during the period of review (POR) and that there have been no additional shipments of the subject merchandise to the United States, pursuant to 19 CFR 351.214(b)(2)(iv)(B). On March 28, 2001, the Department published its initiation of this new shipper review for the period August 1, 2000 through January 31, 2001 (66 FR 16903).

Extension of Time Limits for Preliminary Results

Due to the complexities of this case, including evaluating Shanghai's factors of production information, we find that the case is extraordinarily complicated and that we cannot make a preliminary determination by the current deadline of September 17, 2001. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and section 351.214(i)(2) of the Department's regulations, the Department is extending the time period for issuing the preliminary results of this new shipper review by 120 days, until no later than January 15, 2002.

Dated: August 16, 2001.

Joseph A. Spertrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–21604 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–046]

Polychloroprene Rubber from Japan: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On January 31, 2001, the Department of Commerce (the Department) published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty order on polychloroprene rubber from Japan for Denki Kagaku Kogyo K.K. (Denka) and Tosoh Corporation (Tosoh). *See* 66 FR 8379. This review was requested by the petitioner, DuPont Dow Elastomers L.L.C. (DuPont), and covers the period December 1, 1999, through November 30, 2000. We are now rescinding this review as a result of DuPont's timely withdrawal of its request for an administrative review for Denka and the non-shipper status of Tosoh.

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Paige Rivas or Ron Trentham, Group II, Office 4, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0651 or 482–6320, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In

addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR Part 351 (2000).

Background

On December 22, 2000, the petitioner, DuPont, requested that the Department conduct an administrative review of the antidumping duty order on polychloroprene rubber from Japan for the period December 1, 1999, through November 30, 2000, covering two producers and/or exporters: Denka and Tosoh. No other interested party requested that the Department conduct an administrative review. On January 31, 2001, the Department initiated an administrative review (66 FR 8379).

Scope of the Review

Imports covered by this review are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). HTSUS item numbers are provided for convenience and for the U.S. Customs Service purposes. The written descriptions remain dispositive.

Rescission of 1999/2000 Antidumping Duty Administrative Review

On March 15, 2001, in response to the Department's questionnaire, Tosoh stated that it had made no shipments to the United States of the subject merchandise during the period of review (POR). The Department independently confirmed with the U.S. Customs Service that there were no shipments from Tosoh during the POR. Therefore, in accordance with section 351.213(d)(3) of the Department's regulations, and consistent with our practice, we are treating this firm as a non-shipper for purposes of this review. Moreover, the Department invited interested parties to comment on our intent to rescind this review with respect to Tosoh. *See* Memorandum to File from Ron Trentham, dated August 9, 2001. Interested parties were given until the close of business on August 17, 2001, to submit their comments. No parties submitted comments. Therefore, we are rescinding this review with respect to Tosoh (*see, e.g. Certain Welded Carbon Steel Pipe and Tube from Turkey: Final Results and Partial Recission of Antidumping Administrative Review*, 63 FR 35190, 35191 (June 29, 1998)).

On January 30, 2001, the petitioner filed a letter with the Department withdrawing its request that the Department conduct an administrative review of Denka's sales. This withdrawal complies with section 351.213(d)(1) of the Department's regulations which grants parties 90 days from the publication of the notice of initiation of review to withdraw their request for review. Because of the non-shipper status of Tosoh and DuPont's timely request for the termination of the review for Denka, the Department is rescinding this review in its entirety in accordance with section 351.213(d) of our regulations.

This notice is in accordance with section 751 of the Act and section 351.213(d) of the Department's regulations.

Dated: August 20, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–21603 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Final Results of New Shipper Review: Certain Preserved Mushrooms From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of New Shipper Review.

SUMMARY: On June 7, 2001, the Department of Commerce published the preliminary results of the new shipper review on certain preserved mushrooms from the People's Republic of China with respect to Green Fresh Foods (Zhangzhou) Co., Ltd. The period of review is February 1, 2000, through July 31, 2000.

We received case and rebuttal briefs from the petitioners[1] and Green Fresh Foods (Zhangzhou) Co., Ltd. Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Katherine Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (2000).

Background

On June 7, 2001, the Department published the preliminary results of the new shipper review of Green Fresh Foods (Zhangzhou) Co., Ltd. (Green Fresh) with respect to the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC) (66 FR 30695). We invited interested parties to comment on the preliminary results of this review. On July 9, 2001, we received comments from the petitioners and Green Fresh. The petitioners and Green Fresh submitted rebuttal comments on July 16, 2001. The Department has now completed this review, in accordance with section 751 of the Act and 19 CFR 351.214.

Scope of the Order

The products covered by the order are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the order are the species *Agaricus bisporus* and *Agaricus bitorquis*. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of the order

[1] The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushroom Farms, Inc., Toughkenamon, PA; Monterey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of the order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms''; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.[2]

The merchandise subject to the order is currently classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this new shipper review are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated August 8, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, 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 Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

[2] On June 19, 2000, the Department affirmed that ''marinated,'' ''acidified,'' or ''pickled'' mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See ''Recommendation Memorandum—Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope fo the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,'' dated June 19, 2000.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made changes to the margin calculation. For a discussion of these changes, see the ''Margin Calculations'' section of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average margin percentage exists for the period February 1, 2000, through July 31, 2000:

Exporter/manufacturer	Margin percentage
Green Fresh Foods (Zhangzhou) Co., Ltd	29.87

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated an importer-specific ad valorem duty assessment rate. We will direct the Customs Service to assess the resulting rate against the entered customs value for the subject merchandise on the importer's entry under the relevant order during the review period (*see* 19 CFR 351.212(a)). Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent).

Cash Deposit Requirements

The following deposit rates shall be required for merchandise subject to the order entered, or withdrawn from warehouse, for consumption on or after the publication date of this final results of new shipper review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for each reviewed company will be the rate indicated above; (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding but of whom a review was not requested for this POR will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC-wide entity (*i.e.*, all other exporters which have not been reviewed) will continue to be 198.63 percent; 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, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This new shipper review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.214.

Dated: August 20, 2001.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix—List of Comments and Issues in the Decision Memorandum

Comment 1: Factory Overhead, Selling, General and Administrative and Profit Ratios

Comment 2: Valuation of Steam Coal

[FR Doc. 01–21605 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–423–809]

Stainless Steel Plate in Coils From Belgium: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On April 23, 2001, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on stainless steel plate in coils from Belgium for the

period September 4, 1998 through December 31, 1999. Based on our analysis of the comments received, we have made changes to ALZ N.V.'s net subsidy rate, and, as a result, the final results differ from the preliminary results. The final net subsidy rate for ALZ N.V. is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Melani Miller, Jarrod Goldfeder, or Anthony Grasso, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0116, (202) 482–0189, or (202) 482–3853, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of section 751(a) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA'') effective January 1, 1995 (''the Act''). Similarly, unless otherwise indicated, all citations to the Department of Commerce's (''the Department'') regulations are to the current regulations as codified at 19 CFR Part 351 (2000), including the new substantive countervailing duty regulations published in the **Federal Register** on November 25, 1998 (63 FR 65348).

Background

On May 11, 1999, the Department published in the **Federal Register** the countervailing duty order on stainless steel plate in coils from Belgium. *See Notice of Amended Final Determinations: Stainless Steel Plate in Coils from Belgium and South Africa; and Notice of Countervailing Duty Orders: Stainless Steel Plate in Coils from Belgium, Italy and South Africa*, 64 FR 25288 (May 11, 1999). In accordance with section 351.213(b)(1) of the Department's regulations, this review of the order covers ALZ N.V. (''ALZ''), the only company for which a review was specifically requested. This review covers 27 programs.

Since the publication of *Stainless Steel Plate in Coils from Belgium: Preliminary Results of Countervailing Duty Administrative Review*, 66 FR 20425 (April 23, 2001) (''*Preliminary Results*''), the following events have occurred.

On April 25, 2001, the Department issued a supplemental questionnaire to ALZ. On May 3, 2001, ALZ submitted its response to this supplemental questionnaire.

On May 22, 2001, the Government of Belgium (''GOB'') and the Government of Flanders (''GOF'') filed their combined case brief. On May 24, 2001, the petitioners in this proceeding (Allegheny Ludlum Corp., Armco, Inc., Lukens Inc., and United Steelworkers of America, AFL–CIO/CLC) and ALZ filed their case briefs. On June 8, 2001, the petitioners and ALZ filed rebuttal briefs. The GOB and the GOF did not file a rebuttal brief. The Department did not conduct a hearing in this review because none was requested.

Scope of the Review

Imports covered by this review are shipments of certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of this order are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of this order. The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS subheadings are provided for convenience and for U.S. Customs Service (''Customs'') purposes, the written description of the scope of the order is dispositive.

Period of Review

According to section 351.213(e)(2)(ii) of the Department's regulations, the first administrative review of a countervailing duty order should cover the period from the initial date of suspension of liquidation of the subject merchandise to the end of the most recently completed fiscal year. In this case, suspension of liquidation began on September 4, 1998. *See Preliminary Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Stainless Steel Plate in Coils From Belgium*, 63 FR 47239 (September 4, 1998). Therefore, the period of review (''POR'') for which we are measuring countervailable subsidies is from September 4, 1998 through December 31, 1999.

Because it is the Department's practice to calculate subsidy rates on an annual basis, we calculated a 1998 rate and a 1999 rate for ALZ. The rate calculated for 1998 will be applicable only to entries, or withdrawals from warehouse, for consumption made on and after September 4, 1998 through the end of 1998.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the August 21, 2001 *Issues and Decision Memorandum* (''*Decision Memorandum*''), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. 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, Room B–099 of the Department. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the internet at http://ia.ita.doc.gov/frn/frnhome.htm. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes to ALZ's net subsidy rate by revising the allocation period used to allocate

certain non-recurring subsidies which have not been previously allocated.

Final Results of Review

In accordance with section 351.221(b)(4)(i) of the Department's regulations, we calculated an individual subsidy rate for ALZ, the only producer/exporter subject to this administrative review. For the period September 4, 1998 through December 31, 1998, we determine the net subsidy rate for ALZ to be 3.25 percent; for January 1, 1999 and for the period May 11, 1999 through December 31, 1999, we determine the net subsidy rate for ALZ to be 1.78 percent. (In accordance with section 703(d) of the Act, countervailing duties will not be assessed on entries made during the period January 2, 1999 through May 10, 1999.)

We will instruct the Customs to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties at the 1999 rate on the f.o.b. value of all shipments of the subject merchandise from ALZ entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* section 351.213(b) of the Department's regulations. Pursuant to the Department's regulations at section 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation* v. *United States*, 822 F.Supp. 782 (CIT 1993), and *Floral Trade Council* v. *United States*, 822 F.Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies, except those covered by this review, are not changed by the results of this review.

Therefore, we will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to that company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding conducted under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to the URAA amendments is applicable. *See Certain Cut-to-Length Carbon Steel Plate from Mexico: Final Results of Countervailing Duty Administrative Review*, 65 FR 13368, 13369 (March 13, 2000). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the periods September 4, 1998 through January 1, 1999 and May 11, 2000 through December 31, 1999, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with the Department's regulations at section 351.305(a). Timely written notification of return or 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.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: August 21, 2001.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix—List of Issues Discussed in the Decision Memorandum

Methodology and Background Information

Responding Producers
Benchmarks for Long-term Loans and Discount Rates
Equity Methodology
Allocation Period

Analysis of Programs

I. Programs Determined to Confer Subsidies
A. 1985 ALZ Share Subscriptions
B. 1987 ALZ Common Share Transaction Between the GOB and Sidmar
C. Industrial Reconversion Zones
1. Alfin
2. Albufin
D. Regional Subsidies under the Economic Expansion Law of 1970
1. Expansion Real Estate Tax Exemption
2. Accelerated Depreciation
E. Belgian Industrial Finance Company (''Belfin'') Loans
F. Societe Nationale de Credite a l'Industrie (''SNCI'') Loans
G. Subsidies Provided to Sidmar that are Attributable to ALZ
1. 1984 Purchase of Sidmar's Common and Preference Shares
2. Conversion of Sidmar's Debt to Equity (OCPC-to-PB) in 1985
3. SidInvest
II. Programs Determined to Be Not Used During the POR
A. Government of Belgium Programs
1. Subsidies Provided to Sidmar that are Potentially Attributable to ALZ Water Purification Grants
2. Societe Nationale pour la Reconstruction des Secteurs Nationaux
3. Regional subsidies under the 1970 Law Investment and Interest Subsidies
4. Reduced Social Security Contributions Pursuant to the Maribel Scheme (Article 35 of the Law of June 29, 1981)
B. Government of Flanders Programs
1. Regional subsidies under the 1970 Law
a. Corporate Income Tax Exemption
b. Capital Registration Tax Exemption
c. Government Loan Guarantees
d. 1993 Expansion Grant
2. Special Depreciation Allowance
3. Preferential Short-Term Export Credit
4. Interest Rate Rebates
C. Programs of the European Commission
1. ECSC Article 54 Loans and Interest Rebates
2. ECSC Article 56 Conversion Loans, Interest Rebates and Redeployment Aid
3. European Social Fund Grants
4. European Regional Development Fund Grants
5. Resider II Program

Analysis of Comments

Comment 1: GOB Equity Infusions
Comment 2: Average Useful Life for Non-recurring Subsidies Benefitting Sidmar Which Have Not Been Previously Allocated
Comment 3: Reduced Social Security Contributions Pursuant to the Maribel Scheme
Comment 4: Cash Deposit Rate for Future Entries

[FR Doc. 01–21606 Filed 8–24–01; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Meeting of the Computer System Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Tuesday, September 11, 2001, and Wednesday, September 12, 2001, from 9:00 a.m. until 5:00 p.m. and Thursday, September 13, 2001, from 9:00 a.m. until 2:00 p.m. The Advisory Board was established by the Computer Security Act of 1987 (P.L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public. Details regarding the Board's activities are available at http://csrc.nist.gov/csspab/.

DATES: The meeting will be held on September 11 and 12, 2001, from 9:00 a.m. until 5:00 p.m. and on September 13, 2001, from 9:00 a.m. until 2:00 p.m.

ADDRESSES: The meeting will take place at the National Security Agency's National Cryptologic Museum, Colony 7 Road, Annapolis Junction, Maryland.

AGENDA

- Welcome and Overview
- Two-Day Session on Minimally Accepted Security Controls—to include briefings from federal agencies such as the National Oceanic and Atmospheric Administration, Social Security Administration, Federal Communications Commission and the Federal Reserve
- Updates on Recent Legislative Issues
- Update on OMB Activities
- Update on the NIST Computer Security Division
- Work Plan Review of Governance Issues
- Work Plan Review of GPEA Process
- Discussion of Follow-On Actions from June 2001 Privacy Event
- Public Participation
- Agenda Development for December 2001 meeting
- Wrap-Up

Note that agenda items may change without notice because of possible unexpected schedule conflicts of presenters.

Public Participation

The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the CSSPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899–8930. It would be appreciated if 35 copies of written material were submitted for distribution to the Board and attendees no later than September 7, 2001. Approximately 15 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Dr. Fran Nielsen, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–3669.

Dated: August 20, 2001.

Karen H. Brown,

Acting Director, NIST.

[FR Doc. 01–21579 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082201A]

Proposed Information Collection; Comment Request; Data Collection on Marine Protected and Managed Areas

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before October 26, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dan Farrow, Special Projects Office, National Oceanic and Atmospheric Administration, SSMC4, 1305 East West Highway, Room 9515, Silver Spring, Maryland 20910, or via e-mail at *Dan.Farrow@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 13158 directs the Department of Commerce and the Department of the Interior to work with partners to strengthen the protection of U.S. ocean and coastal resources by developing a national system of marine protected areas. The Departments of Commerce and the Interior plan to work closely with state, territorial, local, and tribal governments, as well as other stakeholders, to identify and inventory the Nation's existing marine protected areas. Toward this end, the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI) have created a dataform to be used as a survey tool to collect and analyze information on these existing sites. This survey will allow NOAA and DOI to better understand the existing protections for marine resources within marine protected areas in the United States. This information would also support activities on marine protected areas by state and local governments, tribes, and other interested parties.

II. Method of Collection

NOAA and DOI propose to use a dataform as a survey tool to collect comprehensive information about state, local, and tribal marine managed areas. The survey tool is already being used to collect information about existing Federal sites. The collected information will be used to inventory the existing marine protected areas in the United States and its territories and to support the development of a nationwide network that will aid in the management and conservation of our Nation's marine resources.

The survey contains directed questions regarding the location, management and enforcement authorities, types of protections and restrictions, and the length of time those protections or restrictions are in place for each marine protected area. Basic information about the resources and activities at the sites will also be collected. It is expected that site managers from each marine protected area will fill out the survey. The collected information will be housed in a searchable database that will be made available to the public via the marine protected area website at *mpa.gov*.

The survey tool will be available in several formats to accommodate user needs. The primary collection tool will

be available for download from the Internet, which allows users to enter data on their computer desktop at their own pace. This tool contains extensive embedded help and glossary files, as well as required Paperwork Reduction Act information. Users can complete the form in whole or in part by importing information already existing in their own spreadsheets or databases directly into the survey tool using provided templates. They can fill in additional information as necessary. Additionally, the survey will be made available via the web and in hard-copy.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local, or tribal government.

Estimated Number of Respondents: 1,000.

Estimated Time Per Response: 5 hours.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 21, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–21597 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–08–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081701B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on September 10–13, 2001. For specific dates and times of the meetings see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: These meetings will be held at the W New Orleans Hotel, 333 Poydras Street, New Orleans, LA 70130; telephone: 504–525–9444.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

September 12

1 p.m.—Convene.

1:15 p.m.— 5:30 p.m.—Receive public testimony on Draft Shrimp Amendment 10/Environmental Assessment (EA).

September 13

8:30 a.m.—12 noon—Receive a report of the Reef Fish Management Committee.

1:30 p.m.—2 p.m.—Receive a report of the Shrimp Management Committee.

2 p.m.—2:15 p.m.—Receive a report of the Law Enforcement Committee.

2:15 p.m.—2:30 p.m.—Receive a report of the Budget Committee.

2:30 p.m.—2:45 p.m.—Receive a report of the Personnel Committee.

2:45 p.m.—3 p.m.—Receive a report of the Closed Council Session.

3 p.m.—3:15 p.m.—Receive a report of the International Commission for the Conservation of Atlantic Tunas Advisory Committee.

3:15 p.m.—3:30 p.m.—Receive Enforcement Reports.

3:30 p.m.—3:45 p.m.—Receive a report of the NMFS National Environmental Policy Act/Sustainable Fisheries Act Workshop.

3:45 p.m.— 4 p.m.—Receive the NMFS Regional Administrator's Report.

4 p.m.—4:15 p.m.—Receive Director's Reports.

4:15 p.m.— 4:30 p.m.—Other Business.

4:30 p.m.— 4:45 p.m.—Election of Chairman and Vice Chairman.

September 10

10 a.m.—11 a.m.—Orientation Session for New Members.

11 a.m.—12 noon—CLOSED SESSION—Full Council to review litigation affecting fishery management plan amendments.

1:30 p.m.—5:30 p.m—Convene the Reef Fish Management Committee to review Draft Reef Fish Amendment 18 and a draft supplemental environmental impact statement and to make their recommendations to the Council. The full Council will consider those recommendations on Thursday morning. Final action on Reef Fish Amendment 18 will be taken at the December 10–14, 2001 Council meeting in Biloxi, MS.

September 11

8:30 a.m.—11 a.m.—Continue the meeting of the Reef Fish Management Committee, if necessary.

11 a.m.—12 noon—Convene the Budget Committee to discuss the CY 2001 budget.

1:30 p.m.— 4:30 p.m.—Convene the Shrimp Management Committee to review Draft Amendment 10/EA to develop their recommendations to the full Council for final action. The full Council will consider those recommendations on Thursday afternoon. The Shrimp Committee will also hear a report on the Gulf and South Atlantic Fishery Foundation's Bycatch and Effort Monitoring Program.

4:30 p.m.— 5:30 p.m.— Convene the Personnel Committee to consider revisions to the personnel section of the Administrative Handbook.

September 12

8:30 a.m.—11 a.m.—Convene a joint meeting of the Law Enforcement Committee and Law Enforcement Advisory Panel to receive progress reports on the Operations Plan and Cooperative Enforcement Agreements.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under

section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency. A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by August 31, 2001.

Dated: August 21, 2001.

Richard W. Surdi,

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

[FR Doc. 01–21599 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081701C]

Fishery Management Council; Public Meeting

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

ACTION: Notice of plan team meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Plan Team for the Bering Sea/Aleutian Islands (BSAI) King and Tanner Crab Fishery Management Plan (FMP) will meet in Anchorage, AK.

DATES: The meeting will be held on September 20–21, 2001.

ADDRESSES: The meeting will be held at the Hilton Hotel, 500 W. Third Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, North Pacific Fishery Management Council, 907-271–2809.

SUPPLEMENTARY INFORMATION: The meeting will begin at 8:00 a.m. on Thursday, September 20th, and continue on Friday, September 21st. The Plan Team will address the following topics:

1. Preparation of the 2001 BSAI King and Tanner Crab Stock Assessment and Fishery Evaluation document.
2. Review of BSAI King and Tanner Crab survey information and guideline harvest levels for 2001–02.
3. Review of biological seasons in the BSAI King and Tanner Crab FMP.
4. Review of pending Alaska Board of Fisheries and Council proposals pertaining to or affecting BSAI king and Tanner crab fisheries or stocks.
5. Progress on Eastern Bering Sea snow crab harvest strategy development.
6. Update on king and Tanner crab research pertinent to BSAI stocks.
7. Discussion of crab essential fish habitat.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: August 21, 2001.

Richard W. Surdi,

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

[FR Doc. 01–21598 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. 010126025–1025–01]

RIN 0651–AB34

Notice of Request for Comments on Development of a Plan To Remove the Patent and Trademark Classified Paper Files From the Public Search Facilities

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of request for public comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) requests public comment on issues associated with the development of a plan to remove the patent and trademark classified paper files from the USPTO's public search libraries and replace them with electronic records. These public search facilities are currently located in Crystal City, Arlington, Virginia. Interested members of the public are invited to present comments on the appropriate scope for and contents of this plan, including the topics outlined in the supplementary information section of this notice.

DATES: Comments will be accepted by the USPTO until September 26, 2001.

ADDRESSES: Those interested in presenting written comments on the topics presented in the supplementary information, or any related topics, may mail their comments to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Washington, D.C. 20231, marked to the attention of Ronald Hack, Acting Chief Information Officer, or send them by facsimile transmission to (703) 308–7792.

Parties are encouraged to provide their comments in machine-readable format and send them over the Internet as electronic mail messages to *file-removal@uspto.gov*. Machine-readable submissions should be provided as unformatted text (*e.g.,* ASCII or plain text), or as formatted text in one of the following file formats: Microsoft Word (Macintosh, DOS or Windows versions) or WordPerfect (Macintosh, DOS or Windows versions). Machine-readable submissions may be provided on a 3½-inch floppy disk formatted for use in either a Macintosh or MSDOS-based computer, mailed to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Washington, DC 20231, marked to the attention of Ronald Hack, Acting Chief Information Officer.

All comments should include the following information:

- Name and affiliation of the individual responding;
- An indication of whether comments offered represent views of the respondent's organization or are the respondent's personal views; and
- If applicable, information on the respondent's organization, including the type of organization (e.g., business, trade group, university, non-profit organization).

FOR FURTHER INFORMATION CONTACT:

- Ronald Hack by telephone at (703) 305–9095, by facsimile at (703) 308–7792, by electronic mail at *ronald.hack@uspto.gov;*
- Martha Sneed by telephone at (703) 308–5558, by facsimile at (703) 306–2654, by electronic mail at *martha.sneed@uspto.gov;* or

• by mail addressed to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Washington, DC 20231, marked to the attention of Ronald Hack, Acting Chief Information Officer.

SUPPLEMENTARY INFORMATION:

I. Background

The American Inventors Protection Act of 1999, Title IV, Section 4804(d)(1) (the ''Act''), amended Section 11(a) of title 35, United States Code, to provide that the Under Secretary of Commerce for Intellectual Property and Director of the USPTO may, for public use, maintain ''paper, microform, *or electronic*'' (emphasis supplied) collections of patents and trademark registrations. The Act further provides, in Section 4804(d)(2), that the Director of the USPTO shall not:

> cease to maintain, for use by the public, paper or microform collections of United States patents, foreign patent documents, and United States trademark registrations, except pursuant to notice and opportunity for public comment and except that the Director shall first submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing such plan, including a description of the mechanisms in place to ensure the integrity of such collections and the data contained therein, as well as to ensure prompt public access to the most current available information, and certifying that the implementation of such plan will not negatively impact the public.

For a number of years, the USPTO has been engaged in a program to automate access to patents and to trademark registrations. The agency currently provides electronic access to patent and trademark information in two ways. First, the agency provides search terminals for public use in the three Patent and Trademark Public Search Facilities that are currently housed in the South Tower, Crystal Plaza 3–4, and Crystal Mall 1 buildings at the agency's offices in Crystal City, Arlington, Virginia. Second, the USPTO provides access to patent and trademark information on its World Wide Web (Web) site.

Approximately 76 public search terminals provide access to patent and trademark information by means of computer software programs that facilitate the search process. Some of the electronic data available through these terminals are:

• *Public EAST & WEST Systems*: the full text of over 2.5 million U.S. patents issued since January 1971; the full images of over 6.5 million U.S. patents issued since 1790 and over 14.5 million foreign patents; English translations of 5.1 million Japanese patent abstracts; English translations of 3.1 million European patent abstracts; and full text and images of all U.S. patent applications published since March 15, 2001; and

• *X-Search System:* text and image of over 2.7 million trademark applications and registrations (including active, canceled, expired, and abandoned).

During fiscal year 2000, the average number of unique public users who logged on to the WEST search system each month was 472 and the average number of search sessions initiated per month by these users was 7,173.

In addition to the terminals accessing the databases listed above, the public is provided additional workstations in the public search facilities for accessing the electronic search tools listed below:

• *Patents ASSIST:* Full Text of Patent Search Tools.

• *Patents BIB:* Selected Bibliographic Information from U.S. Patents Issued 1969 to Present.

• *Patents CLASS:* Current Classifications of U.S. Patents Issued 1790 to Present.

• *USAPat:* Facsimile Images of United States Patents.

• *Trademarks REGISTERED:* Bibliographic Information from Registered U.S. Trademarks.

• *USAMark:* Facsimile Images of United States Trademark Registrations.

On the USPTO Web site, the public can access considerable patent and trademark information. This information includes:

• *Trademark Electronic Search System (TESS)*: searchable database including the full text and clipped images of all registered trademarks.

• U.S. patents issued from 1790 through 1975—searchable by patent number and current U.S. patent classification; and

• U.S. patents issued from 1976 to the most recent issue week—searchable by full-text fields that now include current U.S. classification data.

• Full text and images of all U.S. patent applications published since March 15, 2001.

In November 2000, the public accessed an average of 970,000 pages of patent and trademark information (*i.e.,* issued patents and registered trademarks) each day through the USPTO's Web site. As a result of significant investment in these public search tools, and the significant use of them, the USPTO intends to submit a plan to the 107th Congress to eliminate the patent and trademark classified paper collections from the Trademark Public Search Facility located in the South Tower Building, 2900 Crystal Drive, and the Patent Public Search Facility located in the Crystal Plaza 3–4 Building, 2021 South Clark Place. Elimination of these paper files is consistent with the USPTO's goals, strategic information technology plans, and the agency's operational practices.

The USPTO has invested and continues to invest a substantial portion of its fee income in the maintenance of patent and trademark electronic databases and the development and enhancement of software search vehicles. As a result, trademark examining attorneys rely solely on electronic records for examining and approving marks for Federal registration. In accordance with patent examiners' increasing reliance on automated searching, management and the Patent Office Professional Association, which represents patent examiners, have agreed to begin phased elimination of paper copies of patents from examiner search files later this fiscal year. It is anticipated that by the time the agency completes its relocation and consolidation at the Carlyle campus in Alexandria, Virginia, in 2004, a substantial portion of the patent examiner paper search files will have been eliminated.

The USPTO's current planning approach to the dissemination of patent and trademark information is to continue enhancing its electronic databases that capture the content of patents and trademarks, and to expand public access beyond its Crystal City location. The agency intends to formalize a plan to eliminate the paper collections of patents and trademark registrations and is providing the public with an opportunity to comment on the appropriate scope and contents of the plan that the USPTO is required to submit to the Committees on the Judiciary of the Senate and House of Representatives.

II. Issues for Public Comment

Any interested member of the public is invited to provide comments on any topic related to development of a plan to eliminate the patent and trademark paper classified collections and replace them with electronic records. Issues that the USPTO has identified for consideration thus far, upon which the agency is particularly interested in obtaining public comment, include the following:

A. Measures required to ensure the integrity of electronic records.

B. Comparable functionality for searching and retrieving information from electronic records.

C. Re-classifications of the patent electronic file.

D. Paper Disposition.

An important corollary issue for public comment relates to the final disposition of the paper collections. The USPTO intends to consider expressions of interest from the public and private sector regarding third-party interest in maintaining the paper collections. The USPTO particularly seeks comment on the following paper disposition options. Any transfer of Federal records would be made only with the written authorization of the National Archives and Records Administration (NARA).

D.1 Offer the collections to the NARA or some other government agency (Federal or state).

D.2 Transfer ownership of the collections to an educational or not-for-profit entity that agrees to keep them current and to make them available to the public (no exchange of money).

D.3 Offer the collections for sale.

D.4 If necessary for disposition, divide the collections and permit the transfer/sale of different segments to different organizations/businesses.

Dated: May 24, 2001.

Nicholas P. Godici,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 01–21541 Filed 8–24–01; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with the Paperwork Reduction Act of 1995, as amended, section 3506(c)(2)(A) of title 44, United States Code, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposal to renew public information collection forms and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 26, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) Department of Defense Education Activity, 4040 N. Fairfax Drive, Arlington, VA 22203, ATTN: Ms. Sara Riggs.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 696–3067 ext. 2652.

Title, Associated Form, and OMB Control Number: Employment Opportunities for Educators; DS Forms 5010, 5011, 5012 and 5013; OMB Number 0704–0370.

Needs and Uses: The information collected by these forms concerns applicants for educator positions within the Department of Defense Dependents Schools. The information is used to verify employment history of educator applicants and to determine creditable previous experience for pay-setting purposes for candidates selected for educator positions. In addition, the information is used to ensure the selection for employment with the Department of Defense Dependents Schools of individuals possessing the abilities and personal traits that give promise of outstanding success under the unusual circumstances they will find working abroad. Information gathered is also used to ensure that the Department of Defense Dependents Schools personnel practices meet the requirements of Federal law. Completion of the forms is entirely voluntary.

Affected Public: Individuals or households.

Annual Burden Hours: 11,200.

Number of Respondents: 24,000.

Responses per Respondents: 1.

Average Burden per Response: 28 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The primary objective of the information collection is to ensure a quality education from prekindergarten through grade 12 for the eligible minor dependents of the Department of Defense military and civilian personnel on official overseas assignments. This is accomplished by securing data from applicants for educational positions and officials with sufficient information to address an individual applicant's traits and characteristics.

The forms associated with this data collection are:

Department of Defense Dependents Schools Supplemental Application for Overseas Employment (DS Form 5010). The primary objective of this voluntary form is to ascertain an applicant's eligibility for educator positions.

Department of Defense Dependents Schools Professional Evaluation (DS Form 5011). This form is provided to officials in mangerial and supervisory positions as a means of verifying abilities and personal traits of applicants for educator positions to ensure the selection of the best-qualified individuals to occupy educator positions.

Department of Defense Dependents Schools Voluntary Questionnaire (DS Form 5012). This voluntary form helps ensure that the Department of Defense Dependents Schools personnel practices meet the requirements of Federal law.

Department of Defense Dependents Schools Verification of Professional Educator Employment for Salary Rating Purposes (DS Form 5013). The purpose of this voluntary form is to verify employment history of educator applicants and to determine creditable previous experience for pay-setting purposes for selected candidates.

Dated: August 20, 2001.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01–21531 Filed 8–24–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0013]

Federal Acquisition Regulation; Proposed Collection; Cost or Pricing Data Requirements and Information Other Than Cost or Pricing Data

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 (9000–0013).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning cost or pricing data requirements and information other than cost or pricing data. The clearance currently expires on November 30, 2001.

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 October 26, 2001.

FOR FURTHER INFORMATION CONTACT: Jerry Olson, Acquisition Policy Division, GSA (202) 501–3221.

ADDRESSEES: 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.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Truth in Negotiations Act requires the Government to obtain certified cost or pricing data under certain circumstances. Contractors may request an exemption from this requirement under certain conditions and provide other information instead.

B. Annual Reporting Burden

Respondents: 33,332.
Responses Per Respondent: 6.
Total Responses: 199,992.
Hours Per Response: 50.51.
Total Burden Hours: 10,101,684.

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. 9000–0013, Cost or Pricing Data Requirements and Information Other Than Cost Pricing Data, in all correspondence.

Dated: August 20, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–21618 Filed 8–24–01; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0018]

Federal Acquisition Regulation; Proposed Collection; Certification of Independent Price Determination and Parent Company and Identifying Data

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 (9000–0018).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning certification of independent price determination and parent company and identifying data. The clearance currently expires November 30, 2001.

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 October 26, 2001.

ADDRESSES: Submit comments regarding this burden 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: Ralph DeStefano, Acquisition Policy Division, GSA (202) 501–1758.

SUPPLEMENTARY INFORMATION:

A. Purpose

Agencies are required to report under 41 U.S.C. 252(d) and 10 U.S.C. 2305(d) suspected violations of the antitrust laws (*e.g.,* collusive bidding, identical bids, uniform estimating systems, etc.) to the Attorney General.

As a first step in assuring that Government contracts are not awarded to firms violating such laws, offerors on Government contracts must complete the certificate of independent price determination. An offer will not be considered for award where the certificate has been deleted or modified. Deletions or modifications of the certificate and suspected false certificates are reported to the Attorney General.

B. Annual Reporting Burden

Respondents: 64,250.

Responses Per Respondent: 20.

Total Responses: 1,285,000.

Hours Per Response: .01.

Total Burden Hours: 12,850.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data, in all correspondence.

Dated: August 20, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–21619 Filed 8–24–01; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0028]

Federal Acquisition Regulation; Proposed Collection; Termination 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 (9000–0028).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning termination requirements. The clearance currently expires on December 31, 2001.

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 October 26, 2001.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Acquisition Policy Division, GSA, (202) 501–3755.

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.

SUPPLEMENTARY INFORMATION:

A. Purpose

Contracting officers terminate contracts, for default or convenience, only when it is in the best interest of the Government to do so. After receipt of the notice of termination, contractors are required to terminate subcontracts, advise the contracting officer of any special circumstances, submit any requests for an equitable adjustment, submit a settlement proposal, and take other action as directed. Records regarding the terminated contract must be maintained for 3 years.

The information submitted or retained in connection with contract termination is used to reach an equitable settlement with firms and to protect the interests of the Government and the terminated contractor.

B. Annual Reporting Burden

Respondents: 2,920.
Responses Per Respondent: 1.
Total Responses: 2,920.
Hours Per Response: 3.
Total Burden Hours: 11,680 (8,760 + 2,920).

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. 9000–0028, Termination Requirements, in all correspondence.

Dated: August 20, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–21620 Filed 8–24–01; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0002]

Federal Acquisition Regulation; Proposed Collection; Solicitation Mailing List Application (SF 129)

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 (9000–0002).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Solicitation Mailing List Application (SF 129). This OMB clearance currently expires on October 31, 2001.

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 October 26, 2001.

ADDRESSES: Submit comments, 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: Ralph DeStefano, Acquisition Policy Division, GSA (202) 501–1758.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Standard Form 129, Solicitation Mailing List Application, is used by all Federal agencies as an application form for prospective contractors to provide information needed to establish and maintain a list of firms interested in selling to the Government. The information is used to establish lists of firms to be solicited when the products or services they provide are needed by the Government.

B. Annual Reporting Burden

Respondents: 200,000.
Responses Per Respondent: 4.
Total Responses: 800,000.
Hours Per Response: .58.
Total Burden Hours: 464,000.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), Room 4035, Washington, DC 20405,

telephone (202) 501–4755. Please cite OMB Control No. 9000–0002, Solicitation Mailing List Application (SF 129), in all correspondence.

Dated: August 20, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–21621 Filed 8–24–01; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following Committee meeting:

Date of Meeting: September 11, 2001 from 0830 to 1145, September 12, 2001 from 0800 to 1820, and September 13, 2001 from 0800 to 1145.

Place: Holiday Inn—Cape Cod, 291 Jones Road, Harbor Room, Falmouth, MA 02540.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Betty Banks, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2126.

Dated: August 20, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–21533 Filed 8–24–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense, Advisory Committee on Women in the Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming Quarterly Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Executive Committee Meeting is to review the responses to the recommendations and requests for information adopted by the Committee at the DACOWITS 2001 Spring Conference. All portions of the meetings are open to the public except the session on 9 September 2001 from 12:30–4:00 p.m. [5 U.S.C. 522b(c)(6)]

DATES: September 9–10, 2001, 8:30 a.m.—4:00 p.m.

ADDRESSES: Septemer 9, 2001—Courtyard Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202, September 10, 2001—Conference Room 5C1042, The Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Colonel Patricia L. Nolin, USA, Director, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000; (703) 697–2122.

SUPPLEMENTARY INFORMATION: Meeting agenda:

Time	Event	Official
	Sunday, September 9, 2001	
8:30 a.m.	Welcome	Ms. McCall.
8:45 a.m.	Installation Visit Overview	Ms. Patane.
9:30 a.m.	Break.	
9:45 a.m.	Forces Development and Utilization Review	Ms. Gormley.
	• Collocation/Direct Ground Combat Polices	
	• USMC Women Planning Factors	
10:05 a.m.	Quality of Life Review	Dr. Lattimore.
	• Family Planning Issues	
	• Field Sanitation Measures for Women	
	• Education About Women's Health Care	
10:35 a.m.	Equality Management Review	Mr. Green.
	• Mentoring	
	• Harassment & Sexual Assault	
	• Army Human Relations Action Plan	
11:05 a.m.	Break.	
11:20 a.m.	Fall Conference Review	COL Nolin.
	Develop Agendas	CDR Bailey.
12:00 p.m.	Lunch/Wrap up of Meeting	Ms. McCall.
12:30 p.m.	Self Study Group Review (Closed to the Public).	
4:00 p.m.	Adjourn.	
	Monday, September 10, 2001	
8:30 a.m.	DACOWITS Members Arrive	Military Staff.
9:00 a.m.	Chair Commences Meeting	Ms. McCall.
	PDASD (FMP) Remarks	Ms. McGinn.
	Introduction of Executive Committee, MilReps, and Service Liaisons, (5C1042).	Ms. McCall.
9:20 a.m.	Collection/Direct Ground Combat Policies (Forces Development and Utilization RFI #1) (5C1042).	USA.
10:00 a.m.	Break.	
10:15 a.m.	USMC Women Planning Factors	USMC.
11:00 a.m.	Break.	

Time	Event	Official
11:30 a.m.	Official Luncheon with DCSPERs/J–1 (OSD Blue Room-3D854)	OSD (Host).
1:00 p.m.	Break.	
1:15 p.m.	Mentoring (Equality Management RFI #1 (5C1042)	USA, USN, USMC, USAF, USCG.
2:15 p.m.	Family Planning Issues	USA, USN, USMC, USAF, USCG.
3:15 p.m.	Break.	
3:30 p.m.	Voting Session	Ms. McCall.
3:45 p.m.	Fall Conference Overview and Wrap Up	Ms. McCall.
4:00 p.m.	Depart the Pentagon.	

Dated: August 20, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–21532 Filed 8–24–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Air Force Recruiting Service announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms or information technology.

DATES: Consideration will be given to all comments received on or before October 26, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Headquarters Air Force Recruiting Service, AFRS/RSIDR, 550 D Street West Suite 1, Randolph AFB, TX 78150–4526.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Headquarters Air Force Recruiting Service Information Systems Division Requirements Section at 210–652–5255.

Title: Air Force Recruiting Information Support System (AFRISS).

Needs and Uses: Air Force Recruiting Service requires the collection of specific information on prospective Air Force enlistees (prospective Air Force enlistees include Active, Guard, and Reserve) entering the Air Force. The information is used to create the initial personnel record, prescreen and qualify enlistees fit for service and ultimately induction. The information is also collected to process security clearances and to record metrics to be used for demographics/market research and system performance.

Affected Public: Individuals 16 years and older interested in pursuing a career in the Air Force be it Active, Guard, and Reserve in the U.S. and abroad.

Annual Burden Hours: No burden is placed on the public. The continued contact is based on prospective interest in becoming an Air Force member.

Number of Respondents: Unlimited.

Responses per Respondent: Varies.

Average Burden per Response: Varies.

Frequency: As needed.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

To furnish Active, Guard, and Reserve field recruiters an automated tool to create prospective Air Force enlistee application files for all recruiting accessions in officer, enlisted, and health professions. AFRISS provides comprehensive integration, interface, and standardization of all programs that manage personnel resources in support of Air Force recruiting. The system extends automated capabilities out to the individual recruiter, flight, squadron, and groups. It provides an automated interface to the Military Entrance Processing Center Station (MEPS) where applicants undergo physical, testing, verification interviews, and tentative job reservation. It will provide an automated interface to the Modernized Military Personnel System (MilMod) where only pertinent and required applicant information is placed in a permanent military system of record. It also provides reporting capabilities at all levels of Air Force Recruiting management to make informed decisions on recruiting business rules and practices to increase the number of accessions.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–21536 Filed 8–24–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF EDUCATION.

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before September 26, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management

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

Dated: August 22, 2001.

John Tressler,

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

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: School Renovation, Individuals with Disabilities Education Act (IDEA), and Technology Grant Application.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden: Responses: 150; Burden Hours: 300.

Abstract: ED will use the information collected through this application to award grants to approximately 150 local educational agenices that serve high proportions of children living on Indian lands. The information will also be used to describe to the Congress and the public how these grants are being used.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__RIMG@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (540) 776–7742 or via her internet address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–21578 Filed 8–24–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Study of Potential Sites for the Deployment of New Nuclear Power Plants in the United States

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation.

SUMMARY: The U.S. Department of Energy, Idaho Operations Office, is seeking applications from U.S. nuclear utilities/power generating companies to conduct an Early Site Permit scoping study of potential sites for the deployment of new nuclear power plants in the United States. The intention of this study is to determine the activities, schedule and resource requirements for demonstration of the Nuclear Regulatory Commission Early Site Permit Application licensing process at the preferred site.

DATES: The deadline for receipt of applications is 4:00 p.m. EST on October 15, 2001.

ADDRESSES: The formal solicitation document will be disseminated electronically as Solicitation Number DE–PS07–01ID14135, Study of Potential Sites for the Deployment of New Nuclear Power Plants in the United States, through the Industry Interactive Procurement System (IIPS) located at the following URL: *http://e-center.doe.gov.* IIPS provides the medium for disseminating solicitations, receiving financial assistance applications and evaluating the applications in a paperless environment. Completed applications are required to be submitted via IIPS. Individuals who have the authority to enter their company into a legally binding contract/agreement and intend to submit proposals/applications via the IIPS system must register and receive confirmation that they are registered prior to being able to submit an application on the IIPS system. An IIPS ''User Guide for Contractors'' can be obtained by going to the IIPS Homepage at the following URL: *http://e-center.doe.gov* and then clicking on the ''Help'' button. Questions regarding the operation of IIPS may be e-mailed to the IIPS Help Desk at *IIPS_HelpDesk@e-center.doe.gov* or call the help desk at (800) 683–0751.

FOR FURTHER INFORMATION CONTACT: Carol Van Lente, Contract Specialist, at *vanlencl@id.doe.gov.*

SUPPLEMENTARY INFORMATION: The authorizing statutes for this program are: Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*), as amended and Public Law 95–91, Department of Energy Organization Act of 1977. Approximately $700,000 in federal funds is expected to be available to conduct this scoping study. DOE anticipates making at least one or more cooperative agreement awards with a project performance period of approximately six months.

Issued in Idaho Falls on August 20, 2001.

R.J. Hoyles,

Director, Procurement Services Division.

[FR Doc. 01–21572 Filed 8–24–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Oak Ridge Operations Office; Certification of the Radiological Condition of the Former Baker Brothers Site in Toledo, Ohio, and Ottawa Lake Vicinity Property in Ottawa Lake, Michigan, 1994 and 1995

AGENCY: Department of Energy (DOE), Oak Ridge Operations (ORO) Office of Environmental Management.

ACTION: Notice of certification.

SUMMARY: The Department of Energy has completed remedial actions to decontaminate the former Baker Brothers Site in Toledo, Ohio, and associated vicinity property in Ottawa Lake, Michigan. Formerly, the properties were found to contain quantities of residual radioactive material resulting from activities conducted by DOE or its predecessors at the former Baker Brothers, Inc., company. Based on the analysis of all data collected, DOE has concluded that any residual radiological contamination remaining onsite at the conclusion of DOE's remedial action falls within radiological guidelines in effect at the conclusion of such remedial action.

ADDRESSES: The certification docket is available at the following locations:

U.S. Department of Energy, Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585

U.S. Department of Energy, Public Reading Room, Oak Ridge Operations Office, 200 Administration Road, Oak Ridge, Tennessee 37831

Toledo-Lucas County Public Library, Kent Branch, 3101 Collingwood Boulevard, Toledo, Ohio 43610

Office of the Whiteford Township Clerk, 5063 Consear Road, Ottawa Lake, Michigan 49267

FOR FURTHER INFORMATION CONTACT: Robert G. Atkin, Project Engineer, Office of Assistant Manager for Environmental

Management, Oak Ridge Operations Office, U.S. Department of Energy, P.O. Box 2001, Oak Ridge, Tennessee 37831, (865) 576–1826 Fax: (865) 574–4724.

SUPPLEMENTARY INFORMATION: The DOE, ORO Office of Environmental Management, has conducted remedial actions at the former Baker Brothers site in Toledo, Ohio, and associated vicinity property in Ottawa Lake, Michigan, under the Formerly Utilized Sites Remedial Action Program (FUSRAP). The objective of the program is to identify and remediate or otherwise control sites where residual radioactive contamination remains from activities carried out under contract to the Manhattan Engineer District/Atomic Energy Commission (MED/AEC) during the early years of the nation's atomic energy program.

In October 1997, the U.S. Congress assigned responsibility for management of the program to the U.S. Army Corps of Engineers (USACE). Completion of the Certification process was delayed pending preparation of a Memorandum of Understanding between the DOE and USACE with regard to completed, remediated sites such as Baker Brothers and its vicinity property. The Memorandum of Understanding between the U.S. DOE and the U.S. Army Corps of Engineers Regarding Program Administration and Execution of the Formerly Utilized Sites Remedial Action Program was signed by the parties in March 1999. Funding to proceed with the completion of DOE closure documentation for several FUSRAP sites, including Baker Brothers, was obtained from USACE in late 2000.

During the early and mid-1940s, Baker Brothers, Inc., machined natural (neither enriched nor depleted) uranium metal slugs from processed uranium metals under subcontract to MED for both Clinton Semi-Works in East Tennessee and the Hanford nuclear reactor complex in Washington State. The amount of material machined by Baker Brothers has been estimated from historical documents at 90 to 300 tons.

After the subcontract termination in 1944, the Baker Brothers property was decontaminated to comply with guidelines in effect at the time. Because the Baker Brothers uranium metal machining was related to AEC activities, a preliminary survey of existing conditions was conducted in 1989 by members of the Measurement Applications and Development Group at the Oak Ridge National Laboratory (ORNL) at the request of DOE. Results of that survey indicated localized areas of residual uranium contamination above the current guidelines. Consequently, the former Baker Brothers property was resurveyed in September 1992 and recommended for inclusion in FUSRAP. In November 1992, the former Baker Brothers site and Ottawa Lake vicinity property were designated for cleanup under FUSRAP.

In 1944, when the Baker Brothers assets were liquidated, the machinery and equipment were sold at a public auction, and the property was divided and sold to two independent interests. The northern part of the property was resold in the summer of 1992. The new owner of this portion of the property contacted ORNL and inquired about the radiological status of the property. Through this conversation ORNL learned that soil and debris potentially contaminated with residual uranium from the former Baker Brothers site had been moved to 4400 Piehl Road in Ottawa Lake, Michigan, for use as fill material.

A 1992 ORNL radiological investigation of the former Baker Brothers site revealed that 90 to 100 dump-truck loads of potentially contaminated soils and debris had been used for fill material at 4400 Piehl Road, Ottawa Lake, Michigan. The residential property (the Ottawa Lake site) was then added to FUSRAP as a vicinity property of the former Baker Brothers site that potentially contained residual uranium materials. DOE conducted remedial actions at the former Baker Brothers site from April 1995 to September 1995 and at the Ottawa Lake property from October 1994 to January 1995.

Post-remedial action surveys conducted in 1994 and 1995 have demonstrated and DOE has certified that the subject properties are in compliance with the Department's radiological decontamination criteria and standards in effect at the conclusion of the remedial action. The standards are established to protect members of the general public and occupants of the properties and to ensure that future use of the properties will result in no radiological exposure above then applicable guidelines. These findings are supported by DOE's Certification Docket for the Remedial Action Performed at the Former Baker Brothers, Inc., Site and Ottawa Lake Vicinity Property. DOE makes no representation regarding the condition of the subject properties as a result of activities conducted subsequent to DOE's post-remedial action surveys.

The Certification docket will be available for review between 9:00 a.m. and 4:00 p.m., Monday through Friday (except federal holidays) in the Department's Public Reading Room located in Room 1E–190 of the Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Copies of the certification docket also will be available in the DOE Public Reading Room, U.S. Department of Energy, Oak Ridge Operations Office, Oak Ridge, Tennessee 37831; at the Toledo-Lucas County Public Library, Kent Branch, 3101 Collingwood Boulevard, Toledo, Ohio 43610; and at the Office of the Whiteford Township Clerk, 5063 Consear Road, Ottawa Lake, Michigan 49267.

DOE, through the Oak Ridge Operations Office of Environmental Management, Oak Ridge Reservation Remediation Management Group, has issued the following statements:

Statement of Certification: Former Baker Brothers Site (Romanoff Property)

The Department of Energy (DOE), Oak Ridge Operations (ORO) Office of Environmental Management, Oak Ridge Reservation (ORR) Remediation Management Group, has reviewed and analyzed the radiological data obtained following remedial action at the former Baker Brothers, Inc., site (parcels identified as Nos. 24, 25, and 26 in the Detroit Avenue Addition, as derived from Deed Book 2091, Page 89 and Document 16005, Microfiche 92–479B01 in the records of Lucas County, Ohio). Based on analysis of all data collected, including post-remedial action surveys, DOE certifies that any residual contamination remaining onsite at the time remedial actions were completed falls within the guidelines, in effect at the conclusion of remedial action, for use of the site without radiological restrictions. This certification of compliance provides assurance that reasonably foreseeable future use of the property will result in no radiological exposure above radiological guidelines, in effect at the conclusion of the remedial action, for protecting members of the general public as well as occupants of the site.

Property owned by: Richard B. Romanoff and Jack Romanoff, Jr., P.O. Box 699, Toledo, Ohio 43697

Statement of Certification: Former Baker Brothers Site (Beat Property)

The Department of Energy (DOE), Oak Ridge Operations (ORO) Office of Environmental Management, Oak Ridge Reservation (ORR) Remediation Management Group, has reviewed and analyzed the radiological data obtained following remedial action at the former Baker Brothers, Inc. site (parcel identified as No. 40 in the Detroit Avenue Addition, in Deed Book 5145,

page 95–154C12, in the records of Lucas County, Ohio). Based on analysis of all data collected, including post-remedial action surveys, DOE certifies that any residual contamination remaining onsite at the time remedial actions were completed falls within the guidelines, in effect at the conclusion of remedial action, for use of the site without radiological restrictions. This certification of compliance provides assurance that reasonably foreseeable future use of the property will result in no radiological exposure above radiological guidelines, in effect at the conclusion of the remedial action, established to protect members of the general public as well as occupants of the site.

Property owned by: Douglas N. Beat, and Patricia S. Beat 2940 Spring Water Drive, Toledo, Ohio 43617

Statement of Certification: Former Baker Brothers Site Ottawa Lake Vicinity Property

The Department of Energy (DOE), Oak Ridge Operations (ORO) Office of Environmental Management, Oak Ridge Reservation (ORR) Remediation Management Group, has reviewed and analyzed the radiological data obtained following remedial action at the Ottawa Lake vicinity property (Parcel No. 5815–013–006–40 filed in Deed Book 1000, Page 564 in the records of Monroe County, Michigan). Based on analysis of all data collected, including post-remedial action surveys, DOE certifies that any residual contamination remaining onsite at the time remedial actions were completed falls within the guidelines, in effect at the conclusion of remedial action, for use of the property without radiological restrictions. This certification of compliance provides assurance that reasonably foreseeable future use of the property will result in no radiological exposure above radiological guidelines, in effect at the conclusion of the remedial action, for protecting members of the general public as well as occupants of the site.

Property owned by: Frank Vitale and Janet L. Vitale, 4400 Piehl Road, Ottawa Lake, Michigan 49267–9731

Issued in Oak Ridge, Tennessee, on August 15, 2001.

William M. Seay,

Group Leader, ORR Remediation Management Group.

[FR Doc. 01–21570 Filed 8–24–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–428–000]

Northern Natural Gas Company, Gulf South Pipeline Company, LP; Notice of Joint Application

August 21, 2001.

Take notice that on August 16, 2001, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, and Gulf South Pipeline Company, LP (Gulf South), 20 East Greenway Plaza, Houston, Texas 77046–2002, filed in Docket No. CP01–428–000, a joint application pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission), requesting permission and approval to abandon service under an individually certificated exchange agreement, all as more fully set forth in the joint 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, Northern and Gulf South, formerly United Gas Pipe Line Company and Koch Gateway Pipe Line Company, propose to abandon Rate Schedules X–79 and X–129 contained in their respective FERC Gas Tariffs, Original Volumes No. 2. The agreement has terminated pursuant to its terms.

Any questions regarding this application should be directed to Keith L. Petersen, Director, Certificates and Reporting for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, or Kyle Stephens, Director of Certificates, at (713) 544–7309, for Gulf South Pipeline Company, LP, 20 East Greenway Plaza, Houston, Texas 77046–2002.

Any person desiring to be heard or to protest said application should file a motion to intervene or a protest with the Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in 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 the protestants parties to the proceedings. Any person wishing to become a party to a proceeding must file a motion to intervene. 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest or motion to intervene is filed within the time required herein. At that time, the Commission, on its own review of the matter, will determine whether granting the Abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern or Gulf South to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21550 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1896–001]

Tampa Electric Company; Notice of Filing

August 21, 2001.

Take notice that on August 3, 2001, Tampa Electric Company tendered for filing with the Federal Energy Regulatory Commission (Commission) a notice of withdrawal of its compliance filing of June 29, 2001 in the above-captioned proceeding.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 31, 2001. Protests will be considered by the

Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21551 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–602–010, et al.]

Southern Electric Generation Company, et al.; Electric Rate and Corporate Regulation Filings

August 21, 2001.

Take notice that the following filings have been made with the Commission:

1. Southern Electric Generation Co.

[Docket No. ER01–602–010 and ER01–1773–002]

Take notice that on August 16, 2001, Southern Electric Generation Company tendered for filing substitute original SEGCO FERC Rate Schedule Vol. 1 in compliance with the formatting requirements of Commission Order No. 614.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Southern Company Services, Inc.

[Docket Nos. ER01–602–011]

Take notice that on August 16, 2001, in compliance with Commission letter orders dated January 21, 2001 and June 1, 2001, Southern Company Services, Inc. (SCS), as agent for Alabama power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively, Southern Companies), tendered for filing rate schedules and/or associated sheets compliant with Commission Order No. 614 for certain Southern Companies Rate Schedules. These Rate Schedules are Georgia Power First Revised Rate Schedule FERC Nos. 824, 825, 826, 836, 837 and 838; Gulf Power Company First Revised Rate Schedule FERC Nos. 82 and 84; Mississippi Power Company First Revised Rate Schedule FERC No. 135 and Southern Operating Companies First Revised Rate Schedule FERC Nos. 47, 70 and 93.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Entergy Services, Inc.

[Docket No. ER01–611–001]

Take notice that on August 15, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing its compliance filing in the above-captioned docket, including the First Revised Rate Schedule No. 98, dated August 1, 2001.

Comment date: September 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Energy, Inc.

[Docket No. ER01–2149–001]

Take notice that on August 16, 2001, Puget Sound Energy, Inc. (PSE) tendered for filing a blanket Service Agreement for Retail Network Integration Transmission Service, a blanket Retail Network Operating Agreement, and proposed Schedule 4R for PSE's Open Access Transmission Tariff (OATT). By order dated July 11, 2001, the Division of Tariffs and Rates—West, accepted the filing upon delegated authority and directed PSE to resubmit the schedules with the rate schedule designations required by Commission Order 614.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Illinois Power Company

[Docket No. ER01–2188–001]

Take notice that on August 17, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Commission a service agreement designation and restated service agreement as required by Order No. 614 and the Letter Order issued on July 25, 2001 in this docket.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Xcel Energy Operating Companies

[Docket No. ER01–2207–004]

Take notice that on August 16, 2001, the Xcel Energy Operating Companies (Xcel Energy) submitted for filing the following compliance revisions to their Joint Open Access Transmission Tariff (Joint OATT), First Revised Volume No. 1, First Revised Sheet No. 27, First Revised Sheet No. 34, and First Revised Sheet No. 64.

Pursuant to the Commission order (Order) issued July 25, 2001, in the above-referenced docket, Xcel Energy requests that the Commission accept the changes effective July 16, 2000, the date the Commission accepted as the effective date for MAPP's filing in the Order. Xcel Energy requests waiver of the Commission's notice requirements in order for the changes to be accepted for filing on the date requested.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. ALLETE, Inc. d/b/a Minnesota Power

[Docket No. ER01–2207–005]

Take notice that on August 16, 2001, ALLETE, Inc., d/b/a Minnesota Power provided notice to the Commission that ALLETE, Inc., d/b/a Minnesota Power adopts the Mid-Continent Area Power Pool (MAPP) Transmission Loading Relief (TLR) procedures for curtailments of firm transmission, including generation to load service to comply with the Commission's orders in Docket No. ER01–2207–000, in which the Commission accepted the Mid-Continent Area Power Pool's (MAPP) filing, amending Schedule F, to migrate fully to the NERC Transmission Loading Relief Procedure (TLR) for all purposes for which the MAPP Line Loading Relief Procedure (LLR) was formerly used. ALLETE, Inc., d/b/a Minnesota Power attached to its notice modifications to its open access transmission tariff to incorporate TLR.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Xcel Energy Services Inc.

[Docket No. ER01–2357–001]

Take notice that on August 17, 2001, Xcel Energy Services Inc. (XES), on behalf of Southwestern Public Service Company (Southwestern), submitted for filing an Order 614 compliant version of a Transaction Agreement and Master Power Sale Agreement (Master Agreement) between Southwestern and Midwest Energy, Inc., The Master Agreement is an umbrella service agreement under Southwestern's Rate Schedule for Market-Based Power Sales (FERC Electric Tariff, Second Revised Volume No. 3).

Comment date: September 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Company

[Docket No. ER01–2366–001]

Take notice that on August 14, 2001, New England Power Company (NEP) submitted for filing an amendment to its previous filing in the above captioned docket. The amendment redesignates a proposed rate schedule as Original Service Agreement No. 206 under NEP's FERC Electric Tariff, Second Revised Volume No. 9.

NEP states that a copy of this filing has been served upon each of the parties that was served by NEP in Docket No. ER01–2366–000.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. American Transmission Company LLC

[Docket No. ER01–2727–001]

Take notice that on August 15, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a revised Exhibit 1 to the Distribution-Transmission Interconnection Agreement (First Revised Service Agreement No. 184) between ATCLLC and Upper Peninsula Power Company. ATCLLC requests an effective date of June 29, 2001.

Comment date: September 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER01–2838–000]

Take notice that Cinergy Services, Inc. (Cinergy) and the Village of Blanchester, Ohio (Blanchester), on August 13, 2001, are submitting a revised Confirmation Letter of Cinergy's Market-Based Power Sales Tariff Original Volume No. 7–MB, Service Agreement No. 253, dated December 1, 2000.

Cinergy and Blanchester are requesting an effective date of September 1, 2001.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER01–2839–000]

Take notice that on August 14, 2001, Niagara Mohawk Power Corporation (NMPC), pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, tendered for filing and Commission acceptance a Power Purchase and Sale Agreement under which generally NMPC will (1) sell to Tractebel the power that NMPC receives under various of its supply contracts and (2) designate Tractebel as the representative and agent of NMPC for the administration of those supply contracts. NMPC contemplates an effective date of October 1, 2001.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. PPL Electric Utilities Corporation

[Docket No. ER01–2841–000]

Take notice that on August 14, 2001, PPL Electric Utilities Corporation (PPL Electric Utilities) tendered for filing an Interconnection Agreement between PPL Electric Utilities and the City of Allentown, Pennsylvania.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Virginia Electric and Power Company

[Docket No. ER01–2842–000]

Take notice that Virginia Electric and Power Company (the Company) on August 14, 2001, tendered for filing the following Service Agreement by Virginia Electric and Power Company to CMS Marketing, Services and Trading Company, designated as Service Agreement No. 4, under the Company's short-form market-based rate tariff, FERC Electric Tariff, Original Volume No. 6.

The foregoing Service Agreement is tendered for filing under the Company's short-form market-based rate tariff, FERC Electric Tariff, Original Volume No. 6, effective on June 15, 2000. The Company requests an effective date of July 26, 2001.

Copies of the filing were served upon CMS Marketing, Services and Trading Company, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Cambridge Electric Light Company

[Docket No. ER01–2843–000]

Take notice that on August 13, 2001, Cambridge Electric Light Company filed tariff sheets to correct an inadvertent deletion from the Appendix H rate formula in its open access transmission tariff.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. PECO Energy Company, Commonwealth Edison Company, Exelon Generation Company, LLC

[Docket No.ER01–2846–000]

Take notice that on August 13, 2001, PECO Energy Company, Commonwealth Edison Company, and Exelon Generation Company, LLC, submitted a supplement to their joint application filed in the captioned docket in June 29, 2001.

Comment date: September 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Florida Power Corporation

[Docket No. ER01–2848–000]

Take notice that on August 16, 2001, Florida Power Corporation (FPC) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Exelon Generation Company, LLC. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of FPC.

FPC is requesting an effective date of September 1, 2001 for the Service Agreements.

A copy of the filing was served upon the Florida Public Service Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Carolina Power & Light Company

[Docket No. ER01–2849–000]

Take notice that on August 16, 2001, Carolina Power & Light Company (CP&L) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Exelon Generation Company, LLC. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of CP&L.

CP&L is requesting an effective date of September 1, 2001 for the Service Agreements.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Southern Company Services, Inc.

[Docket No. ER01–2854–000]

Take notice that on August 16, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively Southern Companies), filed Amendment No. 2 to the Agreement for Network Integration Transmission Service for Alabama Electric Cooperative, Inc. under Southern Companies Open

Access Transmission Tariff to Add Delivery Points. Amendment No. 2 provides that transmission service under the referenced service agreement (Service Agreement No. 225 under Southern Companies Open Access Transmission Tariff (FERC Electric Tariff Original Volume No. 5) is to be provided at two (2) new delivery points. Additionally, Amendment No. 2 specifies the estimated Direct Assignment Facility Charges for these additional delivery points.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Virginia Electric and Power Company

[Docket No. ER01–2855–000]

Take notice that on August 16, 2001, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing Notices of Termination of Service Agreements with Engage Energy US L.P. for Non-Firm and Firm Point-To-Point Transmission Service designated respectively as First Revised Service Nos. 147 and 177 under FERC Electric Tariff, Second Revised Volume No. 5.

Dominion Virginia Power also respectfully requests a waiver of the Commission's regulations to permit a retroactive effective date of May 8, 2001, as requested by the customer.

Copies of the filing were served upon El Paso Merchant Energy, L.P. (originally Engage Energy US L.P.), the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Virginia Electric and Power Company

[Docket No. ER01–2856–000]

Take notice that on August 16, 2001, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing Notices of Termination of Service Agreements with Columbia Energy Power Marketing Corporation for Non-Firm and Firm Point-To-Point Transmission Service designated respectively as First Revised Service Nos. 196 and 197 under FERC Electric Tariff, Second Revised Volume No. 5.

Dominion Virginia Power respectfully requests an effective date of the termination of the Service Agreements of October 15, 2001.

Copies of the filing were served upon Enron Power Marketing, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Public Service Company of Oklahoma

[Docket No. ER01–2857–000]

Take notice that on August 16, 2001, Public Service Company of Oklahoma (PSO) tendered for filing an executed Restated and Amended Interconnection Agreement, dated July 26, 2001, between PSO and Kiowa Power Partners, LLC (Kiowa). The July 26, 2001 Interconnection Agreement supersedes all existing interconnection and interchange agreements between PSO and Kiowa.

PSO requests an effective date of October 15, 2001.

Copies of this filing has been served upon Kiowa and the Oklahoma Corporation Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Southern California Edison Company

[Docket No. ER01–2858–000]

Take notice that on August 16, 2001, Southern California Edison Company (SCE) tendered for filing under SCE's Wholesale Distribution Access Tariff a Service Agreement for Wholesale Distribution Service and an Interconnection Facilities Agreement (collectively, Agreements) between SCE and the County Sanitation Districts of Los Angeles (CSDLA).

These Agreements specify the terms and conditions under which SCE will interconnect CSDLA's generating facility to its electrical system and provide Distribution Service for up to 8 MW of power produced by the generating facility.

SCE respectfully requests the Agreements to become effective August 17, 2001.

Copies of this filing were served upon the Public Utilities Commission of the State of California and CSDLA.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Carolina Power & Light Company

[Docket No. ER01–2859–000]

Take notice that on August 16, 2001, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement between CP&L and the following eligible buyer, Duke Power, a division of Duke Energy Corporation. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of June 1, 2002 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. PJM Interconnection, L.L.C

[Docket No. ER01–2860–000]

Take notice that on August 16, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing: (i) an executed agreement for non-firm point-to-point transmission service with Exelon Generation Company, L.L.C. (Exelon); (ii) an executed agreement for firm point-to-point transmission service for WPS Energy Services (WPS); and (iii) an executed agreement for non-firm point-to-point transmission service for WPS.

Copies of this filing were served upon Exelon, WPS and the state commissions within the PJM control area.

The requested effective date for the service agreements is July 31, 2001.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Mirant Americas Energy Marketing, LP

[Docket No. ER01–2861–000]

Take notice that on August 16, 2001, Mirant Americas Energy Marketing, LP (Mirant Americas) filed an application to amend its Market-Based Tariff, on file with the Commission in Docket No. ER01–1265–001 to permit Mirant Americas to sell, reassign, or transfer transmission capacity rights in accordance with Order Nos. 888 and 888–A.

Mirant Americas requests that the Rate Schedule become effective August 17, 2001.

Comment date: September 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Rathdrum Power LLC

[Docket No. ER01–2862–000]

Take notice that on August 17, 2001, Rathdrum Power LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) under its market-based rate tariff a long-term service agreement between Rathdrum Power LLC and Avista Energy, Inc., as assigned to Avista Turbine Power, Inc.

Comment date: September 7, 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.

Linwood A. Watson, Jr.,

Acting Secretary

[FR Doc. 01–21547 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

August 22, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12088–000.

c. *Date filed:* July 17, 2001.

d. *Applicant:* Northern Illinois Hydropower Corporation.

e. *Name of Project:* Brandon Road Hydropower Project.

f. *Location:* On the Des Plaines River in Will County, Illinois, at the U.S. Army Corps of Engineers' Brandon Road Lock and Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Dennis Cohil, 801 Oakland Ave., Joliet, IL 60435, (815) 723–6314 and Damon Zdunich, 519 N. Reed St, Joliet, IL 60435, (815) 744–3741.

i. *FERC Contact:* Elizabeth Jones (202) 208–0246.

j. Deadline for filing motions to intervene, protests and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Copies of this filing are on file with the Commission and are available for public inspection. 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.

Please include the Project Number (12088–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would use the existing Corps of Engineers' Brandon Road Lock and Dam and reservoir. The proposed project would consist of: (1) A proposed powerhouse containing two generating units with a total installed capacity of 6.6 MW; (2) a proposed 3-phase 34-kVA transmission line; and (3) appurtenant facilities.

The project would have an estimated annual generation of 55.16 GWH.

l. 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). A copy is also available for inspection and reproduction at the address in item 'h' above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title

''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21548 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

August 22, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12097–000.

c. *Date filed:* July 30, 2001.

d. *Applicant:* Green River 3 Associates.

e. *Name of Project:* Green River Dam 3.

f. *Location:* On the Green River in Ohio County, Kentucky at the U.S. Army Corps of Engineers' Green River Lock and Dam 3. All lands of the proposed project are federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Soft Energy Associates, 414 S. Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Elizabeth Jones (202) 208–0246.

j. Deadline for filing motions to intervene, protests, and comments: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E. Washington, D.C. 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Please include the Project Number (12097–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Description of the Project: The proposed project would place turbines in the existing lock chamber of the dam that was deactivated in 1981. The proposed project would consist of: (1) An existing 353-foot-long, 23.5-foot-high timber crib and rock-filled dam; (2) an existing 137.5-foot-long, 35.8-foot-wide, lock chamber; (3) a proposed series of axial flow propeller turbines with a total installed capacity of 1.2 MW; (4) proposed three-phase line running approximately 500 feet across the river to connect with an existing three-phase distribution line; and (5) appurtenant facilities.

The project would have an estimated annual generation of 4 GWH.

l. Copies of this filing are on file with the Commission and are available for 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). A copy is also available for inspection and reproduction at the address in item 'h' above.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21549 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visits and Soliciting Scoping Comments

August 21, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Original Minor License.

b. *Project No.:* P–11797–000.

c. *Date Filed:* July 29, 1999.

d. *Applicant:* Grande Pointe Power Corporation.

e. *Name of Project:* Three Rivers Hydroelectric Project.

f. *Location:* On the St. Joseph River in the City of Three Rivers, St. Joseph County, Michigan. The project does not utilize federal lands.

g. *File Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Monroe E. Learn, Grande Pointe Power Corporation, 503 West Michigan Avenue, Three Rivers, MI 54601, (616) 273–8828.

i. *FERC Contact:* Mr. Charles T. Raabe, E-mail Charles.Raabe@FERC.FED.US or telephone (202) 219–2811.

j. *Deadline for filing scoping comments:* 60 days from the issuance of this Notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Copies of this filing are on file with the Commission and are available for public inspection. 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.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of the following existing facilities: (1) a right earthen embankment 750 feet-long and a left earthen embankment 200 feet-long, separated by a 283 foot-long gated spillway section with a crest elevation of 792.40 feet NGVD; (2) a 601-acre reservoir with a normal water surface elevation of 797.0 feet NGVD; (3) a powerhouse containing 3 vertical Francis turbines each connected to a generator unit for a total installed capacity of 900 kW; and (4) appurtenant facilities. The average annual energy generation is 3,844,920 kWh. Power generated by the project is sold to the city of Sturgis.

m. *Location of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. *Scoping Process:* The Commission intends to prepare an Environmental Assessment (EA) for the proposed licensing of the Three Rivers Project (FERC No. 11797–000) in accordance with the National environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed actions.

Scoping Meetings

The Commission will hold two scoping meetings, one in the evening and one in the daytime, to help us identify the scope of issues to be addressed in the EA.

The evening meeting will focus on public concerns, while the daytime scoping meeting will focus on resource agency concerns. All interested agencies, nongovernmental organizations (NGOs), Native American tribes, and individuals to attend either of the meetings and to assist the staff in identifying the scope of environmental issues to be analyzed in the EA. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Tuesday, September 11, 2001, 7 to 9 p.m.

Three Rivers Community Library, St. Joseph Room, 103 South Douglas Avenue, Three Rivers, MI 49093

Morning Scoping Meeting

Thursday, September 13, 2001, 9 to 11 a.m.

2651 Coolidge Road, East Lansing, MI 48823

To help focus discussions, we will distribute to parties on the Commission's mailing list a Scoping Document (SD1) outlining the subject areas to be addressed in the EA. Copies of the SD1 will also be available at the scoping meetings.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues that the Commission staff tentatively has identified for analysis in the EA; (2) take statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in

opposition to, or in support of, those issues identified by the Commission staff; (3) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis; and (4) solicit all available information, especially quantifiable data, on the resources at issue.

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission's proceeding on the project. Individuals presenting statements at the meeting will be asked to sign in before the meeting starts and to identify themselves clearly for the record.

Site Visit

The applicant and the Commission staff will conduct a project site visit on the morning of September 12th, 2001. We will meet at 8:30 a.m. at the Grande Pointe Power Corporation (GPPC) office at 503 West Michigan Avenue in Three Rivers, and will travel by foot to the project facilities. Those who wish to attend the site visit should contact Mr. Monroe E. Learn (GPPC) no later than Monday September 10, 2001 at (616) 273–8828.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21552 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–475–000]

Trunkline Gas Company; Notice of Technical Conference

August 21, 2001.

On August 15, 2000, Trunkline Gas Company (Trunkline) filed in Docket No. RP00–475–000 to comply with Order No. 637.

Take notice that a technical conference to discuss the various issues raised by Trunkline's filing will be held on Wednesday, September 19, 2001, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426. Persons protesting any aspects of Trunkline's filing should be prepared to defend their positions as well as discuss alternatives.

The issues to be discussed will include but are not limited to:

Segmentation
Flexible Point Rights
Discount Provisions
Imbalance Services
Penalties
Operational Flow Orders

The above schedule may be changed as circumstances warrant.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–21553 Filed 8–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed Allocation of the Post-2004 Resource Pool-Salt Lake City Area Integrated Projects

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of public meeting.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing administration, announced its Post-2004 Resource Pool-Salt Lake City Area Integrated Projects (SLCA/IP) Proposed Allocation of Power on June 13, 2001. Western has decided to hold an additional public information and comment meeting during the comment period.

DATES: The consultation and comment period on Western's proposed allocations began on June 13, 2001, and will end on October 11, 2001.

An information/comment meeting has been scheduled on October 4, 2001, in Salt Lake City, Utah, at the Wallace F. Bennet Federal Building at 10 a.m. MDT.

ADDRESSES: The meeting will be held at 125 South State Street, Room 8102, Salt Lake City, UT. All comments regarding the Proposed Allocation of Power should be directed to: Mr. Burt Hawkes, Power Marketing and Contracts, CRSP Management Center, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147–0606. Comments may also be faxed to (801) 524–5017 or emailed to *post2004slcip@wapa.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Burt Hawkes, Power Marketing and Contracts, (801) 524–3344, or Mr. Lyle Johnson, Public Utilities Specialist, (801) 524–5585. Written requests for information should be sent to CRSP Management Center, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147–0606.

SUPPLEMENTARY INFORMATION: On June 13, 2001, Western published a notice of proposed allocation from the SLCA/IP resource pool (66 FR 31910). That document anticipated that the location and times of four public meetings would be announced through a subsequent **Federal Register** document. Inadvertently, the notice announcing dates, times, and locations of the information and comment meetings on the proposed allocations was not published in the **Federal Register**, although notice of the August meetings was extensively distributed directly to and among all known interested parties. Formal records have been kept of each meeting, and are available to the public upon payment of the cost of transcription and duplication. However, to avoid any procedural issues, this notice announces the date, time, and location of an additional meeting. The format of the meeting will feature an informal presentation to explain Western's proposed allocation and answer questions, followed by a formal comment forum giving interested parties the opportunity to provide comments on Western's proposed allocations. This is the same format used in the meetings that have already been held.

Dated: August 14, 2001.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 01–21571 Filed 8–24–01; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–01–42–B (Auction No. 42); DA 01–1789]

Multiple Address Systems Spectrum Auction Scheduled for November 14, 2001; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of Multiple Address Systems (MAS) licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands, scheduled for November 14, 2001 (Auction No. 42).

DATES: Auction No. 42 is scheduled for November 14, 2001.

FOR FURTHER INFORMATION CONTACT: *Auctions and Industry Analysis Division:* Francis Gutierrez, Legal Branch, or Lyle Ishida, Auctions Operations Branch, at (202) 418–0660; Barbara Sibert, Auctions Operations Branch, at (717) 338–2888.

Commercial Wireless Division (928/959 MHz Incumbency and Due

Diligence Issues): Gaspar Messina, Licensing and Technical Analysis Branch, at (202) 418–1348.

Public Safety and Private Wireless Division: Shellie Blakeney (legal), Michael Pollak (technical), Policy and Rules Branch, at (202) 418–0680, or Steve Buenzow, Licensing and Technical Analysis Branch, at (717) 338–2646.

Media Contact: Meribeth McCarrick at (202) 418–0654.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 42 Procedures Public Notice* released July 27, 2001. The complete text of the *Auction No. 42 Procedures Public Notice,* including attachments, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, D.C. 20554. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, D.C. 20036, (202) 857–3800 and is also available on the Commission's web site at *http://www.fcc.gov.*

I. General Information

A. Introduction

1. By the *Auction No. 42 Procedures Public Notice,* the Wireless Telecommunications Bureau (''Bureau'') announces the procedures and minimum opening bids for the upcoming auction of Multiple Address Systems (''MAS'') licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands, scheduled for November 14, 2001 (Auction No. 42). On June 29, 2001, in accordance with the Balanced Budget Act of 1997, the Bureau released a public notice seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 42. The Bureau received no comments in response to the *Auction No. 42 Comment Public Notice*.

i. Background of Proceeding

2. In the *MAS Report and Order,* 65 FR 17445 (April 3, 2000), the Commission adopted rules to maximize the use of spectrum in the MAS service. Specifically, the Commission: (i) Designated the 928/952/956 MHz bands exclusively for private internal services, licensed on a first-come, first-served, site-by-site basis; (ii) designated the 928/959 MHz bands and twenty of the forty paired channels in the 932/941 MHz bands to be licensed on a geographic area basis; (iii) reserved twenty of the forty channel pairs in the 932/941 MHz bands for public safety/Federal Government and private internal services, licensed on a first-come, first-served, site-by-site basis; (iv) designated five of the twenty channels in the 932/941 MHz bands' set-aside exclusively for public safety/Federal Government services; (v) grandfathered existing operations on the MAS bands, while limiting expansion in the 928/959 MHz bands; (vi) established service areas based on the Commission's and the Department of Commerce's definitions of Economic Areas (''EAs''); (vii) established construction/coverage requirements for EA licensees; (viii) introduced flexibility to the MAS technical rules; (ix) adopted a flexible approach for defining the regulatory status of MAS licensees by allowing the licensee to indicate its regulatory status; (x) lifted the suspension on the acceptance of applications for the 928/952/956 MHz bands and the twenty channels in the 932/941 MHz bands designated for public safety/Federal Government and/or private internal services upon the release of the *MAS Report and Order;* and (xi) adopted the part 1 competitive bidding rules for the MAS spectrum. The Commission later amended the text of the *MAS Report and Order* in an *Erratum to the MAS Report and Order.*

3. Subsequently, in the *MAS Memorandum Opinion and Order,* 65 FR 35107 (July 3, 2001), the Commission addressed four petitions for reconsideration and/or clarification. The Commission granted two of the petitions, granted the third petition, in part, and dismissed the fourth petition as moot. Additionally, the Commission, on its own motion, adopted minor changes to certain technical requirements in part 101 and modified the application freeze in certain MAS bands. An *Erratum to the MAS Memorandum Opinion and Order* was subsequently released.

ii. Licenses To Be Auctioned

4. The *Auction No. 42 Comment Public Notice* announced that 6,160 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands were to be auctioned on November 14, 2001. The *Auction No. 42 Procedures Public Notice* clarifies that 5,104 MAS licenses are available for auction. The 50 kHz spectrum blocks designated in the *Auction No. 42 Comment Public Notice* as Blocks BC, BD, BE, BF, BG, and BH (the 25 kHz channel pairs in the 928/959 MHz bands) represent the same spectrum as the 25 kHz Blocks AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, and AL (the 12.5 kHz channel pairs in the 928/959 bands). Thus, Blocks BC, BD, BE, BF, BG, and BH, as listed in the *Auction No. 42 Comment Public Notice,* were removed from the license inventory and the 928/959 MHz bands will be licensed on the basis of 12.5 kHz channel pairs (25 kHz total bandwidth).

5. Accordingly, 5,104 MAS licenses in the Fixed Microwave Services from the 928/959 and 932/941 MHz bands are available in Auction No. 42. Twenty-nine (29) licenses will be offered in each of the 176 EAs. These geographic areas encompass the United States, Guam and the Northern Marianas Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico.

6. The following table contains the Block/Frequency Cross-Reference List for the MAS bands:

928/959 AND 932/941 MHz–MAS FREQUENCIES

Block (license suffix)	Paired frequencies * (MHz)	Total ** bandwidth (kHz)
AA	928.85625/959.85625	25
AB	928.86875/959.86875	25
AC	928.88125/959.88125	25
AD	928.89375/959.89375	25
AE	928.90625/959.90625	25
AF	928.91875/959.91875	25
AG	928.93125/959.93125	25
AH	928.94375/959.94375	25
AI	928.95625/959.95625	25
AJ	928.96875/959.96875	25
AK	928.98125/959.98125	25
AL	928.99375/959.99375	25
AM	932.00625/941.00625	25
AN	932.01875/941.01875	25
AO	932.03125/941.03125	25
AP	932.04375/941.04375	25
AQ	932.05625/941.05625	25
AR	932.06875/941.06875	25
AS	932.08125/941.08125	25
AT	932.09375/941.09375	25
AU	932.15625/941.15625	25
AV	932.16875/941.16875	25
AW	932.18125/941.18125	25
AX	932.19375/941.19375	25
AY	932.20625/941.20625	25
AZ	932.21875/941.21875	25
BA	932.23125/941.23125	25
BB	932.24375/941.24375	25
BC	932.12500/941.12500	100

*The individual frequencies listed in this chart are the center frequencies of each frequency pair in the block to be auctioned. *See* 47 CFR 101.147(b)(3), (4). Each block consists of two channels of equal bandwidth. For example, in Block AA, 928.85625 and 959.85625 are the center frequencies and each frequency pair is comprised of two 12.5 kHz wide channels. Therefore, the two channels in Block AA are 928.8500–928.8625 MHz and 959.8500–959.8625 MHz.

**This represents the total bandwidth for the block, which is the combination of each channel in the pair.

A. Rules and Disclaimers

i. Relevant Authority

7. Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to the Multiple Address Systems (MAS), contained in title 47, part 22 and part 101 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1 of the Code of Federal Regulations.

8. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, ''terms'') contained in the *Auction No. 42 Procedures Public Notice;* the *Auction No. 42 Comment Public Notice;* the *Part 1 Fifth Report and Order* 65 FR 52401 (August 29, 2000) (as well as prior Commission proceedings regarding competitive bidding procedures); the *MAS Notice of Proposed Rule Making;* 62 FR 11407 (March 12, 1997) the *MAS Further Notice of Proposed Rule Making and Order;* 64 FR 38617 (July 19, 1999) the *MAS Report and Order,* and the *MAS Memorandum Opinion and Order*.

9. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Auctions World Wide Web site at *http://www.fcc.gov/wtb/auctions.* Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (''ITS''), at (202) 857–3800. When ordering documents from ITS, please provide the appropriate FCC number (for example, FCC 01–171 for the *Memorandum Opinion and Order*).

ii. Prohibition of Collusion

10. To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins at the short-form application filing deadline and ends at the down payment deadline after the auction. Bidders competing for licenses in the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he or she is authorized to represent in the auction. A violation could similarly occur if the authorized bidders are different individuals employed by the same organization (e.g., law firm or consulting firm). In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.

11. However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted. In Auction No. 42, for example, the rule would apply to any applicants that have applied for licenses covering the same geographic areas. Therefore, applicants that apply to bid for ''all licenses'' would be precluded from communicating with all other applicants after filing the FCC Form 175 short-form application until after the down payment deadline. However, applicants may enter into bidding agreements *before* filing their FCC Form 175, as long as they disclose the existence of the agreement(s) in their Form 175. If parties agree in principle on all material terms prior to the short-form filing deadline, those parties must be identified on the short-form application pursuant to § 1.2105(c) of the Commission's rules, even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for licenses covering the same geographic areas. By signing their FCC Form 175 short-form applications, applicants are certifying their compliance with § 1.2105(c).

12. In addition, § 1.65 of the Commission's rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus, § 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders therefore are required to make such notification to the Commission immediately upon discovery.

13. A summary listing of documents from the Commission and the Bureau addressing the application of the anti-collusion rules may be found in Attachment I of the *Auction No. 42 Procedures Public Notice.*

iii. Incumbent Licensees

14. Potential bidders are reminded that there are incumbent licensees operating on frequencies that will be subject to the upcoming auction. The holder of an EA authorization thus will be required to protect incumbents from harmful interference. Specifically, an EA authorization holder will be required to coordinate with the incumbent licensees by using the interference protection criteria in § 101.1333 of the Commission's rules. However, operational agreements are encouraged between the parties. Should an incumbent's license cancel automatically or otherwise be recovered by the Commission, the incumbent's frequencies will automatically revert to the applicable EA licensee without being subject to further competitive bidding.

iv. Due Diligence

15. Potential bidders should also be aware that certain applications (including those for modification), petitions for rulemaking, requests for special temporary authority (''STA''), waiver requests, petitions to deny, petitions for reconsideration, and applications for review may be pending before the Commission that relate to particular applicants or incumbent licensees. In addition, certain decisions reached in this proceeding may be subject to judicial appeal and may be the subject of additional reconsideration or appeal. We note that resolution of these matters could have an impact on the availability of spectrum in Auction 42. In addition, while the Commission will continue to act on pending applications, requests and petitions, some of these matters may not be resolved by the time of the auction.

16. Potential bidders are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in Auction No. 42.

17. To aid potential bidders, Attachment B to the *Auction No. 42 Procedures Public Notice* lists MAS

matters pending before the Commission that relate to licenses or applications in the 928/959 MHz band. The Commission makes no representations or guarantees that the listed matters are the only pending matters that could affect spectrum availability in the 928/959 MHz band.

18. Copies of pleadings from pending cases relating to the 928/959 MHz band identified in Attachment B of the *Auction No. 42 Procedures Public Notice,* and are available for public inspection and copying during normal reference room hours at: Office of Public Affairs (OPA), Reference Operations Division, 445 12th Street, SW, Room CY–C314, Washington, DC 20554.

19. In addition, potential bidders may research the Bureau's licensing database on the World Wide Web in order to determine which frequencies are already licensed to incumbent licensees. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in, or near, the EA for which they plan to bid.

20. Licensing records for the 928/959 MHz band are contained in the Bureau's Universal Licensing System (ULS) and may be researched on the Internet at *http://www.fcc.gov/wtb/uls* by selecting the ''License Search'' button. Potential bidders may query the database online and download a copy of their search results if desired. The Bureau recommends that potential bidders select the ''Frequency'' option under License Search, specify the desired frequency or frequency range, select Status ''A'' (Active), and use the ''GeoSearch'' button at the bottom of the screen to limit their searches to a particular geographic area. Detailed instructions on using License Search (including frequency searches and the GeoSearch capability) and downloading query results are available online by selecting the ''?'' button at the bottom right-hand corner of the License Search screen.

21. Potential bidders should direct questions regarding the search capabilities to the FCC Technical Support hotline at (202) 414–1250 (voice) or (202) 414–1255 (TTY), or via e-mail at *ulscomm@fcc.gov.* The hotline is available to assist with questions Monday through Friday, from 7:00 AM to 10:00 PM ET, Saturday, 8:00 AM to 7:00 PM ET, and Sunday, 12:00 noon to 6:00 PM ET. In order to provide better service to the public, *all calls to the hotline are recorded.*

22. In addition, licenses in EAs that border Canada may be subject to the Arrangement between the Federal Communications Commission and the National Telecommunications and Information Administration of the United States and Industry Canada concerning the use of the bands 932–to 935 MHz and 941 to 944 MHz along the United States—Canada border. Licenses in EAs that border Mexico may be subject to the Protocol Concerning the Allotment and Use of Channels in the 932–932.5 and 941–941.5 MHz bands for Fixed Point-to-Multipoint Services along the Common Border.

23. Licenses may, in some EAs, be required to protect quiet zones. Licenses in EAs that would affect quiet zones are subject to § 101.1329 of the Commissions rules.

v. Bidder Alerts

24. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

25. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants and interested parties should perform their own due diligence before proceeding, as they would with any new business venture.

26. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 42 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a ''cold call'' from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example, by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of investment is less than $25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service (''IRS''), Federal Trade Commission (''FTC''), Securities and Exchange Commission (''SEC''), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

27. Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326–2222 and from the SEC at (202) 942–7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876–7060. Consumers who have concerns about specific proposals regarding Auction No. 42 may also call the FCC Consumer Center at (888) CALL-FCC ((888) 225–5322).

vi. National Environmental Policy Act (''NEPA'') Requirements

28. Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and the licensee must comply with the Commission's NEPA rules for each such facility. The Commission's NEPA rules require, among other things, that the licensee consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). The licensee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious

sites, floodplains, and surface features. The licensee must also prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

C. Auction Specifics

i. Auction Date

29. The auction will begin on Wednesday, November 14, 2001. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

30. The Commission announces that bidding for Auction No. 42 will be temporarily suspended the afternoon of November 21, 2001, in observance of the federal holiday and will resume on Monday, November 26, 2001.

ii. Auction Title

31. Auction No. 42—Multiple Address Systems

iii. Bidding Methodology

32. The bidding methodology for Auction No. 42 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either telephonically or electronically (by computer via the Internet or the Bureau's wide area network).

iv. Pre-Auction Dates and Deadlines

33. These are important dates relating to Auction No. 42:

Auction Seminar: September 18, 2001
Short-Form Application (FCC FORM 175): September 28, 2001; 6:00 p.m. ET
Upfront Payments (via wire transfer): October 22, 2001; 6:00 p.m. ET
Mock Auction: November 9, 2001
Auction Begins: November 14, 2001

v. Requirements For Participation

34. Those wishing to participate in the auction must:

- Submit a short-form application (FCC Form 175) electronically by 6:00 p.m. ET, September 28, 2001.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET, October 22, 2001.
- Comply with all provisions outlined in this public notice.

vi. General Contact Information

35. The following is a list of general contact information relating to Auction No. 42:

General Auction Information

General Auction Questions

Seminar Registration
FCC Auctions Hotline, (888) 225–5322, Press Option #2 or direct (717) 338–2888
Hours of service: 8 a.m.—5:30 p.m. ET

Auction Legal Information

Auction Rules, Policies, Regulations
Auctions and Industry Analysis Division, Legal Branch (202) 418–0660

Licensing Information

Rules, Policies, Regulations
Licensing Issues
Due Diligence
Incumbency Issues
Public Safety and Private Wireless Division, (202) 418–0680
928/959 MHz Incumbency and Due Diligence Issues
Commercial Wireless Division, (202) 418–0620

Technical Support

Electronic Filing
Automated Auction System
FCC Auctions Technical Support Hotline, (202) 414–1250 (Voice), (202) 414–1255 (TTY)
Hours of service: Monday through Friday 7 a.m. to 10:00 p.m. ET, Saturday, 8:00 a.m. to 7:00 p.m., Sunday, 12:00 noon to 6:00 p.m.

Payment Information

Wire Transfers
Refunds
FCC Auctions Accounting Branch, (202) 418–1995, (202) 418–2843 (Fax)

Telephonic Bidding

Will be furnished only to qualified bidders

FCC Copy Contractor

Additional Copies of Commission Documents
International Transcription Services, Inc., 445 12th Street, SW, Room CY–B400, Washington, DC 20554, (202) 314–3070 or (202) 857–3800

Press Information

Meribeth McCarrick (202) 418–0654

FCC Forms

(800) 418–3676 (outside Washington, DC)
(202) 418–3676 (in the Washington Area)
http://www.fcc.gov/formpage.html

FCC Internet Sites

http://www.fcc.gov
http://www.fcc.gov/wtb/auctions
http://www.fcc.gov/wtb/uls

II. Short-Form (FCC Form 175) Application Requirements

36. Guidelines for completion of the short-form (FCC Form 175) are set forth in Attachment E of the *Auction No. 42 Procedures Public Notice.* The short-form application seeks the applicant's name and address, legal classification, status, small or very small business bidding credit eligibility, identification of the license(s) sought, the authorized bidders and contact persons. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license and, as discussed in section II.E (Provisions Regarding Defaulters and Former Defaulters), that they are not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency.

A. License Selection

37. The Bureau has modified Form 175 for Auction No. 42. In Auction No. 42, Form 175 will include a mechanism that allows an applicant to filter the licenses by Market Number, Block, and/or Frequency Band to create customized lists of licenses. The applicant will make selections for one or more of the filter criteria and the system will produce a list of licenses satisfying the specified criteria. The applicant may apply for all the licenses in the customized list by using the ''Save all filtered licenses'' option; select and save individual licenses separately from the list; or create a second customized list without selecting any of the licenses from the first list. Applicants also will be able to select licenses from one customized list and then create a second customized list to select additional licenses.

B. Ownership Disclosure Requirements (FCC Form 175 Exhibit A)

38. All applicants must comply with the uniform part 1 ownership disclosure standards and provide information required by §§ 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing FCC Form 175, applicants will be required to file an ''Exhibit A'' providing a full and complete statement of the ownership of the bidding entity. The ownership disclosure standards for the short-form are set forth in § 1.2112 of the Commission's rules.

C. Consortia and Joint Bidding Arrangements (FCC Form 175 Exhibit B)

39. Applicants will be required to identify on their short-form applications any parties with whom they have

entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. As discussed, if an applicant has had discussions, but has not reached a joint bidding agreement by the short-form deadline, it would not include the names of parties to the discussions on its applications and may not continue discussions with applicants for the same geographic license area(s) after the deadline. Where applicants have entered into consortia or joint bidding arrangements, applicants must submit an ''Exhibit B'' to the FCC Form 175.

40. A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same geographic license area provided that (i) the attributable interest holder certifies that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies.

D. Eligibility

i. Bidding Credit Eligibility (FCC Form 175 Exhibit C)

41. In the *MAS Report and Order,* the Commission adopted bidding credits on a ''tiered'' basis for all small businesses participating in the auction of MAS spectrum.

42. Bidding credits are available to small and very small businesses, or consortia thereof, (as defined in 47 CFR 1.2110(c), 101.1319). A bidding credit represents the amount by which a bidder's winning bids are discounted. The size of the bidding credit depends on the average of the aggregated annual gross revenues for each of the preceding three years of the bidder, its affiliates, its controlling interests, and the affiliates of its controlling interests:

- A bidder with attributed average annual gross revenues of not more than $15 million for the preceding three years receives a 25 percent discount on its winning bids for MAS licenses;
- A bidder with attributed average annual gross revenues of not more than $3 million for the preceding three years receives a 35 percent discount on its winning bids for MAS licenses.

Bidding credits are not cumulative; qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both.

ii. Tribal Land Bidding Credit

43. To encourage the growth of wireless services in federally recognized tribal lands the Commission has implemented a tribal land bidding credit. *See* part V.C. of the *Auction No. 42 Procedures Public Notice.*

iii. Applicability of Part 1 Attribution Rules

44. *Controlling interest standard.* On August 14, 2000, the Commission released the *Part 1 Fifth Report and Order,* in which the Commission, *inter alia,* adopted a ''controlling interest'' standard for attributing to auction applicants the gross revenues of their investors and affiliates in determining small business eligibility for future auctions. The Commission observed that the rule modifications adopted in the various part 1 orders would result in discrepancies and/or redundancies between certain of the new part 1 rules and existing service-specific rules, and the Commission delegated to the Bureau the authority to make conforming edits to the Code of Federal Regulations (CFR) consistent with the rules adopted in the part 1 proceeding. Part 1 rules that superseded inconsistent service-specific rules will control in Auction No. 42. *Accordingly, the ''controlling interest'' standard as set forth in the part 1 rules will be in effect for Auction No. 42, even if conforming edits to the CFR are not made prior to the auction.*

45. *Control.* The term ''control'' includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity's voting stock evidences de jure control. De facto* control is determined on a case-by-case basis. The following are some common indicia of *de facto* control:

- The entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- The entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- The entity plays an integral role in management decisions.

46. *Attribution for small and very small business eligibility.* In determining which entities qualify as small or very small businesses, the Commission will consider the gross revenues of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests. The Commission does not impose specific equity requirements on controlling interest holders. Once the principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the affiliates of those principals or entities, the applicant and its affiliates, will be counted in determining small business eligibility.

47. A consortium of small or very small businesses is a ''conglomerate organization formed as a joint venture between or among mutually independent business firms,'' each of which *individually* must satisfy the definition of small or very small business in §§ 1.2110(f) and 101.1319. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, its controlling interests, and the affiliates of its controlling interests. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

iv. Supporting Documentation

48. Applicants should note that they will be required to file supporting documentation to their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify as small or very small businesses (or consortia of small or very small businesses) for this auction.

49. Applicants should further note that submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the

Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

50. *Small or very small business eligibility (Exhibit C).* Entities applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate,* the gross revenues for the preceding three years of each of the following: (i) The applicant, (ii) its affiliates, (iii) its controlling interests, and (iv) the affiliates of its controlling interests. Certification that the average annual gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of small or very small businesses, this information must be provided for each consortium member.

E. Provisions Regarding Defaulters and Former Defaulters (FCC Form 175 Exhibit D)

51. Each applicant must certify on its FCC Form 175 application that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant, its affiliates, its controlling interests, or the affiliates of its controlling interest have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any Federal agency. The applicant must provide such information for itself, for each of its controlling interests and affiliates, and for each affiliate of its controlling interests, as defined by § 1.2110 of the Commission's rules (as amended in the *Part 1 Fifth Report and Order).* Applicants must include this statement as Exhibit D of the FCC Form 175. Prospective bidders are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

52. ''Former defaulters''—*i.e.,* applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—are eligible to bid in Auction No. 42, provided that they are otherwise qualified. However, as discussed *infra* in section III.D.iii, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

F. Installment Payments

53. Installment payment plans will not be available in Auction No. 42.

G. Other Information (FCC Form 175 Exhibits E and F)

54. Applicants owned by minorities or women, as defined in 47 CFR 1.2110(c)(2), may attach an exhibit (Exhibit E) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of ''designated entities'' in its auctions. Applicants wishing to submit additional information may do so on Exhibit F (Miscellaneous Information) to the FCC Form 175.

H. Minor Modifications to Short-Form Applications (FCC Form 175)

55. After the short-form filing deadline (September 28, 2001), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections or proposed service areas, change the certifying official or change control of the applicant or change bidding credits). *See* 47 CFR 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Margaret Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4–A760, Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Francis Gutierrez of the Auctions and Industry Analysis Division at (202) 418–0660.

I. Maintaining Current Information in Short-Form Applications (FCC Form 175)

56. Applicants have an obligation under 47 CFR 1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications, as defined by 47 CFR 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application.

III. Pre-Auction Procedures

A. Auction Seminar

57. On Tuesday, September 18, 2001, the FCC will sponsor a free seminar for Auction No. 42 at the Federal Communications Commission, located at 445 12th Street, SW, Room 4–B516, Washington, DC. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, the FCC Automated Auction System, and the Multiple Address Systems (MAS) and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff.

58. To register, complete Attachment C of the *Auction No. 42 Procedures Public Notice* and submit it by Friday, September 14, 2001. Registrations are accepted on a first-come, first-served basis.

B. Short-Form Application (FCC Form 175)—Due September 28, 2001

59. In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be submitted electronically and received at the Commission no later than 6:00 p.m. ET on September 28, 2001. Late applications will not be accepted.

60. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See* part III.D.

i. Electronic Filing

61. Applicants must file their FCC Form 175 applications electronically. Applications may generally be filed at any time beginning at noon ET on September 18, 2001, until 6:00 p.m. ET on September 28, 2001. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic

applications multiple times until the filing deadline on September 28, 2001.

62. Applicants must press the ''SUBMIT Application'' button on the ''Submission'' page of the electronic form to successfully submit their FCC Form 175s. Any form that is not submitted will not be reviewed by the FCC. Information about accessing the FCC Form 175 is included in Attachment D of the *Auction No. 42 Procedures Public Notice.* Technical support is available at (202) 414–1250 (voice) or (202) 414–1255 (text telephone (TTY)); the hours of service Monday through Friday, from 7 AM to 10 PM ET, Saturday, 8 AM to 7 PM ET, and Sunday, 12 noon to 6 PM ET. In order to provide better service to the public, *all calls to the hotline are recorded.*

63. Applicants can also contact Technical Support via e-mail. To obtain the address, click the Support tab on the Form 175 Homepage.

ii. Completion of the FCC Form 175

64. Applicants should carefully review 47 CFR 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment E of the *Auction No. 42 Procedures Public Notice.* Applicants are encouraged to begin preparing the required attachments for FCC Form 175 prior to submitting the form. Attachments D and E of the *Auction No. 42 Procedures Public Notice* provide information on the required attachments and appropriate formats.

iii. Electronic Review of FCC Form 175

65. The FCC Form 175 electronic review system may be used to locate and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any exhibits to their FCC Form 175 applications. There is no fee for accessing this system. *See* Attachment D of the *Auction No. 42 Procedures Public Notice* for details on accessing the review system.

C. Application Processing and Minor Corrections

66. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (i) Those applications accepted for filing; (ii) those applications rejected; and (iii) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

67. As described more fully in the Commission's rules, after the September 28, 2001, short-form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official, change control of the applicant, or change bidding credit eligibility).

D. Upfront Payments—Due October 22, 2001

68. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159 that can be printed and faxed to Mellon Bank in Pittsburgh, PA. All upfront payments must be received at Mellon Bank by 6 p.m. ET on October 22, 2001.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 42 go to a lockbox number different from the lockboxes used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the October 22, 2001, deadline will result in dismissal of the application and disqualification from participation in the auction.

i. Making Auction Payments by Wire Transfer

69. Wire transfer payments must be received by 6 p.m. ET on October 22, 2001. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261.

Receiving Bank: Mellon Pittsburgh.

BNF: FCC/AC 910–0198.

OBI Field: (Skip one space between each information item).

''Auctionpay''.

Taxpayer Identification No.: (same as FCC Form 159, block 12).

Payment Type Code (same as FCC Form 159, block 24A: A42U).

FCC Code 1 (same as FCC Form 159, block 28A: ''42'').

Payer Name (same as FCC Form 159, block 2).

Lockbox No. #358410.

Note: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

70. Applicants must fax a completed FCC Form 159 (Revised 2/00) to Mellon Bank at (412) 209–6045 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write ''Wire Transfer—Auction Payment for Auction Event No. 42.'' Bidders should confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

ii. FCC Form 159

71. A completed FCC Remittance Advice Form (FCC Form 159, Revised 2/00) must be faxed to Mellon Bank in order to accompany each upfront payment. Proper completion of FCC Form 159 (Revised 2/00) is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment F of the *Auction No. 42 Procedures Public Notice.* An electronic version of the FCC Form 159 is available after filing the FCC Form 175. The FCC Form 159 can be completed electronically, but must be filed with Mellon Bank via facsimile.

iii. Amount of Upfront Payment

72. In the *Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making,* 62 FR 13540 (March 21, 1997), the Commission delegated to the Bureau the authority and discretion to determine appropriate upfront payment(s) for each auction. In addition, in the *Part 1 Fifth Report and Order,* the Commission ordered that ''former defaulters,'' *i.e.*, applicants that have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, be required to pay upfront payments fifty percent greater than non-''former defaulters.''

73. In the *Auction No. 42 Comment Public Notice,* we proposed translating bidders' upfront payments to bidding units to define a bidder's maximum eligibility. In order to bid on a license, otherwise qualified bidders who applied for that license on Form 175 must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, therefore, an applicant's total upfront payment

must be enough to establish eligibility to bid on at least one of the licenses applied for on Form 175, or else the applicant will not be eligible to participate in the auction. An applicant does not have to make an upfront payment to cover all licenses for which the applicant has applied on Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids at any given time.

74. In the *Auction No. 42 Comment Public Notice,* the Bureau proposed upfront payments on a license-by-license basis using the following formula: $.0000075 * kHz * License Area Population with a minimum of $1,000 per license.

75. The Bureau's intent was to establish upfront payments lower than those determined in the formula. Attachment A of the *Auction No. 42 Comment Public Notice* reflected those lower values in accordance with the Bureau's intent. The *Auction No. 42 Procedures Public Notice* clarifies that the correct formula for determining upfront payments will be: $.00000375* kHz * License Area Population with a minimum of $1,000 per license.

76. This clarification matches the formula to the amounts noted in Attachment A of the *Auction No. 42 Procedures Public Notice.* Having received no comments regarding the value of the proposed upfront payments, we therefore adopt the upfront payment amounts proposed in Attachment A of the *Auction No. 42 Comment Public Notice.*

77. The specific upfront payments and bidding units for each license are set forth in Attachment A of the *Auction No. 42 Procedures Public Notice.*

78. In calculating its upfront payment amount, an applicant should determine the *maximum* number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. In order to make this calculation, an applicant should add together the upfront payments for all licenses on which it seeks to bid in any given round. Bidders should check their calculations carefully, as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.

EXAMPLE: UPFRONT PAYMENTS AND BIDDING FLEXIBILITY

Market No.	Block	Market name	Population	Bidding units	Upfront payment
BEA012	BC	Philadelphia-Wilmington-Atlantic City	6,915,860	2,600	$2,600
BEA013	AA	Washington-Baltimore	7,454,633	1,000	$1,000

If a bidder wishes to bid on both licenses in a round, it must have selected both on its FCC Form 175 and purchased at least 3,600 bidding units (2,600 + 1,000). If a bidder only wishes to bid on one, but not both, purchasing 2,600 bidding units would meet the requirement for either license. The bidder would be able to bid on either license, *but not both at the same time.* If the bidder purchased only 1,000 bidding units, it would have enough eligibility for the Washington-Baltimore license but not for the Philadelphia-Wilmington-Atlantic City license.

79. Former defaulters should calculate their upfront payment for all licenses by multiplying the number of bidding units they wish to purchase by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

Note: An applicant may, on its FCC Form 175, apply for every applicable license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.

iv. Applicant's Wire Transfer Information for Purposes of Refunds of Upfront Payments

80. The Commission will use wire transfers for all Auction No. 42 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed be supplied to the FCC. Applicants can provide the information electronically during the initial short-form filing window after the form has been submitted. Wire Transfer Instructions can also be manually faxed to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Tim Dates or Gail Glasser, at (202) 418–2843 by October 22, 2001. All refunds will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. For additional information, please call (202) 418–1995.

Name of Bank
ABA Number
Contact and Phone Number
Account Number to Credit
Name of Account Holder
Taxpayer Identification Number
Correspondent Bank (if applicable)
ABA Number
Account Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in part V.E.

E. Auction Registration

81. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

82. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, one containing the confidential bidder identification number (BIN) required to place bids and the other containing the SecurID cards. These mailings will be sent only to the contact person at the contact address listed in the FCC Form 175.

83. Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Thursday, November 8, 2001 should contact the Auctions Hotline at (717) 338–2888. Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

84. Qualified bidders should note that lost bidder identification numbers or SecurID cards can be replaced only by appearing *in person* at the FCC Auction Headquarters located at 445 12th St., SW, Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person

with two forms of identification (one of which must be a photo identification) in order to receive replacement codes. Qualified bidders requiring replacements must call technical support prior to arriving at the FCC.

F. Remote Electronic Bidding

85. The Commission will conduct this auction over the Internet. Telephonic bidding and access via the Bureau's wide area network will also be available, as in prior auctions. Qualified bidders are permitted to bid telephonically or electronically, *i.e.*, over the Internet or the Bureau's wide area network. In either case, each authorized bidder must have its own Remote Security Access SecurID card, which the FCC will provide at no charge. Each applicant with less than three authorized bidders will be issued two SecurID cards, while applicants with three authorized bidders will be issued three cards. For security purposes, the SecurID cards and the instructions for using them are only mailed to the contact person at the contact address listed on the FCC Form 175. Please note that each SecurID card is tailored to a specific auction, therefore, SecurID cards issued for other auctions or obtained from a source other than the FCC will not work for Auction No. 42. The telephonic bidding phone number will be supplied in the first Federal Express mailing of the confidential bidder identification number. Your bidding preference—electronic or telephonic—is specified on the FCC Form 175.

86. Please note that the SecurID cards can be recycled, and we encourage bidders to return the cards to the FCC. We will provide pre-addressed envelopes that bidders may use to return the cards once the auction is over.

G. Mock Auction

87. All qualified bidders will be eligible to participate in a mock auction on Friday, November 9, 2001. The mock auction will enable applicants to become familiar with the electronic system prior to the auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

IV. Auction Event

88. The first round of bidding for Auction No. 42 will begin on Wednesday, November 14, 2001. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

89. In the *Auction No. 42 Comment Public Notice*, we proposed to award all licenses in Auction No. 42 in a single, simultaneous multiple round auction. We received no comments on this issue. Therefore, we conclude that it is operationally feasible and appropriate to auction the MAS licenses through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, we believe, allows bidders to take advantage of any synergies that exist among licenses and is administratively efficient.

ii. Maximum Eligibility and Activity Rules

90. In the *Auction No. 42 Comment Public Notice*, we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder. We received no comments on this issue.

91. For Auction No. 42 we adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility (*see* ''Amount of Upfront Payment'' in part III.D.iii). The total upfront payment defines the maximum number of bidding units on which the applicant will be permitted to bid and hold high bids. As there is no provision for increasing a bidder's maximum eligibility during the course of an auction (as described under ''Auction Stages'' in part IV.A.iii), prospective bidders are cautioned to calculate their upfront payments carefully. The total upfront payment does not affect the total dollars a bidder may bid on any given license.

92. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their current eligibility during each round of the auction.

93. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see ''Bid Increments and Minimum Accepted Bids'' in part IV.B.(3)). The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions (as set forth under ''Auction Stages'' in part IV.A.iii and ''Stage Transitions'' in part IV.A.iv), we adopt them for Auction No. 42.

ii. Auction Stages

94. In the *Auction No. 42 Comment Public Notice*, we proposed to conduct the auction in three stages and employ an activity rule. We further proposed that, in each round of Stage One, a bidder desiring to maintain its current eligibility would be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. In each round of Stage Two, a bidder desiring to maintain its current eligibility would be required to be active on at least 90 percent of its current bidding eligibility. Finally, we proposed that a bidder in Stage Three, in order to maintain eligibility, would be required to be active on 98 percent of its current bidding eligibility. We received no comments on this proposal.

95. We adopt our proposals for the activity rules and have listed the activity levels for each stage of the auction. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

Stage One: During the first stage of the auction, a bidder desiring to maintain its current eligibility will be required to be active on licenses that represent at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current activity (the sum of bidding units of the bidder's standing high bids and valid bids during the current round) by five-fourths (5/4).

Stage Two: During the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's

bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current activity (the sum of bidding units of the bidder's standing high bids and valid bids during the current round) by ten-ninths (10/9).

Stage Three: During the third stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). In this stage, reduced eligibility for the next round will be calculated by multiplying the bidder's current activity (the sum of bidding units of the bidder's standing high bids and valid bids during the current round) by fifty-fortyninths (50/49).

Caution: Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding period of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding system's bidding module.

96. Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, we adopt them for Auction No. 42.

iv. Stage Transitions

97. In the *Auction No. 42 Comment Public Notice*, we proposed that the auction would generally advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is below 10 percent for three consecutive rounds of bidding in each Stage. We further proposed that the Bureau would retain the discretion to change stages unilaterally by announcement during the auction. This determination, we proposed, would be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We received no comments on this subject.

98. We adopt our proposal. Thus, the auction will start in Stage One and it will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on 10 percent or less of the licenses being auctioned (as measured in bidding units). In addition, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We believe that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 42.

v. Activity Rule Waivers and Reducing Eligibility

99. In the *Auction No. 42 Comment Public Notice*, we proposed that each bidder in the auction would be provided five activity rule waivers. Bidders may use an activity rule waiver in any round during the course of the auction. We received no comments on this issue.

100. Based upon our experience in previous auctions, we adopt our proposal that each bidder be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. We are satisfied that our practice of providing five waivers over the course of the auction provides a sufficient number of waivers and maximum flexibility to the bidders, while safeguarding the integrity of the auction.

101. The FCC Automated Auction System assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an ''automatic waiver'') at the end of any round where a bidder's activity level is below the minimum required unless: (i) There are no activity rule waivers available; or (ii) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

102. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the bidding system. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in ''Auction Stages'' (*see* part IV.A.iii discussion). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

103. Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding system) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. However, an automatic waiver triggered during a round in which there are no new valid bids or withdrawals will not keep the auction open.

vi. Auction Stopping Rules

104. For Auction No. 42, the Bureau proposed to employ a simultaneous stopping rule. Under this rule, bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. After the first such round, bidding closes simultaneously on all licenses.

105. The Bureau also proposed retaining discretion to implement a modified version of the simultaneous stopping rule. The modified version will close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder will not keep the auction open under this modified stopping rule.

106. The Bureau further proposed retaining the discretion to keep the auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn in a round. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

107. In addition, we proposed that the Bureau reserve the right to declare that

the auction will end after a designated number of additional rounds (''special stopping rule''). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders will be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or adjusting the amount of the minimum bid increments for the licenses.

108. We received no comments on the subject, therefore, we adopt all of the proposals concerning the auction stopping rules. Auction No. 42 will begin under the simultaneous stopping rule, and the Bureau will retain the discretion to invoke the other versions of the stopping rule. We believe that these stopping rules are most appropriate for Auction No. 42, because our experience in prior auctions demonstrates that the auction stopping rules balance the interests of administrative efficiency and maximum bidder participation.

iii. Auction Delay, Suspension, or Cancellation

109. In the *Auction No. 42 Comment Public Notice,* we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair conduct of competitive bidding.

110. Because this approach has proven effective in resolving exigent circumstances in previous auctions, we adopt our proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

A. Bidding Procedures

i. Round Structure

111. The initial bidding schedule will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. This public notice will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will also be included in the public notice.

112. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

ii. Reserve Price or Minimum Opening Bid

113. *Background.* The Balanced Budget Act calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when FCC licenses are subject to auction (*i.e.,* because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction. Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could have an impact on the spectrum being auctioned. The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.

114. In the *Auction No. 42 Comment Public Notice,* the Bureau proposed to establish minimum opening bids for Auction No. 42 and to retain discretion to lower the minimum opening bids. Specifically, for Auction No. 42, the Bureau proposed the following license-by-license formula for calculating minimum opening bids: $.0000075 * kHz * License Area Population with a minimum of $1,000 per license.

115. In the alternative, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

116. The Bureau's intent was to establish minimum opening bids lower than those determined in the formula. Attachment A of the *Auction No. 42 Comment Public Notice* reflected those lower values in accordance with the Bureau's intent. This Public Notice clarifies that the correct formula for determining minimum opening bids will be: $.00000375* kHz * License Area Population with a minimum of $1,000 per license.

This clarification matches the formula to the amounts noted in Attachment A of the *Auction No. 42 Procedures Public Notice.* Having received no comments regarding the value of the proposed minimum opening bids, we therefore adopt the upfront payment amounts proposed in Attachment A of the *Auction No. 42 Comment Public Notice.*

117. The specific minimum opening bids for each license are set forth in Attachment A of the *Auction No. 42 Procedures Public Notice.*

118. The minimum opening bids that we adopt are reducible at the discretion of the Bureau. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.,* before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any requests to reduce the minimum opening bid on specific licenses.

iii. Bid Increments and Minimum Accepted Bids

119. In the *Auction No. 42 Comment Public Notice,* we proposed to use a smoothing methodology to calculate minimum acceptable bids. We further proposed to retain the discretion to change the minimum acceptable bids and bid increments if circumstances so

dictate. We received no comment on this issue.

120. We adopt our proposal for a smoothing formula. The smoothing methodology is designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. This methodology allows the increments to be tailored to the activity level of a license, decreasing the time it takes for active licenses to reach their final value. The formula used to calculate this increment is included as Attachment H of the *Auction No. 42 Procedures Public Notice.*

121. We adopt our proposal of initially setting the weighing factor at 0.5, the minimum percentage increment at 0.1 (10 percent), and the maximum at 0.2 (20 percent). The Bureau retains the discretion to change the minimum acceptable bids and bid increments if it determines that circumstance so dictate. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau may also use its discretion to adjust the minimum bid increment without prior notice if circumstances warrant. The Bureau also retains the discretion to use alternate methodologies, such as a flat percentage increment for all licenses, for Auction No. 42 if circumstances warrant.

iv. High Bids

122. At the end of each round, the Automated Auction System determines the standing high bid for each license based on the gross dollar amounts of the bids received for each license.

123. In the case of tied high bids, an implementation of the Lecuyer pseudo-random generator will be used to determine the standing high bid. A random number will be assigned to each bid. The tie bid having the highest random number will become the standing high bid. As noted in the *Auction No. 42 Comment Public Notice,* we have adopted this method of breaking ties for this auction because, unlike prior auctions, bidders in Auction No. 42 will be able to bid via the Internet. Breaking ties by reference to the timing of the bids, as in prior auctions, is inappropriate in Auction No. 42 because bidders may access the Internet at widely varying speeds.

v. Bidding

124. During a bidding round, a bidder may submit bids for as many licenses as it wishes (subject to its eligibility), withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round.

125. Please note that all bidding will take place remotely either through the Automated Auction System or by telephonic bidding. (Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. Normally, four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 42.

126. A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (i) the licenses applied for on FCC Form 175 and (ii) the upfront payment amount deposited. The bid submission screens will allow bidders to submit bids on only those licenses for which the bidder applied on its FCC Form 175.

127. The FCC Automated Auction System requires each bidder to be logged in during the bidding round using the bidder identification number provided in the registration materials, and the generated SecurID code. Bidders are strongly encouraged to print bid confirmations *after* they submit their bids.

128. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. For each license, the Automated Auction System interface will list the nine acceptable bid amounts in a drop-down box. Bidders may use the drop-down box to select from among the nine acceptable bid amounts. The Automated Auction System also includes an import function that allows bidders to upload text files containing their bid information.

129. Once there is a standing high bid on a license, the Automated Auction System will calculate a minimum acceptable bid for that license for the following round. The difference between the minimum acceptable bid and the standing high bid for each license will define the *bid increment.* The nine acceptable bid amounts for each license consist of the minimum acceptable bid (the standing high bid plus one bid increment) and additional amounts calculated using multiple bid increments (*i.e.,* the second bid amount equals the standing high bid plus two times the bid increment, the third bid amount equals the standing high bid plus three times the bid increment, etc.).

130. Until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. The additional bid amounts for licenses that have not yet received a bid are calculated using the difference between the minimum opening bid times one plus the minimum percentage increment, rounded, and the minimum opening bid. Therefore, when the minimum percentage increment equals 0.1, the first additional bid amount will be approximately ten percent higher than the minimum opening bid; the second, twenty percent; the third, thirty percent; etc.

131. In the case of a license for which the standing high bid has been withdrawn, the minimum acceptable bid will equal the second highest bid received for the license. The additional bid amounts are calculated using the difference between the second highest bid times one plus the minimum percentage increment, rounded, and the second highest bid.

132. See Attachment H of the *Auction No. 42 Procedures Public Notice* for more detail on the calculation of the various bid amounts.

133. Finally, bidders are cautioned in selecting their bid amounts because, as explained in the following section, bidders who withdraw a standing high bid from a previous round, even if mistakenly or erroneously made, are subject to bid withdrawal payments.

vi. Bid Removal and Bid Withdrawal

134. In the *Auction No. 42 Comment Public Notice,* we proposed bid removal and bid withdrawal rules. With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion. We received no comments on this issue.

135. *Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the ''remove bid'' function in the bidding system, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.,* a bid that is subsequently removed does not count toward the bidder's activity requirement. This procedure, about which we received no comments, will

enhance bidder flexibility during the auction. Therefore, we adopt these procedures for Auction No. 42.

136. Once a round closes, a bidder may no longer remove a bid. However, in later rounds, a bidder may withdraw standing high bids from previous rounds using the ''withdraw bid'' function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 CFR 1.2104(g).

137. In previous auctions, we have detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While we continue to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various licenses in combination, we conclude that, for Auction No. 42, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so we believe we strike a reasonable compromise that will allow bidders to use withdrawals. Our decision on this issue is based upon our experience in prior auctions, particularly the PCS D, E and F block auctions, and 800 MHz SMR auction, and is in no way a reflection of our view regarding the likelihood of any speculation or ''gaming'' in this auction.

138. The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will still be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. If a high bid is withdrawn, the minimum accepted bid in the next round will be the prior round's second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid. The additional bid amounts are calculated using the difference between the second highest bid times one plus the minimum percentage increment, rounded, and the second highest bid. The Commission will serve as a ''place holder'' on the license until a new acceptable bid is submitted on that license.

139. *Calculation.* Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction. If a bidder withdraws its bid and there is no higher bid in the same or subsequent auction(s), the bidder that withdrew its bid is responsible for the difference between its withdrawn bid and the net high bid in the same or subsequent auction(s). In the case of multiple bid withdrawals on a single license, within the same or subsequent auctions(s), the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids, in either the same or subsequent auctions(s), equals or exceeds that withdrawn bid. Thus, a bidder that withdraws a bid will not be responsible for any withdrawal payments if there is a subsequent higher bid in the same or subsequent auction(s). This policy allows bidders most efficiently to allocate their resources as well as to evaluate their bidding strategies and business plans during an auction while, at the same time, maintaining the integrity of the auction process. The Bureau retains the discretion to scrutinize multiple bid withdrawals on a single license for evidence of anti-competitive strategic behavior and take appropriate action when deemed necessary.

140. In the *Part 1 Fifth Report and Order*, the Commission modified § 1.2104(g)(1) of the rules regarding assessments of interim bid withdrawal payments. As amended, § 1.2104(g)(1) provides that in instances in which bids have been withdrawn on a license that is not won in the same auction, the Commission will assess an interim withdrawal payment equal to 3 percent of the amount of the withdrawn bids. The 3 percent interim payment will be applied toward any final bid withdrawal payment that will be assessed after subsequent auction of the license. Assessing an interim bid withdrawal payment ensures that the Commission receives a minimal withdrawal payment pending assessment of any final withdrawal payment. The *Part 1 Fifth Report and Order* provides specific examples showing application of the bid withdrawal payment rule.

vii. Round Results

141. Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Bureau will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access. Reports reflecting bidders' identities and bidder identification numbers for Auction No. 42 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

viii. Auction Announcements

142. The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available by clicking a link on the FCC Automated Auction System.

ix. Maintaining the Accuracy of FCC Form 175 Information

143. As noted in part II.H, after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and certain revision of exhibits. Filers must make these changes on-line, and submit a letter summarizing the changes to: Margaret Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–A760, Washington, DC 20554.

144. A separate copy of the letter should be mailed to Francis Gutierrez, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–A425, Washington, DC 20554. Questions about other changes should be directed to Francis Gutierrez at (202) 418–0660.

V. Post-Auction Procedures

A. Down Payments and Withdrawn Bid Payments

145. After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying winning bidders, down payments and any withdrawn bid payments due.

146. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable small and very small business bidding credits). *See* 47 CFR 1.2107(b). In addition, by the same deadline all bidders must pay any bid withdrawal payments due under 47 CFR

1.2104(g), as discussed in ''Bid Removal and Bid Withdrawal,'' part IV.B.vi. (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

B. Long-Form Application

147. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 601) and required exhibits for each license won through Auction No. 42. Winning bidders that are small or very small businesses must include an exhibit demonstrating their eligibility for small and very small business bidding credits. *See* 47 CFR 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

C. Tribal Land Bidding Credit

148. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have a telephone service penetration rate equal to or below 70 percent is eligible to receive a tribal land bidding credit as set forth in 47 CFR 1.2107 and 1.2110(f). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

149. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal land bidding credit *after* winning the auction when it files its long-form application (FCC Form 601). When filing the long-form application, the winning bidder will be required to advise the Commission whether it intends to seek a tribal land bidding credit, for each market won in the auction, by checking the designated box(es). After stating its intent to seek a tribal land bidding credit, the applicant will have 90 days from the close of the long-form filing window to amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees receiving a tribal land bidding credit are subject to performance criteria as set forth in 47 CFR 1.2110(f).

150. For additional information on the tribal land bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rule making proceeding regarding tribal land bidding credits and related public notices. Relevant documents can be viewed on the Commission's web site by going to *http://www.fcc.gov/wtb/auctions* and clicking on *Information on Tribal Land Bidding Credits*.

D. Default and Disqualification

151. Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at their final bid. *See* 47 CFR 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 CFR 1.2109(d).

E. Refund of Remaining Upfront Payment Balance

152. All applicants that submitted upfront payments but were not winning bidders for a license in Auction No. 42 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise.

153. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request. If you have completed the refund instructions electronically, then only a written request for the refund is necessary. If not, the request must also include wire transfer instructions and a Taxpayer Identification Number (TIN). Send refund request to: Federal Communications Commission, Financial Operations Center, Auctions Accounting Group, Michelle Bennett, 445 12th Street, SW., Room 1–C864, Washington, DC 20554.

154. Bidders are encouraged to file their refund information electronically using the refund information portion of the FCC Form 175, but bidders can also fax their information to the Auctions Accounting Group at (202) 418–2843. Once the information has been approved, a refund will be sent to the party identified in the refund information.

Note: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Tim Dates or Gail Glasser at (202) 418–1995.

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 01–21573 Filed 8–24–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1389–DR]

District of Columbia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the District of Columbia (FEMA–1389–DR), dated August 16, 2001, and related determinations.

EFFECTIVE DATE: August 16, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–5920.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 16, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act), as follows:

I have determined that the damage in certain areas of the District of Columbia, resulting from severe storms, flooding, and mudslides on August 10–12, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act). I, therefore, declare that such a major disaster exists in the District of Columbia.

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

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the District, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance

be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later determined to be warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

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

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

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

I do hereby determine the following areas of the District of Columbia to have been affected adversely by this declared major disaster:

The District of Columbia for Individual Assistance.

The District of Columbia is eligible to apply for assistance under the Hazard Mitigation Grant Program.

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21595 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1389–DR]

District of Columbia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the District of Columbia, (FEMA–1389–DR), dated August 16, 2001, and related determinations.

EFFECTIVE DATE: August 20, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the District of Columbia is hereby amended to include Public Assistance for the following area determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 16, 2001:

District of Columbia for Public Assistance (already designated for Individual Assistance).

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21596 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1388–DR]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–1388–DR), dated August 15, 2001, and related determinations.

EFFECTIVE DATE: August 15, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 15, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky, resulting from severe storms and flooding on July 27, 2001, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Kentucky.

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

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

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

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

I do hereby determine the following areas of the Commonwealth of Kentucky to have been affected adversely by this declared major disaster:

Floyd, Knott, Letcher, Perry, and Pike Counties for Public Assistance.

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

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21594 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1387–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1387-DR), dated August 15, 2001, and related determinations.

EFFECTIVE DATE: August 15, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 15, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act) as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and flooding beginning on July 27, 2001, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5204c (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Tennessee.

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

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

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

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

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Cocke, Greene, Johnson, and Washington Counties for Public Assistance.

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

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21593 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1386–DR]

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

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia, (FEMA–1386–DR), dated July 12, 2001, and related determinations.

EFFECTIVE DATE: August 14, 2001.

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

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 12, 2001:

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

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21591 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1386–DR]

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

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia, (FEMA–1386-DR), dated July 12, 2001, and related determinations.

EFFECTIVE DATE: August 20, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 12, 2001:

Bath and Washington Counties for Public Assistance.

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

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–21592 Filed 8–24–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 10, 2001.

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

1. Frances Young Trigg, Lexington, Kentucky; to retain voting shares of Fredonia Valley Bancorp, Inc., Fredonia, Kentucky, and thereby indirectly retain voting shares of Fredonia Valley Bank, Fredonia, Kentucky.

Board of Governors of the Federal Reserve System, August 21, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–21534 Filed 8–24–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 20, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Eagle Bancshares, Inc., Cashton, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Cashton Bancshares, Inc., Cashton, Wisconsin; and thereby indirectly acquire Bank of Cashton, Cashton, Wisconsin.

Board of Governors of the Federal Reserve System, August 21, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–21535 Filed 8–24–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 21, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. First Bank of Miami Shares, Inc., Coral Gables, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Miami, Inc., Coral Gables, Florida.

Board of Governors of the Federal Reserve System, August 22, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–21588 Filed 8–24–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement #99000–P]

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Part B: Formative Research To Inform the Development of Educational Messages for Women With High Risk Human Papillomavirus Infection and Their Partners; Meeting

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Part B: Formative Research to Inform the Development of Educational Messages for Women with High Risk Human

Papillomavirus Infection and Their Partners, Program Announcement #99000–P, meeting.

Times and Date: 8:30 a.m.–9 a.m., September 13, 2001 (Open); 9 a.m.–4:30 p.m., September 13, 2001 (Closed).

Place: Centers for Disease Control and Prevention, National Center for HIV, STD, and TB Prevention, 12 Corporate Square Blvd., Conference Room 1307, Atlanta, Georgia 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 99000–P.

For Further Information Contact: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 8 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 21, 2001.

Carolyn J. Russell,

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

[FR Doc. 01–21538 Filed 8–24–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement #99000–N]

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Community-Based Intervention With Opinion Leaders to Achieve Syphilis Elimination; Meeting

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Community-Based Intervention with Opinion Leaders to Achieve Syphilis Elimination, Program Announcement #99000–N, meeting.

Times and Date: 8:30 a.m.–9 a.m., September 12, 2001 (Open); 9 a.m.–4:30 p.m., September 12, 2001 (Closed).

Place: Centers for Disease Control and Prevention, National Center for HIV, STD, and TB Prevention, 12 Corporate Square Blvd, Conference Room 1307, Atlanta, Georgia 30329.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 99000–N.

For Further Information ContactT: Beth Wolfe, Prevention Support Office, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 8 Corporate Square Boulevard, M/S E07, Atlanta, Georgia 30329, telephone 404/639–8025.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 21, 2001.

Carolyn J. Russell,

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

[FR Doc. 01–21539 Filed 8–24–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Family and Child Experiences Survey (FACES).

OMB No.: Revision of a currently approved collection (OMB No. 0970–0151).

Description: The Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) of the Department of Health and Human Services (DHHS) is requesting comments on plans to amend the Head Start Family and Child Experiences Survey (FACES) data collection. This study is being conducted under contract with Westat, Inc. (with Ellsworth Associates and the CDM Group as their subcontractors) (#105–96–1912) to collect information on Head Start performance measures. The current revision is intended to include 8 additional sites participating in the Head Start Quality Research Center Consortium. These Head Start program-university researcher partnerships, funded under cooperative agreements with ACYF, will be conducting evaluations of interventions designed to enhance the school readiness of Head Start children in such areas as literacy and social-emotional development, through improvements in curriculum, training, and assessment practices. This amendment will include use of subsections of the FACES instrument battery to obtain information about classroom quality and child performance both before and after the implementation of the interventions. Data from local sites can be compared to the data available from the FACES national sample.

Respondents: Federal Government, Individuals or Households, and Not-for-profit institutions.

Annual Burden Estimates: Estimated Response Burden for Respondents to the Quality Research Center Consortium FACES Data Collection, 2001, 2002, 2003.

FALL 2001

Instruments	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Head Start Child Assessments	600	1	⅔	396
Head Start Teacher ratings	48	13	¼	156
Education Coordinator	24	1	¾	18

FALL 2001—Continued

Instruments	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Center Directors	24	1	1	24
Classroom Teachers	48	1	1	48
Totals for Fall 2001	744			642

SPRING 2002

Instruments	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Head Start child Assessments	520	1	⅔	343
Head Start Teacher ratings	48	11	¼	132
Classroom Teachers	48	1	1	48
Totals for Spring 2002	616			523

FALL 2002

Instruments	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Head Start Child Assessments	920	1	⅔	607
Head Start Teacher Ratings	80	12	¼	240
Center Directors	24	1	1	24
Education Coordinators	24	1	.75	18
Classroom Teachers	80	1	1	80
Totals for Fall 2002	1,128			969

SPRING 2003

Instruments	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Head Start Child Assessments	800	1	⅔	528
Head Start Teacher Ratings	80	10	¼	200
Classroom Teachers	80	1	1	80
Totals for Spring 2003	960			808

Total 2001: 642.
Total 2002: 1492.
Total 2003: 808.
Estimated Annual Burden Hours: 981.

Note: Estimated Annual Burden Hours are based on an average of 2001, 2002, and 2003 estimated burden hours.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503; Attn: Desk Officer for ACF.

Dated: August 22, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–21543 Filed 8–24–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0222]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Third-Party Review Under FDAMA

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 26, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Devices; Third-Party Review Under FDAMA (OMB Control No. 0910–0375)—Extension

Section 210 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) established a new section 523 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360m), directing FDA to accredit persons in the private sector to review certain premarket applications and notifications. As with the third-party pilot program conducted previously by FDA, participation in this third-party review program by accredited persons is entirely voluntary. A third party wishing to participate will submit a request for accreditation. Accredited third-party reviewers have the ability to review a manufacturer's 510(k) submission for selected devices. After reviewing a submission, the reviewer will forward a copy of the 510(k) submission, along with the reviewer's documented review and recommendation, to FDA. Third-party reviews should maintain records of their 510(k) reviews and a copy of the 510(k) for a reasonable period of time. This information collection will allow FDA to continue to implement the accredited person review program established by FDAMA and improve the efficiency of 510(k) review for low to moderate risk devices.

Respondents to this information collection are businesses or other for-profit organizations.

In the **Federal Register** of May 29, 2001 (66 FR 29142), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Item	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Requests for accreditation	40	1	40	24	960
510k reviews conducted by accredited third parties	35	4	140	40	5,600
Total					6,560

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Item	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
510(k) reviews	35	4	1,140	10	1,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burdens are explained as follows:

1. Reporting

a. *Requests for accreditation.* Under the agency's third-party review pilot program, the agency received 37 applications for recognition as third-party reviewers, of which the agency recognized 7. Under this expanded program, the agency anticipates that it will not see a significant increase in the number of applicants. Therefore, the agency is estimating that it will receive 40 applications. The agency anticipates that it will accredit 35 of the applicants to conduct third-party reviews.

b. *510(k) reviews conducted by accredited third parties.* In the 18 months under the third-party review pilot program, FDA received only 22 510(k)s that requested and were eligible for review by third parties. Because the third-party review program is not as limited in time, and is expanded in scope, the agency anticipates that the number of 510(k)s submitted for third-party review will remain the same as they were during the last OMB approval in 1998. The agency anticipates that it will receive approximately 140 third-party review submissions annually, i.e., approximately 4 annual reviews per each of the estimated 35 accredited reviewers.

2. Recordkeeping

Third-party reviewers are required to keep records of their review of each submission. The agency anticipates approximately 140 annual submissions of 510(k)s for third-party review.

The estimate of the times required for record preparation and maintenance is based on agency communication with industry. Other information needed to calculate the total burden hours (i.e., adverse drug reaction, lack of effectiveness, and product defect reports) is derived from agency records and experience.

Dated: August 20, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21529 Filed 8–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants; Request for Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing changes to its Orphan Products Development (OPD) grant program for fiscal year (FY) 2002. This announcement supersedes the previous announcement of this program, which was published in the **Federal Register** of August 8, 2000.

DATES: The application receipt dates are October 17, 2001, and March 5, 2002.

ADDRESSES: Application forms are available from, and completed applications should be sent to: Maura Stephanos, Grants Management Specialist, Division of Contracts and Procurement Management (HFA–522), Food and Drug Administration, 5600 Fishers Lane, rm. 2129, Rockville, MD 20857, 301–827–7183, mstepha1@oc.fda.gov. Applications may also be obtained at OPD on the Internet at http://www.fda.gov/orphan. (Note: completed applications that are hand-carried or commercially delivered should be addressed to 5630 Fishers Lane, rm. 2129, Rockville, MD 20857.)

FOR FURTHER INFORMATION CONTACT:

Regarding the administrative and financial management issues of this notice: Maura Stephanos (address and telephone number cited above).

Regarding the programmatic issues of this notice: Debra Y. Lewis, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, rm. 15A–08, Rockville, MD 20857, 301–827–3666, dlewis@oc.fda.gov.

SUPPLEMENTARY INFORMATION: FDA is announcing the expected availability of FY 2002 funds for awarding grants to support clinical trials on the safety and effectiveness of products for a rare disease or condition (that is, one with a prevalence, not incidence, of fewer than 200,000 people in the United States). Depending on FY 2002 funding, $12.5 million should be available, of which approximately $8.5 million will be for noncompeting continuation awards. This will leave $4 million for funding 12 to 15 new applications. The first part of the funding cycle will award about $1 million to successful applications received on the October 17, 2001 due date. These awards would start after March 1, 2002. All approved applications not funded in the first part of the funding cycle will remain in competition for the second part of the funding cycle. The expected start date for these applications will be September 30, 2002. Applications submitted for the first due date may be withdrawn and resubmitted for the second due date.

Any phase clinical trial is eligible for up to $150,000 in direct costs a year, plus applicable indirect costs, for up to 3 years. Phase 2 and 3 clinical trials are eligible for up to $300,000 in direct costs a year, plus applicable indirect costs, for up to 3 years.

FDA will support the clinical studies covered by this notice under the authority of section 301 of the Public Health Service Act (the PHS Act) (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 93.103. The Public Health Service (PHS) strongly encourages all grant recipients to provide a smoke-free workplace and to discourage the use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

FDA is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a national activity to reduce morbidity and mortality and to improve the quality of life. Applicants may obtain a hard copy of the Healthy People 2010 objectives, Volumes I and II, Conference Edition (B0074) for $22 per set, by writing to the Office of Disease Prevention and Health Promotion (ODPHP) Communication Support Center, P.O. Box 37366, Washington, DC 20013–7366. Each of the 28 chapters of Healthy People 2010 is priced at $2 per copy. Telephone orders can be placed to the Center on 301–468–5690. The Center also sells the complete Conference Edition in CD–ROM format (B0071) for $5. This publication is available as well on the Internet at http://www.health.gov/healthypeople/. Internet viewers should proceed to ''Publications.''

PHS policy is that applicants for PHS clinical research grants should include minorities and women in study populations so research findings can be of benefit to all people at risk of the disease, disorder, or condition under study. Special emphasis should be placed on the need for inclusion of minorities and women in studies of diseases, disorders, and conditions that disproportionately affect them. This policy applies to research subjects of all ages. If women or minorities are excluded or poorly represented in clinical research, the applicant should provide a clear and compelling rationale that shows inclusion is inappropriate.

I. Program Research Goals

OPD was created to identify and promote the development of orphan products. The OPD grant program defines orphan products as drugs, biologics, medical devices, and foods for medical purposes that are indicated for a rare disease or condition (that is, one with a prevalence, not incidence, of fewer than 200,000 people in the United States). Diagnostic tests and vaccines will qualify only if the U.S. population of intended use is fewer than 200,000 a year.

One way to make orphan products available is to support clinical research to find out whether the products are safe and effective. All funded studies are subject to the requirements of the Federal Food, Drug, and Cosmetic Act (the act) and regulations issued under it.

The goal of FDA's OPD grant program is the clinical development of products for use in rare diseases or conditions where no current therapy exists or where the product will improve the existing therapy. FDA provides grants for clinical studies that will either result in or substantially contribute to approval of these products. Applicants should keep this goal in mind and must include an explanation in the application's ''Background and Significance'' section of how their proposed study will either help gain product approval or provide essential data needed for product development. The applicant should provide a summary of any meetings or discussions about the clinical study that have occurred with FDA reviewing division staff as an appendix to the application.

Except for medical foods that do not need premarket approval, FDA will only consider awarding grants to support premarket clinical studies to find out whether the products are safe and effective for approval under the act (21 U.S.C. 301 *et seq.*) or under section 351 of the PHS Act (42 U.S.C. 262). All studies of new drug and biological products must be conducted under the FDA's investigational new drug (IND) procedures and studies of medical devices must be conducted under the investigational device exemption (IDE) procedures. Studies of approved products to evaluate new orphan indications are also acceptable; however, these also must be conducted under an IND or IDE to support a change in labeling. (See section V.B of this document (Program Review Criteria) for important requirements about IND/IDE status of products to be studied under these grants.)

Studies proposed for the larger grants ($300,000) must be continuing in phase 2 or phase 3 of investigation. Phase 2 trials include controlled clinical studies conducted to evaluate the effectiveness of the product for a particular indication in patients with the disease or condition and to determine the common or short-term side effects and risks associated with it. Phase 3 trials gather more

information about effectiveness and safety that is necessary to evaluate the overall risk-benefit ratio of the product and to provide an acceptable basis for physician labeling. Studies proposed for the smaller grants ($150,000) may be phase 1, 2, or 3 trials. Budgets for all years of requested support may not exceed the $300,000 or $150,000 direct cost limit, whichever is applicable.

Applications must propose a clinical trial of one therapy for one indication. The applicant must provide supporting evidence that the product to be studied is available to the applicant in the form and quantity needed for the clinical trial. The applicant must also provide supporting evidence that the patient population has been surveyed and reasonable assurance that the necessary number of eligible patients is available for the study. Funds may be requested in the budget to travel to FDA for meetings with reviewing division staff about the progress of product development.

II. Human Subject Protection and Informed Consent

A. Protection of Human Research Subjects

All institutions engaged in human subject research supported by the Department of Health and Human Services (DHHS) must file an ''assurance'' of protection for human subjects with the Office for Human Research Protection (OHRP) (45 CFR part 46). Applicants may wish to visit the OHRP Internet site at http://ohrp.osophs.dhhs.gov for guidance on human subjects issues. The requirement to file an assurance includes both ''awardee'' and collaborating ''performance site'' institutions. Awardee institutions are automatically considered to be engaged in human subject research whenever they receive a direct DHHS award to support such research, even where all activities involving human subjects are carried out by a subcontractor or collaborator. In such cases, the awardee institution bears ultimate responsibility for protecting human subjects under the award. The awardee is also responsible for ensuring that all collaborating institutions engaged in the research hold an approved assurance prior to their initiation of the research. No awardee or performance site may spend funds on human subject research or enroll subjects without the approved and applicable assurance(s) on file with OHRP.

Existing assurances [multiple project assurances (MPAs), cooperative project assurances (CPAs), and single project assurances (SPAs)] will remain in effect through their current expiration date, or December 31, 2003, whichever comes first. However, OHRP no longer accepts changes to existing MPAs, CPAs, and SPAs. MPA, CPA, and SPA institutions should file a new Federalwide assurance with OHRP if changes are necessary. Applicants must provide certification of Institutional Review Board (IRB) review and approval for every site taking part in the study. However, this documentation need not be on file with the grants management officer, FDA prior to the award. Applicants should review the section on human subjects in the application kit entitled ''Section C. Specific Instructions—Forms, Item 4, Human Subjects'' (pp. 7 and 8 of the application kit), for IRB review requirements.

B. Key Personnel Human Subject Protection Education

The awardee institution should ensure that all key personnel receive appropriate training in their human subject protection responsibilities. Within 30 days of award, the principal investigator should provide a letter describing the human subjects protection training for each individual identified as ''key personnel'' in the proposed research. Key personnel include all principal investigators, co-investigators, and performance site investigators responsible for the design and conduct of the study. The description of training should be submitted in a letter that includes the names of the key personnel the title of the education program completed by each named personnel, and a one-sentence description of the program. This letter should be signed by the principal investigator and co-signed by an institution official and sent to the Grants Management Office. OPD does not prescribe or endorse any specific education programs. Many institutions already have developed educational programs on the protection of research subjects and have made participation in such programs a requirement for their investigators. Other sources of appropriate instruction might include the online tutorials offered by the Office of Human Subjects Research, National Institutes of Health (NIH) at http://ohsr.od.nih.gov/ and by OHRP at http://ohrp.osophs.dhhs.gov/educmat.htm. Also, the University of Rochester has made available its training program for individual investigators. Their manual can be obtained through Centerwatch, Inc., at http://www.centerwatch.com.

C. Informed Consent

Consent forms, assent forms, and any other information given to a subject, should be sent with the grant application. Information given to the subject or his or her representative must be in language the subject or representative can understand. No informed consent, whether verbal or written, may include any language through which the subject or representative waives any of the subject's legal rights, or by which the subject or representative releases or appears to release the investigator, the sponsor, or the institution or its agent from liability. If a study involves both adults and children, separate consent forms should be provided for the adults and the parents or guardians of the children.

D. Elements of Informed Consent

The elements of informed consent are stated in the DHHS regulations at 45 CFR 46.116 and 21 CFR 50.25 as follows:

1. Basic Elements of Informed Consent

In seeking informed consent, the following information shall be provided to each subject.

(a) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures that are experimental.

(b) A description of any reasonably foreseeable risks or discomforts to the subject.

(c) A description of any benefits to the subject or to others that may reasonably be expected from the research.

(d) A discussion of proper alternative procedures or courses of treatment, if any, that might be helpful to the subject.

(e) A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained, and that notes the possibility that FDA may inspect the records.

(f) For research involving more than slight risk, an explanation of whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of or where further information may be gained.

(g) An explanation of whom to contact for answers to relevant questions about the research and research subject's rights, and whom to contact if the subject is injured by the research.

(h) A statement that participation is voluntary, that refusal to take part will

involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may stop participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

2. Other Elements of Informed Consent

When suitable, one or more of the following elements of information shall also be provided to each subject.

(a) A statement that the particular treatment or procedure may involve risks to the subject (or the embryo or fetus, if the subject is or may become pregnant) that are unforeseeable.

(b) Anticipated circumstances under which the investigator, without regard to the subject's consent, may stop the subject's participation.

(c) Any costs to the subject that may result from participation in the research.

(d) The consequences of a subject's decision to withdraw from the research and procedures for orderly ending of participation by the subject.

(e) A statement that significant new findings developed during the research that may affect the subject's willingness to continue participation will be provided to the subject.

(f) The estimated number of subjects involved in the study.

The informed consent requirements do not intend to preempt any applicable Federal, State, or local laws that require other information to be disclosed for informed consent to be legally effective. Nothing in the notice intends to limit the authority of a physician to provide emergency medical care as permitted under applicable Federal, State, or local law.

III. Reporting Requirements

The original and two copies of the annual Financial Status Report (FSR) (SF–269) must be sent to FDA's grants management officer within 90 days of the budget period end date of the grant. Failure to file the FSR in a timely fashion will be grounds for suspension or termination of the grant. For continuing grants, an annual program progress report is also required. The noncompeting continuation application (PHS 2590) will be considered the annual program progress report. Also, all new and continuing grants must comply with all regulatory requirements necessary to keep active status of their IND/IDE. This includes, but is not limited to, submission of an annual report to the proper regulatory review division within FDA. Failure to meet regulatory requirements will be grounds for suspension or termination of the grant.

The program project officer will monitor grantees quarterly and will prepare written reports. The monitoring may be in the form of telephone conversations or e-mail between the project officer/grants management specialist and the principal investigator. Periodic site visits with officials of the grantee organization may also occur. The results of these reports will be recorded in the official grant file and may be available to the grantee on request consistent with FDA disclosure regulations. Also, the grantee organization must comply with all special terms and conditions, which state that future funding of the study will depend on recommendations from the OPD project officer. The scope of the recommendations will confirm that: (1) There has been acceptable progress toward enrollment, based on specific circumstances of the study; (2) there is an adequate supply of the product/device; and (3) there is continued compliance with all FDA regulatory requirements for the trial.

The grantee must file a final program progress report, FSR and invention statement within 90 days after the end date of the project period as noted on the notice of grant award.

IV. Mechanism of Support

A. Award Instrument

Support will be in the form of a grant. All awards will be subject to all policies and requirements that govern the research grant programs of PHS, including the provisions of 42 CFR part 52 and 45 CFR parts 74 and 92. The regulations issued under Executive Order 12372 do not apply to this program. The NIH's modular grant program does not apply to this FDA grant program. All grant awards are subject to applicable requirements for clinical investigations imposed by sections 505, 512, and 515 of the act (21 U.S.C. 355, 360b, and 360e), section 351 of the PHS Act (42 U.S.C. 262), and regulations issued under any of these sections.

B. Eligibility

These grants are available to any foreign or domestic, public or private nonprofit entity (including State and local units of government) and any foreign or domestic, for-profit entity. For-profit entities must commit to excluding fees or profit in their request for support to receive grant awards. Organizations described in section 501(c)4 of the Internal Revenue Code of 1968 that lobby are not eligible to receive grant awards.

C. Length of Support

The length of support will depend on the nature of the study. For those studies with an expected duration of more than one year, a second or third year of noncompetitive continuation of support will depend on: (1) Performance during the preceding year; (2) Federal funds availability; and (3) compliance with regulatory requirements of the IND/IDE.

D. Funding Plan

The number of studies funded will depend on the quality of the applications received and the Federal funds available to support the projects. Before an award will be made, OPD will confirm the active status of the protocol under the IND/IDE. If the protocol is under FDA clinical hold for any reason, no award will be made. Also, if the IND/IDE for the proposed study is not active and in complete regulatory compliance, no award will be made. Documentation of IRB approvals for all performance sites must be on file with the Grants Management Office, FDA (address above), before research can begin at that site.

V. Review Procedure and Criteria

A. Review Method

Grants management and program staff will first review all applications sent in response to this request for application (RFA). A responsive application is defined as being in compliance with the following program review criteria. Applications found to be nonresponsive will be returned to the applicant without further consideration.

B. Program Review Criteria

Applicants are strongly encouraged to contact FDA to resolve any questions about criteria before submitting their application. Direct all questions of a technical or scientific nature to the OPD program staff and all questions of an administrative or financial nature to the grants management staff. (See **FOR FURTHER INFORMATION CONTACT** section of this document.) Applications considered nonresponsive will be returned to the applicant unreviewed. Responsiveness criteria include the following:

1. The application must propose a clinical trial intended to provide safety and/or efficacy data of one therapy for one orphan indication.

2. There must be an explanation in the ''Background and Significance'' section of how the proposed study will either contribute to product approval or provide essential data needed for product development.

3. The prevalence, not incidence, of the population to be served by the product must be fewer than 200,000 individuals in the United States. The applicant should include, in the ''Background and Significance'' section, a detailed explanation supplemented by authoritative references in support of the prevalence figure. Diagnostic tests and vaccines will qualify only if the population of intended use is fewer than 200,000 individuals in the United States per year.

4. The protocol proposed in the grant application must already be under an active IND or IDE (not under review or on hold) before the grant application deadline, as described below:

(a) The IND with the proposed clinical protocol must be submitted to the FDA IND/IDE reviewing division a minimum of 30 days before the grant application deadline. The IND/IDE must be in active status, in compliance with all regulatory requirements and cannot have any type of FDA clinical hold placed on it at the time the grant application is submitted.

(b) The number assigned to the IND/IDE that includes the proposed study must appear on the face page of the application with the title of the project.

(c) The applicant should submit an IND/IDE verification with the application. The verification includes the IND/IDE number, the date the subject protocol was submitted to FDA for the IND/IDE review, the IND serial number (if known), and a statement that the IND/IDE contains the same protocol as proposed in the grant application and that this IND/IDE is active (not under review or on hold).

(d) Protocols that would otherwise be eligible for an exemption from the IND regulations must be conducted under an IND/IDE to be eligible for funding under this FDA grant program.

(e) If the sponsor of the IND/IDE is other than the principal investigator listed on the application, a letter from the sponsor permitting access to the IND/IDE must be submitted. Both the principal investigator named in the application and the study protocol must have been submitted to the IND/IDE.

(f) Studies of already approved products, evaluating new orphan indications, are also subject to these IND/IDE requirements.

(g) Only medical foods that do not need premarket approval are free from these IND/IDE requirements.

5. The requested budget must be within the limits (either $150,000 in direct costs for each year for up to 3 years for any phase study, or $300,000 in direct costs for each year for up to 3 years for phase 2 or 3 studies) as stated in this request for applications. Any application received that requests support over the maximum amount allowable for that particular study will be considered nonresponsive.

6. Proposed consent forms, assent forms, and any other information given to a subject, should be included in the grant application.

7. Evidence that the product to be studied is available to the applicant in the form and quantity needed for the clinical trial must be included in the application. A current letter from the supplier as an appendix will be acceptable.

8. Applicants must follow guidelines named in the PHS 398 (Rev. 5/01) grant application kit.

Responsive applications will be reviewed and evaluated for scientific and technical merit by an ad hoc panel of experts in the subject field of the specific application. Consultation with the proper FDA review division may also occur during this first review to determine whether the proposed study will provide data that could result in or contribute to product approval. Responsive applications will be subject to a second review by a National Advisory Council for concurrence with the recommendations made by the first-level reviewers, and funding decisions will be made by the Commissioner of Food and Drugs.

C. Scientific/Technical Review Criteria

The ad hoc expert panel will provide the first review. The application will be judged on the following scientific and technical merit criteria:

1. The soundness of the rationale for the proposed study.

2. The quality and appropriateness of the study design to include the rationale for the statistical procedures.

3. The statistical justification for the number of patients chosen for the study, based on the proposed outcome measures and the appropriateness of the statistical procedures for analysis of the results.

4. The adequacy of the evidence that the proposed number of eligible subjects can be recruited in the requested timeframe.

5. The qualifications of the investigator and support staff, and the resources available to them.

6. The adequacy of the justification for the request for financial support.

7. The adequacy of plans for complying with regulations for protection of human subjects.

8. The ability of the applicant to complete the proposed study within its budget and within time limits stated in this RFA.

The priority score will be based on the scientific/technical review criteria cited in section V.C of this document. Also, the reviewers may advise the program staff about the appropriateness of the proposal to the goals of the OPD grant program described in section I (Program Research Goals) of this document.

D. Award Criteria

Resources for this program are limited. Therefore, should FDA approve two or more applications that propose duplicative or similar studies, FDA will support only the study with the best score.

VI. Submission Requirements

The original and two copies of the completed Grant Application Form PHS 398 (Rev. 5/01) or the original and two copies of the PHS 5161–1 (Rev. 7/00) for State and local governments, with copies of the appendices for each of the copies, should be delivered to Maura Stephanos (address above). State and local governments may use the PHS 398 (Rev. 5/01) application form instead of the PHS 5161–1. The application receipt dates are October 17, 2001, and March 5, 2002. Other than evidence of final IRB approval, no material will be accepted after the receipt date. The mailing package and item two of the application face page should be labeled, ''Response to RFA–FDA–OPD–2002.'' If an application for the same study was submitted in response to a previous RFA but has not yet been funded, an application in response to this RFA will be considered a request to withdraw the previous application. Resubmissions are treated as new applications; therefore, the applicant may wish to address the issues presented in the summary statement from the previous review, and include a copy of the summary statement itself.

VII. Method of Application

A. Submission Instructions

Applications will be accepted during normal working hours, from 8 a.m. to 4:30 p.m., Monday through Friday, by the established receipt dates. Applications will be considered received on time if sent or mailed by the receipt dates as shown by a legible U.S. Postal Service dated postmark or a legible date receipt from a commercial carrier, unless they arrive too late for orderly processing. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for review and will be returned to the applicant. (Applicants

should note the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on this method, applicants should check with their local post office.) Do not send applications to the Center for Scientific Research (CSR), NIH. Any application sent to NIH that is then forwarded to FDA and received after the applicable due date will be judged nonresponsive and returned to the applicant. Application forms can be found on the Internet (address http://www.fda.gov/orphan). However, as noted above, do not mail applications to NIH. Applicants should know FDA does not adhere to the page limits or the type size and line spacing requirements imposed by NIH on its applications.

B. Format for Application

Submission of the application must be on Grant Application Form PHS 398 (Rev. 5/01). All ''General Instructions'' and ''Specific Instructions'' in the application kit should be followed except for the receipt dates and the mailing label address. Do not send applications to the CSR, NIH. Applications from State and local governments may be sent on Form PHS 5161–1 (Rev. 7/00) or Form PHS 398 (Rev. 5/01). The face page of the application should reflect the request for applications number RFA–FDA–OPD–2002. The title of the proposed study should include the name of the product and the disease/disorder to be studied and the IND/IDE number. The format for all following pages of the application should be single-spaced and single-sided. Data information included in the application will generally not be publicly available prior to the funding of the application. Data included in the application may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61) even after funding has been granted. To designate information that an applicant believes to be trade secret or confidential commercial information that remains exempt from disclosure after funding, sponsors should use the legend below. Information collection requirements requested on Form PHS 398 (Rev. 5/01) has been sent by the PHS to the Office of Management and Budget (OMB) and was approved and assigned OMB control number 0925–0001.

C. Legend

Unless disclosure is required by the Freedom of Information Act as amended (5 U.S.C. 552) as determined by the freedom of information officials of DHHS or by a court, data contained in the portions of this application which have been specifically identified by the applicant as containing restricted information shall not be disclosed to the public or used except for evaluation purposes.

Dated: August 21, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–21622 Filed 8–22–01; 2:46 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 10, 2001, from 9 a.m. to 6 p.m., and September 11, 2001, from 8 a.m. to 6 p.m.

Location: Marriott Hotel, Salons D, E, and F, 9751 Washingtonian Blvd., Gaithersburg, MD.

Contact: Megan Moynahan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8517, ext. 171, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12625. Please call the Information Line for up-to-date information on this meeting.

Agenda: On September 10, 2001, the committee will discuss, make recommendations, and vote on two premarket approval applications (PMAs) for septal occluders. On September 11, 2001, the committee will discuss, make recommendations, and vote on two PMAs, one for a surgical sealant and one for a biological glue. Background information for each day's topic, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at http://www.fda.gov/cdrh/panelmtg.html. Material for the September 10, 2001, meeting will be posted on September 7, 2001; material for the September 11, 2001, meeting will be posted on September 10, 2001.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by August 31, 2001. On both days, oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of each topic and for approximately 30 minutes near the end of the committee deliberations. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before August 31, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 20, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–21528 Filed 8–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September.

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: September 5, 2001; 9:00 a.m.–1:00 p.m.

Place: Audio Conference Call and Parklawn Building, Conference Rooms G & H, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

The full Commission will meet on Wednesday, September 5, from 9:00 a.m. to 1:00 p.m. The public can join the meeting in person at the address listed above or by Audio Conference Call by calling 1–888–323–2715 and providing the following information:

Leader's Name: Thomas E. Balbier, Jr.
Password: ACCV.

Agenda items will include, but not be limited to: a discussion of the Legislative Proposal to Increase the Pain and Suffering and Death Benefit Caps, and updates from the National Vaccine Injury Compensation Program, Department of Justice, and the National Vaccine Program Office.

Public comment will be permitted at the end of the ACCV meeting on September 5, 2001. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–46, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–2124. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may sign-up in Conference Rooms G and H on September 5, 2001. These persons will be allocated time as time permits.

Anyone requiring information regarding the Commission should contact Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–46, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2124.

Agenda items are subject to change as priorities dictate.

Dated: August 20, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–21530 Filed 8–24–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, August 20, 2001, 2 PM to August 20, 2001, 3 PM, NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on August 13, 2001, 66 FR 42553.

The meeting has been changed to August 21, 2001, from 12 PM to 1 PM. The location remains the same. The meeting is closed to the public.

Dated: August 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21517 Filed 8–24–01; 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 27, 2001.
Time: 10:00 a.m. to 11:30 a.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ranga V. Sprinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, srinivar@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: August 28, 2001.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

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 30, 2001.
Time: 1:00 p.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ranga V. Sprinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, srinivar@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: September 4, 2001.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, *politisa@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93,892, 93.893, National Institutes of Health, HHS).

Dated: August 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21525 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of 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 portions of the meeting devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

Name of Committee: Literature Selection Technical Review Committee.

Date: October 11–12, 2001.

Open: October 11, 2001, 9 am to 11 am.

Agenda: Administrative reports and program developments.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: October 11, 2001, 11 am to 5 pm.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Closed: October 12, 2001, 8:30 am to 2 pm.

Agenda: To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

Place: National Library of Medicine, 8600 Rockville Pike, Board Room, Bethesda, MD 20894.

Contact Person: Sheldon Kotzin, BA, Chief, Bibliographic Services Division, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Bldg 38A/ Room 4N419, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: August 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 01–21524 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 of the National Cancer Advisory Board.

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.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board, Ad Hoc Subcommittee on Communications.

Dates: September 10–11, 2001.

Open: 7 p.m.–8:30 p.m.

Agenda: To discuss activities related to the Ad Hoc Subcommittee on Communications.

Place: Bethesda Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814, (301) 657–1234.

Contact Person: Dr. Susan Sieber, Executive Secretary, Ad Hoc Subcommittee on Communications, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 11A48, Bethesda, MD 20892, (301) 496–5946.

Name of Committee: National Cancer Advisory Board, Subcommittee on Cancer Centers.

Date: September 10, 2001.

Open: 7 p.m.–8:30 p.m.

Agenda: To discuss activities related to the Subcommittee on Cancer Centers.

Place: Bethesda Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814, (301) 657–1234.

Contact Person: Dr. Brian Kimes, Executive Secretary, Subcommittee on Cancer Centers, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., Suite 700, Bethesda, MD 20892, (301) 496–8537.

Name of Committee: National Cancer Advisory Board.

Date: September 11, 2001.

Open: 8:30 a.m. to 12:15 p.m.

Agenda: Program reports and presentations; Business of the Board.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Name of Committee: National Cancer Advisory Board, Subcommittee on Clinical Investigations.

Open: 12:25 p.m. to 1:30 p.m.

Agenda: To discuss activities related to the Subcommittee on Clinical Investigations.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Ellen Feigal, Executive Secretary, Subcommittee on Clinical Investigations, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 3A44, Bethesda, MD 20892, (301) 496–6711.

Name of Committee: National Cancer Advisory Board.

Open: September 11, 2001, 1:30 p.m. to 3:50 p.m.

Agenda: Program reports and presentations; Business of the Board.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Name of Committee: National Cancer Advisory Board.

Closed: September 11, 2001, 4:10 p.m. to Adjournment.

Agenda: Review of grant applications; Discussion of confidential personnel issues.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

This meeting is being published less than 15 days prior to the meeting due to scheduling conflicts. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/ncab.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: August 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21519 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

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: National Advisory Child Health and Human Development Council.

Date: September 20–21, 2001.

Open: September 20, 2001, 9 am to 5 pm.

Agenda: The agenda includes: Report of the Director, NICHD; presentations by the National Center for Medical Rehabilitation Research and the Division of Intramural Research, NICHD, and other business of the council.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Closed: September 21, 2001, 8:30 am to adjournment.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Contact Person: Mary Plummer, Committee Management Officer, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

Information is also available on the Institute's/Center's home page: *www.nichd.nih.gov/about/nachhd.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS).

Dated: August 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21518 Filed 8–24–01; 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: Allergy, Immunology, and Transplantation Research Committee.

Date: October 15–16, 2001.

Open: October 15, 2001, 8:30 am to 9 am.

Agenda: Report from Institute staff.

Place: The Latham Hotel, 3000 M Street, NW, Washington, DC 20007.

Closed: October 15, 2001, 9 am to adjournment on October 16, 2001.

Agenda: To review and evaluate grant applications.

Place: The Latham Hotel, 3000 M Street, NW, Washington, DC 20007.

Contact Person: Nancy B. Saunders, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2223, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301 496–2550, *ns120v@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 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21520 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

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: National Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: September 20–21, 2001.

Open: September 20, 2001, 8:30 am to 12 pm.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.

Closed: September 21, 2001, 9:45 am to 10:15 am.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.

Open: September 21, 2001, 10:15 am to 12 pm.

Agenda: Continuation of the Director's Report and other scientific presentations.

Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.

Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd., Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, *hammondr@extra.niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Digestive Diseases and Nutrition Subcommittee.

Date: September 20–21, 2001.
Open: September 20, 2001, 1 pm to 1:30 pm.
Agenda: To review the Division's scientific and planning activities.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A51, Bethesda, MD 20892.
Closed: September 20, 2001, 1:30 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A51, Bethesda, MD 20892.
Open: September 20, 2001, 3 pm to adjournment.
Agenda: To review the Division's scientific and planning activities.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A51, Bethesda, MD 20892.
Open: September 21, 2001, 8:30 am to 10 am.
Agenda: To review the Division's scientific and planning activities.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A51, Bethesda, MD 20892.
Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd., Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, *hammondr@extra.niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Kidney, Urologic and Hematologic Diseases Subcommittee.
Date: September 20–21, 2001.
Open: September 20, 2001, 1:30 pm to adjournment.
Agenda: To discuss project progress review.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.
Closed: September 21, 2001, 8:00 am to 9:30 am.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.
Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd., Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, *hammondr@extra.niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Diabetes, Endocrine and Metabolic Diseases Subcommittee.
Date: September 20–21, 2001.
Open: September 20, 2001, 1:30 pm to 2:30 pm.
Agenda: To review the Division's scientific and planning activities.
Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.
Closed: September 20, 2001, 2:30 pm to adjournment.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.
Closed: September 21, 2001, 8 am to 9:30 am.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 10, Building 31C, Bethesda, MD 20892.
Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd, Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, *hammondr@extra.niddk.nih.gov*

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: August 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21522 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–6(03).
Date: September 7, 2001.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: 6707 Democracy Blvd., Bethesda, MD 20892. (Telephone Conference Call)
Contact Person: Dan E. Matsumoto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, room 749, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93,847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93,849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 17, 2001.

LeVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21523 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

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: National Advisory Council on Drug Abuse.
Date: September 12–13, 2001.
Closed: September 12, 2001, 9 a.m. to 4:30 p.m.

Agenda: to review and evaluate grant applications.

Place: 6001 Executive Blvd., Room A1/A2, Rockville, MD 20852.

Open: September 13, 2001, 9:00 a.m. to 3:30 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative and program developments in the drug abuse field.

Place: 6001 Executive Blvd., Room A1/A2, Rockville, MD 20852.

Contact Person: Teresa Levitin, PHD, Director, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, Bethesda, MD 20892–9547, (301) 443–2755.

Information is also available on the Institute's/Center's home page: www.drugabuse.gov/NACDA/NACDAHome.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: August 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21526 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institution of Neurological Disorders and Stroke; 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 meetings of the National Advisory Neurological Disorders and Stroke Council.

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: National Advisory Neurological Disorders and Stroke Council, Training Subcommittee.

Date: September 12, 2001.

Time: 8 p.m. to 10 p.m.

Agenda: To discuss the training programs of the Institute.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Clinical Trials Subcommittee.

Date: September 13, 2001.

Open: 8 a.m. to 8:30 a.m.

Agenda: To discuss clinical trials policy.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Closed: 8:30 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Infrastructure, Neuroinformatics, and Computational Neuroscience Subcommittee.

Date: September 13, 2001.

Time: 8 a.m. to 10 a.m.

Agenda: To discuss research mechanisms and infrastructure needs.

Place: 31 Center Drive, Building 31, Room 8A52, Bethesda, MD 20892.

Contact Person: Robert Baughman, MD, Associate Director for Technology Development, National Institute of Neurological Disorders and Stroke, National Institutes of Health, 6001 Executive Blvd., Suite 2137, MSC 9527, Bethesda, MD 20892–9527, (301) 496–1779.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Dates: September 13–14, 2001.

Open: September 13, 2001, 10:30 a.m. to 5 p.m.

Agenda: Report by the Acting Director, NINDS; Report by the Director, Division of Extramural Research; and other administrative and program developments.

Place: 1 Center Drive, Building 1, Wilson Hall, Bethesda, MD 20892.

Closed: September 14, 2001, 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 1 Center Drive, Building 1, Wilson Hall, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–21527 Filed 8–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with 28 CFR 50.7 and 42 U.S.C. 9622(i), notice is hereby given that on August 21, 2001, a Consent Decree was lodged with the United States District Court for the District of Puerto Rico in *United States* v. *Tropical Fruit, S.E., et al.,* Civil Action No. 97–1442–DRD. In the complaint the United States, on behalf of the U.S. Environmental Protection Agency (''EPA''), alleged that the Defendants violated the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), 7 U.S.C. 136 *et seq.,* and the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601, *et seq.*, at a Farm located in Rural Zone Boca, Guayanilla, Puerto Rico. The United States' complaint alleged, *inter alia*, that Defendants applied pesticides to agricultural crops, including mangos and bananas, located on the Farm in such a manner that the pesticides drifted or otherwise migrated beyond the boundaries of Defendants' Farm in contravention of the pesticide label requirements.

The Consent Decree requires Defendants to pay $35,000 in penalties and CERCLA response costs and to comply with extensive injunctive relief measures, including the creation of a buffer zone on the northern and a portion of the western perimeter of the

Farm which will vary in width up to 173 feet. In the areas of the Farm adjacent to residences which are in mango production, Tropical Fruit will remove, and at its option, relocate, mango trees in a 173 foot buffer zone area, plant plantains, and will also ultimately completely cease spraying pesticides in this 173 foot buffer zone. In the areas of the Farm that are not adjacent to residences and which are in mango production, Tropical Fruit will ultimately completely cease spraying pesticides in a 50–75 foot buffer zone area closest to the border of the Farm and will apply pesticides only through hand spraying equipment in the remaining approximately 100–123 feet of this buffer zone. In the areas of the Farm which are in banana production, the Farm will create a 50–125 buffer zone in which it will ultimately completely cease spraying pesticides. Tropical Fruit has also agreed, among other things, to (i) plant a vegetative barrier comprised of neem trees (in some places two rows of neem trees and in other areas, one row) along nearly the entire perimeter of the buffer zone; (ii) observe wind speed restrictions when spraying pesticides; (iii) purchase and use an improved anemometer (to measure wind speed) that will allow for instant communication between the anemometer and the tractor spraying the pesticides; (iv) employ an individual to monitor pesticide hand-spraying operations for three years; and (v) utilize drift retardants when applying pesticides.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States* v. *Tropical Fruit, S.E., et al.,* D.J. Ref. 1–1700z.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building Room 452, Carlos Chardon Avenue, Hato Rey, PR 00918, and at two offices of the Environmental Protection Agency, Region II: EPA, 290 Broadway, 17th floor, New York, NY 10007–1866 or EPA, Carribean Environmental Protection Division, Centro Europa Building, Suite 417, 1492 Ponce De Leon, Stop 22, Santurce, Puerto Rico, 09907–4127. A copy of the proposed Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of $11.75 payable to the ''Consent Decree Library.''

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 01–21554 Filed 8–24–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

ETA–9000 Report on Internal Fraud Activities: Comment Request

ACTION: Notice; request for comments.

SUMMARY: The Department of Labor, as a part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearence consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with a provision of the Paperwork Reduction Act of 1995 at 44 U.S.C. 3506 (c)(2)(A). This program helps to ensure that requested data can be provided in the desired format. Reporting burdens (time and financial resources) are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is solicitating comments concerning the proposed extension for collection information for the ETA–9000 Report on Internal Fraud Activities. A copy of the proposed information collection request 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 below October 26, 2001.

ADDRESSES: Harry B. Minor, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number, (202) 693–3216 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The ETA–9000 is the only data source available on instances of internal fraud activities within the Unemployment Insurance (UI) program and on the results of safeguards that have been implemented to deter and detect instances of internal fraud. The report categorizes the major areas susceptible to internal (employee) fraud and provides actual and ''estimated'' (predictability or cost avoidance measures) workload. The information from this report has been used and will be used to review Internal Security (IS) operations and obtain information on composite shifting patterns of nationwide activity, and effectiveness in the area of internal fraud identification and prevention. The Employment and Training Administration has used this report to assess the overall adequacy of IS procedures in State Employment Security Agency (SESA) UI program administration.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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; and
- 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

Continued collection of the ETA–9000 data will provide for a comprehensive evaluation of the UI IS program. The data is collected annually, and an analysis of the data received is formulated into a report summarizing the internal fraud cases uncovered by the 53 SESAs.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Report on Internal Fraud Activities.

OMB Number: 1205–0187.

Agency Number: ETA 9000.

Total Respondents: 53.

Average Time per Response: 3 hours.

Estimated Total Burden Hours: 159 hours.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments received in response to this notice will be submitted and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 21, 2001.

Grace A. Kilbane,

Administrator, Office of Workforce Security.

[FR Doc. 01–21575 Filed 8–24–01; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Availability of Benefit Accuracy Measurement Program Results

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of availability of the Unemployment Insurance (UI) Benefit Accuracy Measurement (BAM) program data for calendar year (CY) 2000.

SUMMARY: UI BAM program data for CY 2000 are published as part of the UI PERFORMS Annual Report, which is available on the ETA Office of Workforce Security Internet site—*http://workforcesecurity.doleta.gov/unemploy/pdf/ar_00.pdf.* The report was also distributed on compact disk to state agency administrators and the Department of Labor's Regional Administrators.

The UI PERFORMS Annual Report also includes data from the Benefits Timeliness and Quality and Tax Performance System programs. UI PERFORMS is the Department of Labor's management system for promoting continuous improvement in UI performance. UI PERFORMS performance measures are designated either Tier I, for which minimum performance criteria have been established, or Tier II, for which no minimum performance standards have been established. The BAM paid claims accuracy rate is a Tier II measure.

States are not required to publish their BAM program data; however, persons wanting clarification or additional information concerning a specific state's report are encouraged to contact the individuals identified in the following list.

FOR FURTHER INFORMATION CONTACT: Andrew Spisak, Office of Workforce Security, Division of Performance Management, 202–693–3196 (this is not a toll free number) or e-mail: *aspisak@doleta.gov.*

SUPPLEMENTARY INFORMATION: Each state's agency selects weekly random samples of UI benefit payments. The BAM program staff collects information about these payments by contacting claimants, employers, and third parties to determine whether the correct amounts of UI benefits were paid in accordance with state law, policy, and procedure. The results of the payment audits are recorded in electronic databases in each state and in the Department of Labor's National Office in Washington, DC.

The Department of Labor publishes results from the BAM investigations for the 50 states, the District of Columbia, and Puerto Rico. Five items are reported for each of the 52 jurisdictions participating in the BAM program: (1) The amount of UI benefits paid to the population of claimants; (2) the size of the BAM samples (number of completed cases); (3) the percentage of proper payments; (4) the percentage of overpayments; and (5) the percentage of underpayments in the population estimated from the BAM investigations. Ninety-five percent confidence intervals, which measure the precision of the payment accuracy estimates, are reported for each of the three percentages.

The CY 2000 UI PERFORMS Annual Report also includes background information and the data collection methodology for the BAM program. Graphs that display the distribution of overpayment rates for all states, national overpayment rates by year since CY 1988, and national cause and responsibility data for overpayments for the last eight years are also provided.

Readers are strongly cautioned that it may be misleading to compare one state's BAM overpayment and underpayment rates with the rates of other states. No two states' laws, regulations, and policies specifying eligibility conditions are identical. Differences among states in these conditions influence the potential for error. States with complex or strict eligibility conditions will tend to have higher overpayment rates than states with simpler provisions, because there is a greater chance that these conditions will not be met.

Signed at Washington, D.C., on August 20, 2001.

Grace A. Kilbane,

Administrator, Office of Workforce Security.

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[FR Doc. 01–21576 Filed 8–24–01; 8:45 am]

BILLING CODE 4510–30–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal

The NSF management official having responsibility for the NSB Public Service Award Service (#5195) has determined that renewing this committee for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 USC 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Authority for this Committee will expire on September 4, 2003, unless it renewed. For more information, please contact Susanne Bolton, NSF, at (703) 306–7488.

Dated: August 21, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–21516 Filed 8–24–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences; Committee of Visitors (1755).

Date/Time: September 10–12, 2001, 8 a.m.–5:30 p.m. each day.

Place: Room 770, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-open (See Agenda, below).

Contact Person: Ms. Pamela L. Stephens, Senior Science Coordinator, Lower Atmosphere Research Section, Division of Atmospheric Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–8523.

Purpose of Meeting: To carry out Committee of Visitors (COV) review including program evaluation, GPRA assessments, and access to privileged materials.

Agenda: To provide oversight review of the Lower Atmosphere Research Section.

Closed: September 10 from 8 a.m.–5:30 p..m.; September 11 from 8 a.m.–2 p.m. and September 12 from 8 a.m.–4:30 p.m. To review the merit review processes covering funding decisions of the Lower Atmosphere Research Section made during the immediately preceding three fiscal years.

Open: September 11 from 2 p.m.–5:30 p.m. To assess the results of NSF program investments in the Division of Atmospheric Sciences, Lower Atmosphere Research Section. This shall involve a discussion and review of results focused on NSF and grantee outputs and related outcomes achieved or realized during the preceding three fiscal years. These results may be based on NSF grants or to other investments made in earlier years.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters that are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 21, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–21515 Filed 8–24–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341]

Detroit Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43 issued to the Detroit Edison Company (the licensee) for operation of the Fermi 2 facilities located in Monroe County, Michigan.

The proposed amendment would modify the applicability statements of Technical Specification (TS) Limiting Conditions for Operations (LCOs) 3.3.6.2, ''Secondary Containment Isolation Instrumentation,'' 3.3.71, ''Control Room Emergency Filtration (CREF) System Instrumentation,'' 3.6.4.1, ''Secondary Containment,'' 3.6.4.2, ''Secondary Containment Isolation Valves (SCIVs),'' 3.6.4.3, ''Standby Gas Treatment (SGT) System,'' 3.7.3, ''Control Room Emergency Filtration (CREF) System,'' 3.7.4, ''Control Center Air Conditioning (AC) System,'' 3.8.2, ''AC Sources—Shutdown,'' 3.8.5, ''DC Sources—Shutdown,'' and 3.8.8, ''Distribution Systems—Shutdown.'' The proposed modifications would require operability of the associated systems only if recently irradiated fuel, which is identified as fuel that has occupied part of a critical reactor core within the previous 7 days, is handled during the first few days of an outage.

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

The Commission has previously made a proposed determination that the December 29, 2001, amendment request involves no significant hazards consideration (February 7, 2001, 66 FR 9381). Subsequently, by letter dated

May 2, 2001, the licensee provided additional information that expanded the scope of the initial notice. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its revised analysis of the issue of no significant hazards consideration, which is presented below:

1. *The change does not involve a significant increase in the probability or consequences of an accident previously evaluated.*

The new ''recently irradiated fuel'' term to describe irradiated fuel assemblies is used to establish operational conditions where specific activities represent situations where significant radioactive releases can be postulated. These operational conditions are consistent with the design basis analysis. Because the equipment affected by the revised operational conditions is not an initiator to any previously analyzed accident, the proposed change cannot increase the probability of any previously evaluated accident.

The re-analysis of the Fuel Handling Accident (FHA) concludes that radiological consequences are within the regulatory acceptance criteria. The results of the Core Alterations events other than the FHA remain unchanged from the original design basis, which showed that these events do not result in fuel cladding damage or radioactive release. The FHA re-analysis includes evaluations of the radiological consequences resulting from a drop of a fuel assembly, using the Alternative Source Term (AST) and the Regulatory Guide 1.25 methodologies, over the reactor core after a post shutdown decay period. The radiological consequences associated with this scenario, assuming no mitigation credit for Secondary Containment, Standby Gas Treatment (SGT) and Control Room Emergency Filtration (CREF) Systems, have been shown to satisfy the regulatory acceptance criteria. Therefore, the proposed change does not significantly increase the radiological consequences of any previously evaluated accident.

Based on the above, the proposed change does not significantly increase the probability or consequences of any accident previously evaluated.

2. *The change does not create the possibility of a new or different kind of accident from any accident previously evaluated.*

The relaxed Technical Specifications (TS) requirements apply when specific activities represent situations where significant radioactive releases are not postulated. The proposed relaxed requirements are supported by the revised design basis FHA analysis. The proposed change does not introduce any new modes of plant operation and does not involve physical modifications to the plant. Therefore, the proposed change does not create the potential for a new or different kind of accident from any accident previously evaluated.

3. *The change does not involve a significant reduction in the margin of safety.*

The proposed change will result in a revision to the Fermi 2 TS and TS Bases to establish operational conditions where specific activities represent situations during which significant radioactive releases can be postulated. The corresponding TS requirements are consistent with the design basis analysis and are established such that the radiological consequences are at or below the regulatory guidelines. Safety margins and analytical conservatisms are retained to ensure that the analysis adequately bounds all postulated event scenarios. The proposed TS Applicability statements continue to ensure that the radiological consequences at both the Control Room and the exclusion area and low population zone boundaries are below the corresponding regulatory guidelines; therefore, the proposed change will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 26, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/NRC/CFR/index.html.* If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Peter Marquardt, Legal Department, 688 WCB, Detriot Edison Company, 2000 2nd Avenue, Detroit, Michigan 48226–1279, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 29, 2000, supplemented May 2 and July 19, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

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

For the Nuclear Regulatory Commission.

Tae Kim,

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

[FR Doc. 01–21582 Filed 8–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483]

Union Electric Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Union Electric Company (the licensee) to withdraw its application dated May 25, 2000, as supplemented by letters dated March 2 and 21, 2001, for proposed amendment to Facility Operating License No. NPF–30 for the Callaway Plant, Unit 1, located in Callaway County, Missouri.

The proposed amendment would have revised Technical Specification 3.3.9, ''Boron Dilution Mitigation System (BDMS),'' to eliminate the system to avoid recurring inadvertent actuations of the system.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 14, 2000 (65 FR 37429). However, by letter dated August 13, 2001, the licensee withdrew the proposed change. Upon further consideration by the licensee, the proposed changes to TS 3.3.9 were no longer considered an improvement to the Callaway Plant. The licensee stated that due to repairs in Refueling Outage 10 (November 1999), there were no inadvertent actuations of the boron dilution mitigation system during Refueling Outage 11 (April-May 2001).

For further details with respect to this action, see the application for amendment dated May 25, 2000, and its supplemental letters dated March 2 and 21, 2001, and the licensee's letter dated August 13, 2001, which withdrew the application for license amendment.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/*

ADAMS/index/html. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, please 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 20th day of August 2001.

For the Nuclear Regulatory Commission.

Jack Donohew,

Senior Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–21581 Filed 8–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–445 and 50–446]

TXU Electric; Comanche Peak Steam Electric Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License (FOL) Nos. NPF–87 and NPF–89, issued to TXU Electric (TXU or the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell and Hood Counties, Texas.

Environmental Assessment

Identification of the Proposed Action

The proposed license amendments would amend the FOLs, and change the Technical Specifications, to increase the maximum, licensed, thermal power of both CPSES, Units 1 and 2, to 3458 MWt, which would represent an increase of approximately 1.4 percent of the currently licensed thermal power for CPSES, Unit 1, and an increase of approximately 0.4 percent for CPSES, Unit 2. In addition, TXU requests that Texas Municipal Power Agency (TMPA) be removed from both Units 1 and 2 licenses since transfer of ownership from TMPA to TXU was completed.

The proposed action is in accordance with the licensee's application for license amendment dated April 5, 2001. Section 6.0 of Attachment 2 to the licensee's April 5, 2001, application contains the licensee's Environmental Evaluation.

The Need for the Proposed Action

The proposed action would allow an increase in power generation at CPSES, Units 1 and 2, to provide additional electrical power for distribution to the grid. In certain circumstances, power uprate has been recognized as a safe and cost-effective method to increase generating capacity. The deletion of TMPA from FOL Nos. NPF–87 and NPF–89 is needed in order to accurately reflect the ownership status of CPSES.

Environmental Impacts of the Proposed Action

The NRC has previously evaluated the environmental impact of operation of CPSES, Units 1 and 2, as described in NUREG–0775, ''Final Environmental Statement Related to the Operation of Comanche Peak Steam Electric Station, Units 1 and 2,'' September 1981. With regard to consequences of postulated accidents, the licensee has analyzed the design-basis accident doses for the exclusion area boundary, low population zone, and the control room dose to the operators and determined that there will be a small increase in these doses; however, the analysis presented in NUREG–0775 postulates these doses resulting from releases at 104.5 percent of the currently licensed power level. Thus, the increase in postulated doses due to design-basis accidents is bounded by the previous evaluation presented in NUREG–0775 and are within the applicable limits of General Design Criterion 19 of Appendix A to Title 10 of the Code of Federal Regulations (10 CFR) Part 50 and the applicable limits of 10 CFR Part 100. No increase in the probability of these accidents is expected to occur.

With regard to normal releases, calculations have been performed that show the potential impact on the radiological effluents from the proposed increase in power level of CPSES, Units 1 and 2. For the proposed increase in power level for CPSES, Units 1 and 2, the calculations show that the offsite doses from normal effluent releases remain significantly below the bounding limits of 10 CFR Part 50, Appendix I. Normal annual average gaseous release remains limited to a small fraction of 10 CFR Part 20 limits for identified mixtures. Solid and liquid waste processing systems are expected to operate within their design requirements. More frequent operation of these systems may lead to a slight increase in solid and liquid production, but this increase is not expected to be significant.

The NRC has completed its evaluation of the proposed action, and concludes that the proposed action will not 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 does not have a potential to affect historic sites. With regard to thermal discharges to the Squaw Creek Reservoir, a small increase in the circulating water discharge temperature is expected due to the proposed increase in maximum thermal power for CPSES, Units 1 and 2. The increase is expected to be less than .25 degrees Fahrenheit, and therefore, insignificant. Existing administrative controls ensure the conduct of adequate monitoring, such that appropriate actions can be taken to preclude exceeding National Pollution Discharge Elimination System (NPDES) permitted limits. No additional monitoring requirements or other changes relative to the NPDES permit are required as a result of the proposed increase in maximum thermal power for CPSES, Units 1 and 2 and there will be no increase in water usage.

Therefore, as described in the preceding discussion, the proposed increase in maximum thermal power for CPSES, Units 1 and 2, would not have a significant environmental impact on the Squaw Creek Reservoir.

With regard to deletion of TMPA from FOL Nos. NPF–87 and NPF–89, this action is administrative in nature in that the transfer of ownership has already occurred in accordance with FOL license conditions. Accordingly, the deletion of TMPA from FOL Nos. NPF–87 and NPF–89 has neither radiological nor nonradiological impact.

Based upon the above, the NRC concludes that the proposed action does not significantly affect nonradiological plant effluents and has no other environmental impact. 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.

Environmental Impacts of the 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 current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resource than those previously considered in NUREG–0775.

Agencies and Persons Consulted

On August 1, 2001, the NRC staff consulted with the Texas State official, Mr. Authur Tate of the Texas Department of Health, Bureau of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action 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 letter dated April 5, 2001. Documents may be examined, and/or copied for a fee, a the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publically available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Public Electronic Reading Room). 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 at pdr@nrc.gov.

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

For the Nuclear Regulatory Commission.

Robert A. Gramm,

Chief, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–21583 Filed 8–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Regulatory Guides; Withdrawal

The Nuclear Regulatory Commission is withdrawing Regulatory Guide 1.120, ''Fire Protection Guidelines for Nuclear Power Plants.'' Revision 1 of Regulatory Guide 1.120 was issued in November 1977.

Regulatory Guide 1.120 is being withdrawn because Regulatory Guide 1.189, ''Fire Protection for Operating Nuclear Power Plants,'' contains comprehensive guidance on fire protection, and therefore supersedes Regulatory Guide 1.120. However, the withdrawal of Regulatory Guide 1.120 does not alter any prior or existing licensing commitments based on its use.

Regulatory guides may also be withdrawn when they are superseded by the NRC's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

Comments and suggestions in connection with guides currently being developed and published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. (5 U.S.C. 552(a))

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

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 01–21580 Filed 8–24–01; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Sunshine Act Meeting

Postal Service Board of Governors Meeting

TIME AND DATES: 8:00 a.m., Monday, September 10, 2001; 8:30 a.m., Tuesday, September 11, 2001; and 10:30 a.m., Tuesday, September 11, 2001.

PLACE: Washington, D.C., at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: September 10 (Closed); September 11—8:30 a.m. (Open); 10:30 a.m. (Closed).

MATTERS TO BE CONSIDERED:

Monday, September 10—8:00 a.m. (Closed)

1. Pay for Performance Program.
2. Financial Performance.
3. Fiscal Year 2002 Integrated Financial Plan.
4. Rate Case Briefing.
5. Office of Inspector General Fiscal Year 2002 Budget.
6. Strategic Planning.
7. Personnel Matters and Compensation Issues.

Tuesday, September 11—8:30 a.m. (Open)

1. Minutes of the Previous Meetings, July 9–10, and August 6, 2001.
2. Remarks of the Postmaster General/Chief Executive Officer.
3. Postal Rate Commission Fiscal Year 2002 Budget.
4. Consideration of Borrowing Resolution.
5. Preliminary Fiscal Year 2003 Appropriation Request.
6. Fiscal Year 2002 Operating Budget.
7. Fiscal Year 2002 Capital Investment Plan.
8. Fiscal Year 2002 Financing Plan.
9. Capital Investment.
   a. Priority Mail Processing Center Network—Lease Renewal Option.
10. Tentative Agenda for the October 1–2, 2001, meeting in Pittsburgh, Pennsylvania.

Tuesday, September 11—10:30 a.m. (Open)

1. Continuation of Monday's Closed Agenda.

CONTACT PERSON FOR MORE INFORMATION: David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–21713 Filed 8–23–01; 2:55 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form 3, OMB Control No. 3235–0104; SEC File No. 270–125.

Form 4, OMB Control No. 3235–0287; SEC File No. 270–126.

Form 5, OMB Control No. 3235–0362; SEC File No. 270–323.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Forms 3, 4 and 5 are filed by insiders of public companies that have a class of

securities registered under section 12 of Securities Exchange Act of 1934 (''Exchange Act''). Form 3 is an initial statement of beneficial ownership of securities, Form 4 is a statement of changes in beneficial ownership of securities and Form 5 is an annual statement of beneficial ownership of securities. Approximately 29,000 issuers file Form 3 annually for a total of 14,500 annual burden hours. Approximately 70,204 issuers file Form 4 annually for a total of 35,102 annual burden hours. Approximately 43,500 issuers file Form 5 annually for a total of 43,500 annual burden hours.

Written comments are invited on: (a) Whether these collections of information are 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 collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections of information on respondents including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Excutive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: August 14, 2001.

Margaret H. McFarland.

Deputy Secretary.

[FR Doc. 01–21556 Filed 8–24–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25118; 812–12148]

Accessor Funds, Inc. and Accessor Capital Management LP; Notice of Application

August 21, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of an application pursuant to section 17(d) of the Investment Company Act of 1940 (''Act'') and rule 17d–1 under the Act.

SUMMARY: Applicants request an order that would permit certain registered open-end management investment companies relying on section 12(d)((1)(G) of the Act to enter into a special servicing agreement.

Applicants: Accessor Funds, Inc. (''Accessor Funds''), on behalf of its existing series, and Accessor Capital Management LP (''ACM''). Applicants also request relief for future series of Accessor Funds which operate as Underlying Funds or Funds of Funds (in each case as defined below), and for each existing or future registered open-end management investment company and series thereof, that is part of the same group of investment companies as the Accessor Funds under section 12(d)(1)(G)(ii) of the Act, and which is, or will be, advised by ACM or any entity controlling, controlled by, or under common control with ACM (collectively, ''Future Funds'').[1]

Filing Dates: The application was filed on July 3, 2000, and amended on June 29, 2001. Applicants have agreed to file an amendment during he notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by he SEC by 5:30 p.m. on September 17, 2001 and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, 1420 Fifth Fifth Avenue, suite 3600, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 942–0527 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20459–0102 (telephone (202) 942–8090).

[1] All existing entities that intend to rely on the order have been named as applicants, and any Future Fund that may subsequently rely on the order will comply with the terms and conditions in the application.

Applicants' Representations

1. Accessor Funds, a Maryland corporation, is an open-end management investment company registered under the Act. Accessor Funds has nine existing series (the ''Underlying Funds'') and has created six additional series (the ''Funds of Funds'',[2] each of which offers two classes of shares, the Advisor class (the ''Advisor Class'') and the Investor class (''the Investor Class''), which are issued in accordance with rule 18f-3 under the Act. the Funds of Funds will invest in mixes of four to nine Advisor Class shares of the following Underlying Funds in reliance on section 12(d)(1)(G) of the Act: Growth Fund, Value Fund, Small to Mid Cap Fund, International Equity fund, Intermediate Fixed-Income Fund, short-Inermediate Fixed-Income Fund, Mortgage Securities Fund, U.S. Government Money Fund, and High Yield Bond Fund.[3] Advisor Class shares of the Funds of Funds and the Underlying Funds have no sales charges and pay no distribution or shareholder service or administrative service fees.

3. ACM is the investment adviser for the Accessor Funds. ACM advises the U.S. Government Money Fund, one of the Underlying Funds; unaffiliated investment management organizations (''Money Managers'') serve as sub-advisers to the other eight Underlying Funds. ACM and the Money Managers are registered under the Investment Advisers Act of 1940. ACM also provides transfer agent, administrative, and recordkeeping services to the Underlying Funds.

3. Applicants propose that the Underlying Funds and the Funds of Funds enter into a Funds of Funds Service Agreement (''Service Agreement''). Under the Service Agreement, the Underlying Fund will bear some portion or all of the Fund of Funds' expenses (except for (a) any administrative or distribution fees on Investor Class shares and (b) the management fee paid to ACM) in proportion to the average daily value of the Underlying Fund's shares owned by the Fund of Funds. Payments by an Underlying Fund pursuant to the Service Agreement will be a fund-wide expense of the Underlying Fund.

[2] ''Funds of Funds'' refers to each existing and future registered open-end management investment company or any series of that company that (1) is part of the same group of investment companies as the Underlying Funds under section 12(d)(1)(G)(ii) of the Act and is, or will be, advised by ACM or any entity controlling, controlled by, or under common control with ACM, and (2) intends to invest substantially all of its assets in the Underlying Funds.

[3] No Fund of Funds may be an Underlying Fund and no Funds will invest in another Fund of Funds.

4. Applicants state that an investment by the Funds of Funds in the Underlying Funds increases the assets of the Underlying Funds, which should enable the Underlying Funds to control and reduce their expense ratios because their expenses will be spread over a larger asset base. Applicants further state that an Underlying Fund may experience savings because it would be servicing only one account 9*i.e.*, the Fund of Funds), instead of multiple accounts of the shareholders of the Fund of Funds. No Underlying Fund will bear any expenses of a Fund of Funds that exceed Net Benefits, as defined in the condition below, to the Underlying Fund from the arrangement.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act provide that an affiliated person of a registered investment company, or an affiliate of such person, acting as principal, shall not participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which the registered investment company is a participant unless the Commission has issued an order approving the arrangement. Each of the Underlying Funds and Funds of Funds advised by ACM could be deemed to be under common control with all the other Underlying Funds and Funds of Funds, and therefore, affiliated persons of each other. Consequently, the Service Agreement could be deemed to be a joint transaction.

2. Rule 17d–1 under the Act provides that, in passing upon a joint arrangement under the rule, the Commission considers whether the investment company's participation in the joint enterprise is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation is on a basis different from, or less advantageous than that of other participants.

3. Applicants request an order under section 17(d) and rule 17d–1 to permit them to enter into and operate under the Service Agreement. Applicants contend that each Underlying Fund will pay a Fund of Funds' expenses only in direct proportion to the average daily value of each Underlying Fund's shares owned by the Fund of Funds to ensure that the Fund of Funds' expenses are borne proportionately and fairly. Applicants also state that prior to an Underlying Fund's entering into the Service Agreement, and at least annually thereafter, the board of directors of the Underlying Fund (the ''Board''), including a majority of directors who are not interested persons of the Underlying Fund as defined in section 2(a)(19) of the Act (''Disinterested Directors''), must determine that the Service Agreement will result in Net Benefits, as defined in the condition below, to the Underlying Fund. In making the annual determination, one of the factors that the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. For these reasons, applicants believe that the requested relief meets the standards of section 17(d) and rule 17d–1.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Prior to an Underlying Fund's entering into a Service Agreement, and at least annually thereafter, the Board of the Underlying Fund, including a majority of the Disinterested Directors, must determine that the Service Agreement will result in quantifiable benefits to each class of shareholders of the Underlying Fund and to the Underlying Fund as a whole that will exceed the costs of the Service Agreement borne by each class of shareholders of the Underlying Fund and by the Underlying Fund as a whole (''Net Benefits''). In making the annual determination, one of the factors the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. The Underlying Fund will preserve for a period of not less than six years from the date of a Board determination, the first two years in an easily accessible place, a record of the determination and the basis and information upon which the determination was made. This record will be subject to examination by the Commission and its staff.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–21557 Filed 8–24–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44721; File No. SR–NYSE–2001–21]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Exchange Fees

August 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 6, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend Paragraph 902.04 of the Exchange's Listed Company Manual (the ''Manual'') to conform the minimum continuing annual listing fee for non-U.S. companies to that applied to domestic companies.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in item IV below and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently amended its fee schedule to implement a minimum continuing annual listing fee for domestic issuers (excluding closed end funds) of $35,000, matching that which was already in place for non-U.S. issuers.[3] That filing included a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 43741 (Dec. 19, 2000), 65 FR 82429, (Dec. 28, 2000) (Order approving File No. SR–NYSE–00–47 relating to listed company fees).

provision for companies with more than one class of common stock in which more than one issue is below the new minimum. It provided that for such companies, only the class with the most shares outstanding would pay the new minimum, while the other class(es) would continue to be charged at the lower minimum rates previously in effect.

The Exchange inadvertently neglected at that time to extend the relief for multi-class companies to non-U.S. issuers. Realizing that consistency on this point is appropriate, the Exchange proposes to apply the relief for multi-class issuers to non-U.S. companies as well.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(4) [4] that an Exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[5] and subparagraph (f)(6) of Rule 19b–4 thereunder.[6]

The Commission notes that under Rule 19b-4(f)(6)(iii),[7] the proposed does not become operative for 30 days after date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange requested that the Commission designate that the proposed rule change does not become operative for 15 days after the date of its filing so that the benefits of the proposed rule change are available to closed end funds more quickly. The Commission believes that designating the operative date of the proposal for 15 days after the date of the proposal's filing is consistent with the protection of investors and the public interest.[8]

At any time within 60 days of the filing of the proposed rule change, as amended, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room.

Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the SR–NYSE–2001–21and should be submitted September 17, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–21558 Filed 8–24–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formulation. 15 U.S.C. 78c(f).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44726; File No. SR–Phlx–2001–66]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the Philadelphia Stock Exchange, Inc. To Extend the Hours During Which Certain Orders May Be Executed on PACE

August 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, (''Act'') [1] and Rule 19b–4 [2] thereunder, notice is hereby given that on July 16, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the Exchange. On August 8, 2001, the Exchange amended the proposal.[3] The Phlx filed the proposal pursuant to section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f)(5) [5] thereunder, rendering the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested person.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material .17 to Phlx Rule 229 to extend the time period during which certain orders may be executed on the Philadelphia Stock Exchange Automated Communication and Execution System (''PACE''). The text of the proposed rule change is below. Additions are in italics; deletions are in brackets.

Rule 229. Philadelphia Stock Exchange Automated Communication and Execution System (PACE)

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* August 7, 2001 letter from Carla Behnfeldt, Director, Legal Department, New Product Development Group, Phlx, to Nancy J. Sanow, Assistant Director, Division of Market Regulation (''Division''), SEC, and attachments (''Amendment No. 1''). Amendment No. 1 completely replaces and supersedes the original proposal. The Phlx made technical changes to the proposed rule language subsequent to filing Amendment No. 1. Telephone conversation between Edith Hallahan, Deputy General Counsel, Phlx, and Alton Harvey, Office Chief, Office of Market Watch, Division, SEC, August 20, 2001.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(5).

Supplementary Material:

* * * * *

.17 [Except for transactions in Nasdaq-100 Index Tracking Stock: (a) Orders received by 4:00 p.m. Eastern Time] *Orders received by the end of the Primary Trading Session,* as determined electronically by the PACE system, are eligible for execution. [(b)] Orders received after such time will be rejected and returned to the order entry firm.[, and (c)] From 4:00 to 4:15 p.m., Eastern Time, PACE may *also* be used as a routing system for PPS eligible orders. [Orders in Nasdaq-100 Index Tracking Stock received by 4:15 p.m. Eastern Time as determined electronically by the PACE system are eligible for execution.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to amend Supplementary Material .17 to Phlx Rule 229 to provide for the eligibility for execution of PACE orders received during the Primary Trading Session for that equity security. The rule currently provides only that orders for transactions in Nasdaq-100 Index Tracking Stock (''QQQ'') [6] received by 4:15 p.m. Eastern Time [7] are eligible for execution. The proposed rule change would eliminate the existing specific reference to QQQ and would provide for eligibility for PACE execution of orders in any security if such order was received during the Primary Trading Session for that security. The rule is intended to accommodate unlisted trading privileges (''UTP'') trading in any securities for which primary market trading hours may extend beyond 4:00 p.m. without requiring specific references to the PACE rule for each such security. Various equity securities, such as QQQ, trade beyond 4:00 p.m.; QQQ, for example, trades until 4:15 p.m.

Recently, the SEC approved SR–Phlx–2001–1,[8] which amended Phlx Rule 101, Hours of Business. As revised, Phlx Rule 101 provides that the ''Primary Trading Session'' for equity securities on the floor of the Exchange will be the same hours as the primary market on which the security is traded. The revised rule accommodates the trading of new securities via unlisted trading privileges, which may trade beyond 4:00 p.m. on the primary market. The current proposed rule accomplishes the same for those orders eligible for execution on PACE.

2. Statutory Basis

the Phlx believes the proposed rule change is consistent with section 6 of the Act [9] in general, and furthers the objectives of section 6(b)(5) [10] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating securities transactions, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, by clarifying the hours that PACE is available for equity securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

the Phlx does not believe that the proposed rule change would impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposal has become effective pursuant to section 19(b)(3)(A) of the Act,[11] and Rule 19b–4)f)(5) [12] thereunder, in that it effects a change in an existing order-entry or trading system of a self-regulatory organization that does not: (1) Significantly affect the protection of investors or the public interest, (2) impose any significant burden on competition, or (3) have the effect of limiting the access to or availability of the system.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2001–66 and should be submitted by September 17, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–21559 Filed 8–24–01; 8:45 am]

BILLING CODE 8010–01–M

[6] The Nasdaq-100 ®, Index ®, Nasdaq ®, The Nasdaq Stock Market ®, Nasdaq-100 Shares SM, Nasdaq-100 Trust SM, Nasdaq = 100 Index Tracking Stock SM, and QQQ SM, are trademarks or service marks of The Nasdaq Stock Market, Inc. (Nasdaq) and have been licensed for use for certain purposes by the Philadelphia Stock Exchange pursuant to a License Agreement with Nasdaq. The Nasdaq-100 Index ®, (the Index) is determined, composed, and calculated by Nasdaq without regard to the Licensee, the Nasdaq-100 Trust SM, or the beneficial owners of Nasdaq-100 Shares ™. Nasdaq has complete control and sole discretion in determining, comprising, or calculating the Index or in modifying in any way its method for determining, comprising, or calculating the Index in the future.

[7] All references to time in the proposal are Eastern Time.

[8] Securities Exchange Act Release No. 44213 (April 23, 2001), 66 FR 22058 (May 2, 2001).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78(b)(5).

[11] 15 U.S.C. 78s(b)(A).

[12] 17 CFR 240.19b–4(f)(5).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3755]

FY 2001 Funding Under the Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983 (Title VIII)

Deputy Secretary of State Richard L. Armitage approved on May 4, the recommendations of the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union. The Title VIII program, administered by the US Department of State, seeks to build expertise on Russia, Eurasia, and Central and East Europe through support to national organizations in the US for advanced research, language and graduate training, and other activities conducted domestically and on-site. FY 2001 grant recipients are listed below.

1. American Council of Learned Societies

Grant: $475,000 (EE).

Purpose: To support dissertation and post-doctoral research fellowships; two competitions for institutional language training grants in the US covering the basic languages of Central and East Europe; individual language training fellowships; and the Junior Scholars' Training Seminar with the Woodrow Wilson Center.

Contact: Andrzej Tymowski, Executive Associate, American Council of Learned Societies, 228 East 45th Street, New York, NY 10017–3398; (212) 697–1505 (ext. 134/135), Fax (212) 949–8058; e-mail: sandra@acls.org.

2. American Councils for International Education

Grant: $390,000 ($325,000–NIS, $65,000–EE/B).

Purpose: To support on-site language training fellowships in Advanced Russian, the non-Russian NIS languages, and select Central European languages; Combined Research and Language Training fellowships, including a Special Research Initiative on Central Asia and the Caucasus for junior scholars; Research Scholar and Junior Faculty research fellowships; and Policy Research Fellowships with the National Council for Eurasian and East European Research.

Contact: Graham Hettlinger, American Councils for International Education, 1776 Massachusetts Avenue, NW., Suite 700, Washington, DC 20036; (202) 833–7522; Fax (202) 833–7523; e-mail: *Hettlinger@actr.org.*

3. The William Davidson Institute of the University of Michigan Business School

Grant: $60,000 (EE).

Purpose: To support post-doctoral research fellowships on the linkages between business development and public policy in the Balkans.

Contact: Deborah Jahn, Administrative Director, The William Davidson Institute, University of Michigan Business School, 724 East University Avenue, Ann Arbor, MI 48109–1234; (734) 615–4562; Fax (734) 763–5850; e-mail: djahn@umich.edu.

4. University of Illinois at Urbana-Champaign

Grant: $125,000 ($95,000–NIS; $30,000–EE/B).

Purpose: To support the Summer Research Laboratory, which provides dormitory housing and access to the University's library for advanced research, and the Slavic Reference Service, which locates materials unavailable through regular interlibrary loan.

Contact: Dianne Merridith, Program Administrator, Russian and East European Center, University of Illinois at Urbana-Champaign, 104 International Studies Building, 910 South Fifth Street, Champaign, IL 61820; (217) 333–1244; Fax (217) 333–1582; e-mail: *reec@uiuc.edu.*

5. Institute of International Education

Grant: $42,000 (EE).

Purpose: To support Professional Development Fellowships for young professionals in fields related to public service and civil policy in the Balkans.

Contact: Scott Pentzer, Program Manager, US Student Programs, Institute of International Education, 809 United Nations Plaza, New York, NY 10017–3580; (212) 984–5326; Fax (212) 984–5325; e-mail: *spentzer@iie.org.*

6. International Research and Exchanges Board

Grant: $605,000 ($340,000–NIS; $265,000–EE/B).

Purpose: To support Individual Advanced Research Opportunities at the pre- and post-doctoral levels for on-site research; Short-term Travel Grants for senior scholars; a Regional Policy Symposium on the Caspian Sea with the Woodrow Wilson Center; dissemination activities; and Policy Forums.

Contact: Joyce Warner, Director, Academic Exchanges and Research Division, International Research and Exchanges Board, 1616 H Street, NW., Washington, DC 20006; (202) 628–8188; Fax (202) 628–8189; e-mail: *jwarner@irex.org.*

7. National Council for Eurasian and East European Research

Grant: $1,115,000 ($840,000–NIS; $275,000–EE/B).

Purpose: To support the post-doctoral National Research Program of research contracts for collaborative projects and fellowship grants for individuals; Policy Research Fellowships in the NIS and Central and East Europe with the American Councils on International Education; and the Ed. A. Hewett Fellowship Program to allow a scholar to work on a research project for a year while serving in a USG agency.

Contact: Robert Huber, President, National Council for Eurasian and East European Research, 910 17th Street, NW., Suite 300, Washington, DC 20006; (202) 822–6950; Fax (202) 822–6955; e-mail: *nceeerdc@aol.com.*

8. Social Science Research Council

Grant: $700,000 ($670,000–NIS, $30,000–EE/B).

Purpose: To support pre-doctoral fellowships, including advanced graduate and dissertation; post-doctoral fellowships; a dissertation workshop on understudied regions; and a competition for grants to US institutions that offer intensive US-based training in the languages of the NIS.

Contact: Seteney Shami, Program Director, Social Science Research Council, 810 7th Avenue, 31st Floor, New York, NY 10019; (212) 377–2700; Fax (212) 377–2727; e-mail: *shami@ssrc.org.*

9. The Woodrow Wilson Center for International Scholars

Grant: $680,000 ($430,000–NIS; $250,000–EE/B).

Purpose: To support the residential programs for Research Scholars, Short-term Scholars, and interns; Meetings; and Outreach and Publications of the Kennan Institute for Advanced Russian Studies and East European Studies of the European Program, including the Kennan's Workshop Series on Multi-cultural Legacies in Russia, Ukraine, and Belarus, and the East European Program's Junior Scholars' Training Seminar with the American Council of Learned Societies.

Contact: Nancy Popson, Deputy Director, Kennan Institute, (202) 691–4100; Fax (202) 691–4247; e-mail: *popsonna@wwic.si.edu* or Martin Sletzinger, Director, East European Studies, The Wilson Center, 1300 Pennsylvania Avenue, NW., Washington, DC 20004–3027; (202) 691–4263; Fax (202) 691–4247; e-mail: *crisena@wwic.si.edu.*

Dated: August 14, 2001.

Susan H. Nelson,

Program Officer, Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union, U.S. Department of State.

[FR Doc. 01–21587 Filed 8–24–01; 8:45 am]

BILLING CODE 4710–32–P

DEPARTMENT OF STATE

[Public Notice 3739]

Advisory Committee on International Communications and Information Policy; Meeting Notice

The Department of State is announcing the next meeting of its Advisory Committee on International Communications and Information Policy (ACICIP).

The Committee provides a formal channel for regular consultation and coordination on major economic, social, and legal issues, and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country interests.

David Gross, Senior Advisor for International Communications and Information Policy to Assistant Secretary E. Anthony Wayne, will attend the meeting together with others from the Office of Communications and Information Policy at the Department of State. Items on the agenda will include communications policy issues and countries of particular interest to ACICIP. Mr. Gross also would like to solicit ideas from ACICIP on methods to optimize public feedback to the State Department, as well as on specific issues of interest related to upcoming bilateral meetings with France, Germany, and the United Kingdom, respectively.

This meeting will be held on Thursday, September 20, 2001, from 9:30 a.m. to 12:00 p.m. in Room 1105 of the Main Building of the U.S. Department of State, located at 2201 ''C'' Street, NW., Washington, DC 20520.

Members of the public may attend these meetings up to the seating capacity of the room. While the meeting is open to the public, admittance to the State Department building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, date of birth, and citizenship to Pamela M. Bates at batespm2@state.gov no later than 5:00 p.m. on Tuesday, September 18. All attendees for this meeting must use the 23rd Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. government agency ID. Non-U.S. government attendees must be escorted by State Department personnel at all times when in the State Department building.

For further information, please contact Pamela M. Bates, Executive Secretary of the Committee, at (202) 647–5820 or batespm2@state.gov.

Dated: August 20, 2001.

Pamela M. Bates,

Executive Secretary, Advisory Committee on International Communications and Information Policy, U.S. Department of State.

[FR Doc. 01–21585 Filed 8–24–01; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–10403]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Numbers 2115–0503, 2115–0543, 2115–0553, 2115–0579, 2115–0094, and 2115–0582

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of six Information Collection Requests (ICRs). The ICRs comprise (1) Plan Approval and Records for Vessels Carrying Oil in Bulk, (2) Advance Notice and Certification of Adequacy for Reception Facilities, (3) Approval of Equivalent Equipment or Procedures Other Than Those Specified by Rule, (4) Application for Permit to Transport Municipal and Commercial Waste, (5) Safety Approval of Cargo Containers, and (6) Safety of Vessels in the Commercial Fishing Industry. Before submitting the ICRs to OMB, the Coast Guard is inviting comments on them as described below.

DATES: Comments must reach the Coast Guard on or before October 26, 2001.

ADDRESSES: You may mail comments to the Docket Management System (DMS) [USCG 2001–10403], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The DMS maintains the public docket for these requests. Comments will become part of this docket and will be available for inspection or copying in room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete ICRs are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–CIM–2), U.S. Coast Guard Headquarters, room 6106 (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on these documents; or Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document (USCG 2001–10403), and give the reasons for the comments. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped self-addressed postcards or envelopes.

Information Collection Request

1. Title: Plan Approval and Records for Vessels Carrying Oil in Bulk.

OMB Control Number: 2115–0503.

Summary: 46 U.S.C. 3703 provides the Coast Guard with the authority to specify standards for design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels carrying oil in bulk. Plans and records for construction or modification of U.S. or foreign vessels submitted or maintained on board are needed for compliance with these standards.

Need: This information collection aids the Coast Guard in determining

whether a vessel complies with certain standards of safety and environmental protection.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 443 hours a year.

2. Title: Advance Notice and Certification of Adequacy for Reception Facilities.

OMB Control Number: 2115–0543.

Summary: 33 U.S.C. 1905 gives the Coast Guard the authority to certify the adequacy of reception facilities in ports. Reception facilities receive waste from ships, which may not discharge at sea. Under these rules there are limits on discharges for oil and oily waste, noxious liquid substances, plastics, and garbage.

Need: This information collection is needed to evaluate the adequacy of reception facilities before issuance of a Certificate of Adequacy. Information for the advance notice ensures effective management of reception facilities and reduces the burden to facilities and ships .

Respondents: Owners and operators of reception facilities, and owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 1,215 hours a year.

3. Title: Approval of Equivalent Equipment or Procedures Other Than Those Specified by Rule.

OMB Control Number: 2115–0553.

Summary: This information collection implements the concept of Best Available and Safety Technology provided for in Section 21 of the Outer-Continental-Shelf (OCS) Lands Act, as amended. The information allows owners and operators to propose, for approval by the Coast Guard, alternative equipment or procedures that would provide a comparable level of safety.

Need: The information helps the Coast Guard ensure that alternatives proposed would yield a level of safety at least equivalent to that of measures provided for in 33 CFR Subchapter N.

Respondents: Owners and operators of facilities in the OCS.

Frequency: On occasion.

Burden Estimate: The estimated burden is 50 hours a year.

4. Title: Application for Permit to Transport Municipal and Commercial Waste.

OMB Control Number: 2115–0579.

Summary: This information collection provides the basis for issuing or denying a permit for the transportation of municipal or commercial waste in the coastal waters of the United States.

Need: In accordance with 33 U.S.C. 2601, the U.S. Coast Guard issued rules requiring the owner or operator of a vessel to apply for a permit to transport municipal or commercial waste in the United States and to display an identification number or other marking on his vessel. This collection of information enables enforcement of those rules.

Respondents: Owners and operators of vessels.

Frequency: Every 18 months.

Burden Estimate: The estimated burden is 391 hours a year.

5. Title: Safety Approval of Cargo Containers.

OMB Control Number: 2115–0094.

Summary: This collection of information addresses the reporting and recordkeeping required for containers by 49 CFR Parts 450–453. These rules are necessary because the U.S. is signatory to the International Convention for Safe Containers (CSC), which requires that all containers be safety-approved before they are used in trade.

Need: This information collection requires owners and manufactures of cargo containers to submit information and keep records associated with the approval and inspection of those containers. This information is needed to ensure compliance with the CSC.

Respondents: Owners and manufacturers of containers, and organizations that the Coast Guard delegates to act as Approval Authorities.

Frequency: On occasion.

Burden Estimate: The estimated burden is 101,732 hours a year.

6. Title: Safety of Vessels in the Commercial Fishing Industry.

OMB Control Number: 2115–0582.

Summary: This information collection is intended to improve safety on board vessels in the commercial fishing industry. The requirements apply to those vessels and to seamen on them.

Need: Under the authority of 46 U.S.C. 6104, the Coast Guard has promulgated rules in 46 CFR Part 28 to reduce the unacceptably high level of fatalities and accidents in the commercial fishing industry. The rules allowing the collection also provide means of verifying compliance and enhancing safe operation of fishing vessels.

Respondents: Owners, agents, individuals-in-charge of vessels in the commercial fishing industry, and insurance underwriters.

Frequency: On occasion.

Burden: The estimated burden is 8,205 hours a year.

Dated: August 17, 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–21566 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for September 11–12, 2001, beginning at 8:30 a.m. on September 11. Arrange for oral presentations by September 5.

ADDRESSES: Doubletree Hotel Seattle Airport, 18740 International Boulevard, Cascade Rooms 5 and 6, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Effie M. Upshaw, Office of Rulemaking, ARM–209, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–7626, FAX (202) 267–5076, or e-mail at effie.upshaw@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held September 11–12, in Seattle Washington.

The agenda will include:

September 11, 2001

- Opening Remarks
- FAA Report
- Joint Aviation Authorities Report
- Executive Committee Report
- Harmonization Management Team Report
- Review of Proposed New Tasking List
- Continued Airworthiness Methodology Working Group Report and Approval
- Mechanical Systems HWG Report and Approval
- Design for Security HWG Report
- Ice Protection HWG Report
- Engine HWG Report
- Human Factors Harmonization Working Group (HWG) Report
- Powerplant Installation HWG Report
- Flight Test HWG Report
- Electromagnetic Effects HWG Report

- Seat Test HWG Report

September 12, 2001

- General Structures HWG Report
- Airworthiness Assurance Working Group Report and Approval
- System Design and Analysis HWG Report
- Flight Guidance System HWG Report
- Extended Range with Two-Engine Aircraft (ETOPS) Tasking Update
- Loads & Dynamics HWG Report and Approval
- Flight Controls HWG Report
- Avionics Systems HWG Report
- Electrical Systems HWG Report

The Continued Airworthiness Assessment Methodology Working Group plans to seek approval of a technical report that it drafted under the fast track process. Three HWG's will be seeking approval of work plans: The Mechanical Systems HWG will be addressing taskings associated with §§ 25.841(a) and 25.831(g), the Airworthiness Assurance Working Group will be addressing a tasking associated with multiple supplemental type certificates, and the Loads and Dynamics HWG will be addressing a tasking associated with § 25.301(b).

Attendance is open to the public, but will be limited to the availability of meeting room space and telephone lines. Details for participating in the teleconference will be available after September 4 on the ARAC calendar at *http://www.faa.gov/avr/arm/araccal/htm*, or by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Persons participating by telephone will be responsible for paying long distance charges.

The public must make arrangements by September 5 to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine issues or by providing copies at the meeting. Copies of the documents to be presented to ARAC for decision or as recommendations to the FAA may be made available by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

If you are in need of assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on August 21, 2001.

Tony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 01–21616 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

User Input to the Aviation Weather Technology Transfer (AWTT) Board

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The FAA will hold an informal public meeting to seek aviation weather user input. Details: September 18, 2001; Ernest N. Morial Convention Center, 900 Convention Center Blvd., New Orleans, Louisiana; 1:00 pm to 5:00 pm in room 291. The objective of this meeting is to provide an opportunity for interested aviation weather users to provide input on FAA's plans for implementing new weather products.

DATES: The meeting will be held at 1:00–5:00 PM, on September 18, 2001.

ADDRESSES: The meeting will be held in Room 291 at the Ernest N. Morial Convention Center, 900 Convention Center Blvd, New Orleans, LA 70130 in conjunction with the National Business Aviation Association, Inc. (NBAA) annual convention.

FOR FURTHER INFORMATION CONTACT: Debi Bacon, Aerospace Weather Policy Division, ARS–100, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone number (202) 385–7705; Fax: (202) 385–7701; email: *debi.bacon@faa.gov.* Internet address: http:www.debi.bacon@faa.gov.

SUPPLEMENTARY INFORMATION:

History

In 1999, the FAA established an Aviation Weather Technology Transfer (AWTT) Board to manage the orderly transfer of weather capabilities and products from research and development into operations. The Director of the Aerospace Weather Policy and Standards Staff, ARS–20, chairs the AWTT Board. The Board is composed of stakeholders in Air Traffic Services, ATS; Regulation and Certification, AVR; and Research and Acquisitions, ARA in the Federal Aviation Administration and the Office of Meteorology in the National Weather Service.

The AWTT Board will meet semi-annually or as needed, to determine the readiness of weather research and development (R&D) products for experimental use, full operational use for meteorologists or full operational use for end users. The Board's determinations will be based upon criteria in the following areas: users needs; benefits; costs; risks; technical readiness; operational readiness and budget requirements.

The user interface process is designed to allow FAA to both report progress and receive feedback from industry users. Each AWTT Board meeting will be preceded by a half-day industry review session approximately one month prior to each Board meeting. These industry review sessions will be announced in the **Federal Register** and open to all interested parties.

This meeting is the second industry review session and is intended to receive feedback on weather R&D products that will be presented for consideration at the November 2001 AWTT Board meeting. The products to be considered are the Integrated Icing Diagnosis Algorithm (IIDA) and the Integrated Icing Forecast Algorithm k(IIFA).

Meeting Procedures

(a) The meeting will be informal in nature and will be conducted by representatives of the FAA Headquarters.

(b) The meeting be open to all persons on a space-available basis. Every effort was made to provide a meeting site with sufficient seating capacity for the expected participation. There will be neither admission fee nor other charge to attend and participate. This meeting is being held in conjunction with the NBAA annual conference. There is a charge to attend the NBAA conference; however, any person attending this informal meeting only will be admitted by NBAA conference officials to this meeting only at no charge.

(c) FAA personnel present will conduct a briefing on how the AWTT system works and changes to the process made in the last year. Any person will be allowed to ask questions during the presentation and FAA personnel will clarify any part of the process that is not clear.

(d) FAA personnel will present a briefing on the specific products to be reviewed at the November 2001 AWTT Board Meeting. Any person will be allowed to ask questions during the presentation and FAA personnel will clarify any part of the presentation that is not clear.

(e) Any person present may give feedback on the products to be presented. Feedback on the proposed products will be captured through discussion between FAA personnel and any persons attending the meeting. The meeting will not be formally recorded. However, informal tape recordings may be made of the presentations to ensure that each respondent's comments are noted accurately.

(f) An official verbatim transcript or minutes of the informal meeting will not be made. However, a list of the attendees, a digest of discussions during the meeting and an action item list will be produced. Any person attending may receive a copy of the written information upon request to the information contact, above.

(g) Every reasonable effort will be made to hear each person's feedback consistent with a reasonable closing time for the meeting. Written feedback may also be submitted to FAA personnel for up to seven (7) days after the close of the meeting.

Agenda

(a) Opening Remarks and Discussion of meeting Procedures
(b) Briefing on AWTT Process
(c) Briefing on Weather Products
(d) Request for User Input
(e) Closing Comments

Issued in Washington, DC, on August 20, 2001.

Frances Sherertz,

Deputy Director, Aerospace Weather Policy and Standards Staff.

[FR Doc. 01–21509 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2001–10478; Notice No. 01–10]

RIN 2120–AH45

Proposed Guidance for the Use of Binding Arbitration Under the Administrative Dispute Resolution Act of 1996

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed guidance and request for comments.

SUMMARY: The Office of Dispute Resolution for Acquisition (ODAR) of the FAA, a modal administration of the United States Department of Transportation, proposes to use binding arbitration among other alternative dispute resolution (ADR) techniques for purposes of resolving bid protests and contract disputes relating to procurements and contracts under the FAA Acquisition Management System. The Guidance, which is set forth in full on the Internet at *http://www.faa.gov/agc/guidnce.htm*, was developed pursuant to the Administrative Dispute Resolution Act (ADRA) of 1996, Pub. L. 104–320 (October 19, 1996), 5 U.S.C. 571–583. In accordance with Section 575 of the ADRA, the FAA has submitted the Guidance to the Attorney General for consultation. The Attorney General has informed the FAA that he concurs in the Guidance.

DATES: Comments must be received on or before September 26, 2001.

ADDRESSES: Comments on the Guidance may be delivered, mailed, or sent by facsimile to the FAA Office of Dispute Resolution for Acquisition, AGC–70, Room 8332, 400 7th Street, SW., Washington, DC 20590, facsimile number (202) 366–7400. Comments may also be submitted electronically to the following Internet address: marie.collins@faa.gov. Comments may be examined in Room 8332, between 10:00 a.m. and 4:00 p.m., weekdays except federal holidays.

FOR FURTHER INFORMATION CONTACT: Marie A. Collins, Dispute Resolution Office, FAA Office of Dispute Resolution for Acquisition, AGC–70, Room 8332, Federal Aviation Administration, 400 7th Street, SW., Washington, DC 20590, telephone number (202) 366–6400.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the finalization of the Guidance by submitting such written comments, views, or arguments as they may desire. All comments received will be available for public inspection before and after the comment closing date. All comments received on or before the closing date will be considered by the FAA. Late-filed comments will be considered to the extent practicable. The Guidance referenced in this notice may be changed in light of the comments received.

Availability of the Guidance

This notice and request for comments merely identifies the Guidance. A complete copy of the Guidance may be downloaded from the Internet at the FAA Website at *http://www.faa.gov/agc/guidnce.htm*, or may be obtained from the ODRA directly.

Background

In the ADRA of 1996, Congress authorizes federal agencies to utilize binding arbitration to resolve administrative disputes, provided that conditions specified in the ADRA are satisfied. Among other things, the ADRA requires that interested agencies develop and issue guidance on the appropriate use of arbitration. In accordance with Section 575 of the ADRA, the FAA Guidance for use of binding arbitration to resolve government contract disputes was developed in consultation with the Attorney General. The FAA has been informed by the Department of Justice that the Attorney General concurs in the Guidance.

The Guidance satisfies the requirements regarding binding arbitration specified by the ADRA of 1996; and addresses use of binding arbitration in a manner consistent with the FAA dispute resolution process and the ODRA's procedural rules, 14 CFR 17.

Issued in Washington, DC, on August 22, 2001.

David G. Leitch,

Chief Counsel.

[FR Doc. 01–21617 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–01–111–165]

Certification of In-seat Power Supply Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy statement; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of a proposed policy statement that clarifies current FAA policy with respect to certification of in-seat power supply systems.

DATES: Send your comments on or before September 26, 2001.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airplane and Flight Crew Interface Branch, ANM–111, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425)227–2315; fax (425)227–1320; e-mail: steve.slotte@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy statement is available on the Internet at the following address: *http://www.faa.gov/avr/air/anm/draftpolicy/interim.htm*. If you do not have access to the Internet, you can obtain a copy of the policy statement by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

The FAA invites your comments on this proposed policy statement. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT.** Mark your comments, ''Comments to Policy Statement ANM–01–111–165.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed general statement of policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because of the comments received.

Background

The policy contained in the memorandum should be applied to all transport airplane programs for an acceptable method of compliance with 14 CFR part 25 for inseat power supply systems (ISPSS) installations.

This policy covers the approval of low voltage and high voltage systems. Nominal output voltages differing from the typical voltage values specified above may also be considered for approval using the guidelines specified in this policy.

This policy does not cover the approval of the use of such portable electrical devices or any interconnecting means used to power such equipment onboard an aircraft.

Issued in Renton, Washington, on August 16, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–21615 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–9548; Notice 2]

Bridgestone/Firestone, Inc., Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety

Bridgestone/Firestone, Inc. (Bridgestone) has determined that approximately 442,479 tires of various sizes and types 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), Bridgestone petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Notice of receipt of the application was published on May 8, 2001, with a 30-day comment period (66 FR 23316). NHTSA received no comments on this application.

The petition covers multiple sizes and types of tires produced in Bridgestone's Wilson, North Carolina, plant during the last week of 2000 and the first week of 2001. The 442,479 affected tires were marked with the incorrect DOT week/year in the DOT serial, the numbering scheme specified for tire manufacture date in 49 CFR Part 574.5, ''Tire Identification and Record Keeping, Tire Identification Requirements.'' According to Bridgestone, some tires produced during the last production week of 2000 (December 31, 2000 through January 6, 2001) were incorrectly marked with a date of 0101. The correct marking of the four-digit date code for that week is 5300. The remaining noncompliant tires were incorrectly marked 0201 for the week of January 7, 2001 through January 13, 2001. The correct marking for that production week is 0101.

Bridgestone stated that the noncompliance is inconsequential to motor vehicle safety because all affected tires meet all requirements of 49 CFR 571.109, except paragraph S4.3, *Labeling Requirements.* Also, according to Bridgestone, the erroneous date of manufacture marked on the tires can still be used by the company to identify the tires in the event of a recall, which is the primary purpose for the date of manufacture labeling requirement.

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on the ability of the tire manufacturer to identify the tires in the event of recall. In this case, the manufacturer did not omit any of the information required by FMVSS No. 109 or the 49 CFR part 574.5, but labeled the date code portion of the tire identification incorrectly. Additionally, the manufacturer's report to the agency (49 CFR Part 573, ''Defect and Noncompliance Reports) indicated that the noncompliant tires are documented in the company's records. Based on the information provided by Bridgestone, the agency believes the information included on the tire identification label and the manufacturer's tire production records is sufficient to insure that these tires can be identified in the event of a recall.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion, and that the noncompliance is inconsequential to motor vehicle safety. Accordingly, Bridgestone's application is granted and the company is exempted from providing the notification of the noncompliance that would be required by 49 U.S.C. 30118, and from remedying the noncompliance, as would be required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 21, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–21546 Filed 8–24–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date, time, and location for the quarterly meeting of the Treasury Advisory Committee on Commercial Operations (COAC), and the provisional agenda for consideration by the Committee.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, September 14, 2001 at 9:00 a.m. in Detroit, MI. The duration of the meeting will be approximately four hours.

FOR FURTHER INFORMATION CONTACT: Gordana S. Earp, Deputy Director, Tariff and Trade Affairs (Enforcement), Office of the Under Secretary (Enforcement), Telephone: (202) 622–0336.

At this meeting, the Advisory Committee is expected to pursue the following agenda. The agenda may be modified prior to the meeting.

Agenda

(1) Merchandise Processing Fee
(2) Office of Rules & Regulations—Ruling Backlog
(3) Compliance Assessment Team Program
(4) Import Data & Customs Entry Issues: including ACE (Automated Commercial Environment) development; impact of bill S.1214; ''Port and Maritime Security Act of 20017''; Study on Entry Procedures and Data Requirements
(5) Update on Other Customs Matters

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, participation in the Committee's deliberations is limited to Committee members, Customs and Treasury Department staff, and persons invited to attend the meeting for special presentations. A person other than an Advisory Committee member who wishes to attend the meeting should contact Theresa Manning at (202) 622–0220 or Helen Belt at (202) 622–0230.

Dated: August 21, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary, Regulatory, Tariff, and Trade (Enforcement).

[FR Doc. 01–21513 Filed 8–24–01; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

United States Customs Service

[T.D. 01–60]

Customs Accreditation and Approval of National Marine Consultants Incorporated as a Commercial Laboratory and Commercial Gauger

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

ACTION: Notice of accreditation and approval of National Marine Consultants, Inc. of Matawan, New Jersey as a commercial laboratory and commercial gauger.

SUMMARY: National Marine Consultants, Inc. of Matawan, New Jersey, has applied to U.S. Customs under Parts 151.12 and 151.13 of the Customs Regulations for accreditation as a commercial laboratory to analyze petroleum products under Chapter 27 and Chapter 29 of the Harmonized Tariff Schedule of the United States (HTSUS) and approval as a commercial gauger to gauge petroleum products under Chapter 27 and Chapter 29, animal and vegetable oils under Chapter 15 and organic compounds under Chapter 29 of the Harmonized Tariff Schedule of the United States (HTSUS). Customs has determined that this company meets all of the requirements for accreditation as a commercial laboratory and approval as a commercial gauger. Specifically, National Marine Consultants, Inc. has been granted laboratory accreditation to perform the following test methods at their Thorofare, New Jersey site: (1) API Gravity, ASTM D 287 & ASTM D 1298; (2) Sediment, ATSM D 473 & ASTM D 95; (3) Distillation, ASTM D 86; (4) Saybolt Universal Viscosity, ASTM D 445; (5) Percent by weight of Sulfur, ASTM D 4294. Additionally, National Marine Consultants, Inc. has been granted approval to gauge petroleum products under Chapter 27 and Chapter 29, animal and vegetable oils under Chapter 15 and organic compounds under Chapter 29 of the Harmonized Tariff Schedule of the United States (HTSUS). Therefore, in accordance with Parts 151.12 and 151.13 of the Customs Regulations, National Marine Consultants, Inc. is hereby accredited to analyze and approved to gauge the products named above.

LOCATION: National Marine Consultants, Inc. accredited and approved site is located at: 650 Grove Road, Suite 111, Thorofare, New Jersey 08086.

EFFECTIVE DATE: August 13, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Parker, National Quality Manager, Laboratories and Scientific Services, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Suite 1500 North, Washington, DC 20229, (202) 927–1060.

Dated: August 20, 2001.

Ira S. Reese,

Acting Executive Director, Laboratories and Scientific Services.

[FR Doc. 01–21542 Filed 8–24–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

United States Customs Service

Extension of General Program Test for Transfer of International In-Transit Baggage

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document announces that the test originally announced in the **Federal Register** on February 23, 2000, and modified by a notice published in the **Federal Register** on June 16, 2000, regarding the transfer of international in-transit baggage is being extended for an additional year. The time for applying to participate in the test also is being reopened for an additional six-month period.

DATES: The testing period is extended to August 16, 2002. Written applications to participate in the test must be filed with Customs on or before February 15, 2002.

ADDRESSES: Air carriers that have entered into an agreement with the Government by signing an Advance Passenger Information System (APIS) Memorandum of Understanding may apply to participate in the program test by submitting a letter of application to the port director with jurisdiction over the airport where the transfer of international in-transit baggage will occur. Air carriers that wish to participate in the test can apply to participate in the APIS program by contacting Mike Cronin, Acting Executive Associate Commissioner for the Office of Programs, U.S. Immigration & Naturalization Service, 425 I Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: For operational or policy matters: Carlene Warren, Passenger Programs Branch, Office of Field Operations (202) 927–1391.

For regulatory matters: Larry L. Burton, Office of Regulations and Rulings (202) 927–1287.

SUPPLEMENTARY INFORMATION:

Background

On February 23, 2000, Customs published a general notice in the **Federal Register** (65 FR 9054) announcing a program test that allows participating air carriers to more efficiently transfer accompanied air passenger baggage from one aircraft entering the United States to another aircraft departing from the United States enroute to a foreign destination. Under the test, participating air carriers will not be required to file an air cargo manifest (Customs Form 7509) but will instead electronically transmit certain required information to Customs while a flight is enroute to the United States.

The notice specified that the test covers accompanied, international, in-transit, checked baggage that arrives in the United States aboard one aircraft and departs from the United States aboard another aircraft. (This baggage is referred to as international-to-international baggage or ITI baggage.) The notice explained the air cargo manifest requirement and the ordinary ITI baggage processing procedure as provided for under the Customs Regulations; described the Advance

Passenger Information System (APIS) program; set forth the eligibility requirements for participation in the test, the information transmission and baggage processing procedures required under the test, and the test application process; and requested comments on all aspects of the test.

On April 3, 2000, Customs published a general notice in the **Federal Register** (65 FR 17550) to announce an extension of the time period for applying to participate in the test. The application period was extended to May 26, 2000. On June 16, 2000, Customs published a notice in the **Federal Register** (65 FR 37828) to announce a modification of the test program based on a review of the comments received and a reevaluation of the test. That June 16, 2000, notice also provided for a new application period, to July 31, 2000, and stated that the modified program test would commence no earlier than August 15, 2000, and would run for approximately one year.

Customs has determined that the test as it is currently being conducted should be extended for an additional year and that the time for applying to participate in the test should be reopened for a new six-month period. Extending the test period and reopening the application process will enable Customs to more fully evaluate the results of the test and formulate proposals to amend the Customs Regulations, as may be appropriate, to adopt the procedures under the test on a more permanent basis.

Accordingly, the testing period is extended to August 16, 2002, and applications to participate in the test will be accepted by Customs through February 15, 2002. Customs notes that both the notice published on February 23, 2000, and the notice published on June 16, 2000, should be consulted for a fuller understanding of the various aspects of the program test, as the latter notice did not modify all aspects of the test. In addition, as the application process was modified in the notice of June 16, 2000, that notice should be consulted on how to apply for participation in the test.

Dated: August 21, 2001.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–21514 Filed 8–24–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Senior Executive Service; Financial Management Service Performance Review Board

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This notice announces the appointment of members to the Financial Management Service Performance Review Board.

DATES: This notice is effective on August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Papaj, Deputy Commissioner, Financial Management Service, 401 14th Street, SW., Room 546, Washington, DC 20227; telephone: (202) 874–7000.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c)(4), notice is given of the appointment of individuals to serve as members of the Financial Management Service (FMS) Performance Review Board (PRB). The FMS PRB reviews the performance appraisals of career senior executives below the Assistant Commissioner level and makes recommendations regarding ratings, bonuses, and other personnel actions. Four voting members constitute a quorum. The names and titles of the FMS PRB members are as follows:

Primary Members

Kenneth R. Papaj, Deputy Commissioner

Constance E. Craig, Assistant Commissioner, Information Resources (Chief Information Officer)

Nancy C. Fleetwood, Assistant Commissioner, Debt Management Service

Bettsy H. Lane, Assistant Commissioner, Federal Finance

John D. Newell, Assistant Commissioner, Regional Operations

Alternate Members

Scott H. Johnson, Assistant Commissioner, Management (Chief Financial Officer)

Judith R. Tillman, Assistant Commissioner, Financial Operations

Dated: August 22, 2001.

Richard L. Gregg,

Commissioner.

[FR Doc. 01–21584 Filed 8–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209830–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209830–96 (TD 8779), Estate and Gift Tax Marital Deduction.

DATES: Written comments should be received on or before October 26, 2001, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha Brinson (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Estate and Gift Tax Marital Deduction.

OMB Number: 1545–1612.

Regulation Project Number: REG–209830–96.

Abstract: The information requested in regulation section 20.2056(b)–7(d)(3)(ii) is necessary to provide a method for estates of decedents whose estate tax returns were due on or before February 18, 1997, to obtain an extension of time to make the qualified terminable interest property (QTIP) election under section 2056(b)(7)(B)(v).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individual or households.

The estimated reporting burden in this regulation is reflected in the burden of Form 843, Claim for Refund and Request for Abatement, and Forms 706 and 706–NA, United States Estate (and

Generation-Skipping Transfer) Tax Return.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 21, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–21602 Filed 8–24–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
August 27, 2001

Part II

Department of Agriculture

Forest Service
36 CFR Part 242

Department of the Interior

Fish and Wildlife Service
50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2002–2003 Subsistence Taking of Wildlife Regulations; Proposed Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AI06

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2002–2003 Subsistence Taking of Wildlife Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses during the 2002–2003 regulatory year. The rulemaking is necessary because subpart D is subject to an annual public review cycle. When final, this rulemaking would replace the wildlife taking regulations included in the ''Subsistence Management Regulations for Public Lands in Alaska, Subpart D—2001–2002 Subsistence Taking of Fish and Wildlife Regulations,'' which expire on June 30, 2002. This rule would also amend the Customary and Traditional Use Determinations of the Federal Subsistence Board and the General Regulations related to the taking of wildlife.

DATES: The Federal Subsistence Board must receive your written public comments and proposals to change this proposed rule no later than October 26, 2001. Federal Subsistence Regional Advisory Councils (Regional Councils) will hold public meetings to receive proposals to change this proposed rule from September 11, 2001—October 17, 2001. See **SUPPLEMENTARY INFORMATION** for additional information on the public meetings.

ADDRESSES: You may submit written comments and proposals to the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska 99503. The public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Public Review Process—Regulation Comments, Proposals, and Public Meetings

The Federal Subsistence Board (Board) will hold meetings on this proposed rule at the following locations in Alaska:

Region 1—Southeast Regional Council, Yakutat, October 15, 2001
Region 2—Southcentral Regional Council, Cantwell, October 1, 2001
Region 3—Kodiak/Aleutians Regional Council, Sand Point, September 19, 2001
Region 4—Bristol Bay Regional Council, Naknek, October 11, 2001
Region 5—Yukon-Kuskokwim Delta Regional Council, Anchorage, October 9, 2001
Region 6—Western Interior Regional Council, Anchorage, October 9, 2001
Region 7—Seward Peninsula Regional Council, Nome, September 13, 2001
Region 8—Northwest Arctic Regional Council, Kotzebue, October 5, 2001
Region 9—Eastern Interior Regional Council, Anchorage, October 9, 2001
Region 10—North Slope Regional Council, Barrow, September 11, 2001

We will publish notice of specific dates, times, and meeting locations in local and statewide newspapers prior to the meetings. We may need to change locations and dates based on weather or local circumstances. The amount of work on each Regional Council,'s agenda will determine the length of the Regional Council, meetings.

We will compile and distribute for additional public review during early November 2001 the written proposals to change Subpart D hunting and trapping regulations and customary and traditional use determinations in Subpart C. A 30-day public comment period will follow distribution of the compiled proposal packet. We will accept written public comments on distributed proposals during the public comment period which is presently scheduled to end on January 11, 2002.

We will hold a second series of Regional Council meetings in February and March 2002, to assist the Regional Councils in developing recommendations to the Board. You may also present comments on published proposals to change hunting and trapping and customary and traditional use determination regulations to the Regional Councils at those winter meetings.

The Board will discuss and evaluate proposed changes to this rule during a public meeting scheduled to be held in Anchorage, May 2002. You may provide additional oral testimony on specific proposals before the Board at that time. The Board will then deliberate and take final action on proposals received that request changes to this proposed rule at that public meeting. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text based upon approved proposals would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Please Note: The Board will not consider proposals for changes relating to fish or shellfish regulations at this time. The Board will be calling for proposed changes to those regulations in January 2002.

The Board's review of your comments and wildlife proposals will be facilitated by you providing the following information: (a) Your name, address, and telephone number; (b) the section and/or paragraph of the proposed rule for which your change is being suggested; (c) a statement explaining why the change is necessary; (d) the proposed wording change; (e) any additional information you believe will help the Board in evaluating your proposal. Proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § __.24, Subpart C and §§ __.25 or __.26, Subpart D, of 36 CFR part 242 and 50 CFR part 100, may be rejected. The Board may defer review and action on some proposals if workload exceeds work capacity of staff, Regional Councils, or Board. These deferrals will be based on recommendations of the affected Regional Council, staff members, and on the basis of least harm to the subsistence user and the resource involved. Proposals should be specific to customary and traditional use determinations or to subsistence hunting and trapping seasons, harvest limits, and/or methods and means.

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on

public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with subparts A, B, and C of these regulations, as revised June 12, 2001, (66 FR 31533), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, and the annual Subpart D regulations.

All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 would apply to regulations found in this subpart.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (2001) and 50 CFR 100.11 (2001), and for the purposes identified therein, we divide Alaska into ten subsistence resource regions, each of which is represented by a Regional Council. The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, will present their Council's recommendations at the Board meeting in May 2002.

Proposed Changes From 2001–2002 Seasons and Bag Limit Regulations

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations (§ __.24 of Subpart C) are also subject to an annual review process providing for modification each year. The text of the 2001–2002 subparts C and D final rule, with two modifications, served as the foundation for the 2002–2003 subparts C and D proposed rule. One modification would revert the deer harvest limit in Unit 8 to five deer as had been in effect prior to the Board making a reduction to the harvest limit based on a Special Action request by the Kodiak-Aleutians Regional Advisory Council. The second modification removed an inconsistency in harvest requirements for caribou in a portion of Unit 25. The regulations contained in this proposed rule will take effect on July 1, 2002, unless elements are changed by subsequent Board action following the public review process outlined herein.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

An environmental assessment has been prepared on the expansion of Federal jurisdiction over fisheries and is available by contacting the office listed under **FOR FURTHER INFORMATION CONTACT.** The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction does not constitute a major Federal action, significantly affecting the human environment and has, therefore, signed a Finding of No Significant Impact.

Compliance with Section 810 of ANILCA

A section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

During the environmental assessment process, an evaluation of the effects of this rule was also conducted in accordance with section 810. This evaluation supports the Secretaries' determination that the rule will not reach the ''may significantly restrict'' threshold for notice and hearings under ANILCA Section 810(a) for any subsistence resources or uses.

Paperwork Reduction Act

This rule contains information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. It applies to the use of public lands in Alaska. The information collection requirements are approved by OMB under 44 U.S.C. 3501 and have been assigned control number 1018–0075, which expires July 31, 2003. 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.

Currently, information is being collected by the use of a Federal Subsistence Registration Permit and Designated Hunter Application. The information collected on these two permits establishes whether an applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and provides a report of harvest and the location of harvest. The collected information is necessary to determine harvest success, harvest location, and population health in order to make management decisions relative to the conservation of healthy wildlife populations. Additional harvest information is obtained from harvest reports submitted to the State of Alaska. The recordkeeping burden for this aspect of the program is negligible (1 hour or less). This information is accessed via computer data base.

Form	Estimated number of respondents	Completion time for each form	Estimated annual response	Estimated annual burden hours	Hourly cost for respondent	Financial burden on respondents
Federal Subsistence Registration Permit.	5,000	¼ hour	5,000	1,250	$20.00	$5.00 each or $25,000 total.
Designated Hunter Application.	2,000	¼ hour	2,000	500	20.00	$5.00 each or $10,000 total.

You may direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, DC 20503. Additional information collection requirements may be imposed if local advisory committees subject to the Federal Advisory Committee Act are established under subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

This rule is not a significant rule subject to OMB review under Executive Order 12866. This rulemaking will impose no significant costs on small entities; this rule does not restrict any existing sport or commercial fishery on the public lands and subsistence fisheries will continue at essentially the same levels as they presently occur. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that 2 million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, would equate to about $6 million in food value state-wide.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments certify based on the above figures that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or state governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any state or local entities or tribal governments.

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and

3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not a significant regulatory action under Executive Order 12866 affecting energy supply, distribution, or use, this action is not a significant energy action and no Statement of Energy Effects is required.

Drafting Information

William Knauer drafted these regulations under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; and Ken Thompson, USDA-Forest Service provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR part 242 and 50 CFR pPart 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, § _____.24(a)(1) is revised to read as follows:

§ _____.24 Customary and traditional use determinations.

(a) * * *

(1) *Wildlife determinations.* The rural Alaska residents of the listed communities and areas have a customary and traditional use of the specified species on Federal public lands within the following listed areas:

Area	Species	Determination
Unit 1(C)	Black Bear	Residents of Unit 1(C), 1(D), 3, and residents of Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
1(A)	Brown Bear	Residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1(C)	Brown Bear	Residents of Unit 1(C), Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Residents of 1(A) and 2.
1(B)	Deer	Residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Residents of 1(C) and (D), and residents of Hoonah, Kake, and Petersburg.
1(D)	Deer	No Federal subsistence priority.
1(B)	Goat	Residents of Units 1(B) and 3.
1(C)	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
1(B)	Moose	Residents of Units 1, 2, 3, and 4.
1(C) Berner's Bay	Moose	No Federal subsistence priority.
1(D)	Moose	Residents of Unit 1(D).
Unit 2	Brown Bear	No Federal subsistence priority.
2	Deer	Residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell and Mitkof Islands	Moose	Residents of Units 1(B), 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.

Area	Species	Determination
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5(A).
5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Goat	Residents of Unit 5(A)
5	Moose	Residents of Unit 5(A).
5	Wolf	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6(A)	Goat	Residents of Unit 5(A), 6(C), Chenega Bay and Tatitlek.
6(C) and (D)	Goat	Residents of Unit 6(C) and (D).
6(A)	Moose	Unit 6(A)—Residents of Units 5(A), 6(A), 6(B) and 6(C).
6(B) and (C)	Moose	Residents of Units 6(A), 6(B) and 6(C).
6(D)	Moose	No Federal subsistence priority.
6(A)	Wolf	Residents of Units 5(A), 6, 9, 10(Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area	Goat	Residents of Port Graham and English Bay.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.
Unit 9(D)	Bison	No Federal subsistence priority.
9(A) and (B)	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
9(A)	Brown Bear	Residents of Pedro Bay.
9(B)	Brown Bear	Residents of Unit 9(B).
9(C)	Brown Bear	Residents of Unit 9(C).
9(D)	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
9(E)	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(C)	Caribou	Residents of Unit 9(B), 9(C), and 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of Akutan, False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, residents of Nelson Lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(D)	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).
9, remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
9(A), (B), (C), & (E)	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
Unit 10	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
10, remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 11	Bison	No Federal subsistence priority.

Area	Species	Determination
11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glenallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Caribou	Residents of Units 11 and 13 (A)–(D) and the residents of Chickaloon.
11	Goat	Residents of Unit 11 and the residents of Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake.
11, north of the Sanford River	Moose	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Moose	Residents of Units 11, 13 (A)–(D), and residents of Chickaloon.
11, north of the Sanford River	Sheep	Residents of Unit 12 and the communities and areas of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina and Tonsina; residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11, remainder	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina and Tonsina; residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 12	Brown Bear	Residents of Unit 12 and Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
12	Caribou	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12, south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel, residents of Unit 12, 13(A)–(D) and the residents of Chickaloon, Dot Lake, and Healy Lake.
12, east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12 and Healy Lake.
12, remainder	Moose	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12	Sheep	Residents of Unit 12 and residents of Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
13(B)	Caribou	Residents of Unit 11, 12 (along the Nabesna Road), 13, residents of Unit 20(D) except Fort Greely, and the residents of Chickaloon.
13(C)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, Dot Lake and Healy Lake.
13(A) & (D)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon.

Area	Species	Determination
13(E)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Goat	No Federal subsistence priority.
13(A) and (D)	Moose	Residents of Unit 13 and the residents of Chickaloon and Slana.
13(B)	Moose	Residents of Units 13, 20(D) except Fort Greely, and the residents of Chickaloon and Slana.
13(C)	Moose	Residents of Units 12, 13 and the residents of Chickaloon, Healy Lake, Dot Lake and Slana.
13(E)	Moose	Residents of Unit 13 and the residents of Chickaloon McKinley Village, Slana, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, & 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, & 23.
Unit 14(B) and (C)	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.
14	Moose	No Federal subsistence priority.
14(A) and (C)	Sheep	No Federal subsistence priority.
Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15, remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15(C), Port Graham and English Bay hunt areas	Goat	Residents of Port Graham and Nanwlek.
15(C), Seldovia hunt area	Goat	Residents Seldovia area.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16(B)	Black Bear	Residents of Unit 16(B).
16	Brown Bear	No Federal subsistence priority.
16(A)	Moose	No Federal subsistence priority.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
16	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 17(A) and that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9(A) and (B), 17, and residents of Akiak and Akiachak.
17, remainder	Black Bear	Residents of Units 9(A) and (B), and 17.
17(A)	Brown Bear	Residents of Unit 17, and residents of Akiak, Akiachak, Goodnews Bay and Platinum.
17(B) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nayakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B), that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
17(B) and (C)	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
Unit 17(A), that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, Napakiak.

Area	Species	Determination
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17(B), that portion of Togiak National Wildlife Refuge within Unit 17(B).	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, and Tulukasak, Tuntutuliak, and Napakiak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Kwethluk.
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17(B)—That portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.
17(B) and (C)	Moose	Residents of Unit 17, and residents of Nondalton, Leverlock, Goodnews Bay, and Platinum.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
17	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18	Caribou (Kilbuck caribou herd only).	INTERIM DETERMINATION BY FEDERAL SUBSISTENCE BOARD (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills.
18, north of the Yukon River	Caribou (except Kilbuck caribou herd).	Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, St. Michael, Scammon Bay, Nunam Iqua, and Stebbins.
18, remainder	Caribou (except Kilbuck caribou herd).	Residents of Kwethluk.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including the Tuluksak River drainage.	Moose	Residents of Unit 18 and residents of Upper Kalskag, Lower Kalskag, Aniak, and Chuathbaluk.
18, remainder	Moose	Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 19(C),(D)	Bison	No Federal subsistence priority.
19(A) and (B)	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
19(C)	Brown Bear	No Federal subsistence priority.
19(D)	Brown Bear	Residents of Units 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Units 19(A) and 19(B), residents of Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.

Area	Species	Determination
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute, and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
Unit 19(B), west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 20(D)	Bison	No Federal subsistence priority.
20(F)	Black Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(E)	Brown Bear	Residents of Unit 12 and Dot Lake.
20(F)	Brown Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(A)	Caribou	Residents of Cantwell, Nenana, and those domiciled between milepost 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(B)	Caribou	Residents of Unit 20(B), Nenana, and Tanana.
20(C)	Caribou	Residents of Unit 20(C) living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenena, Nikolai, Tanana, Talida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(D) and (E)	Caribou	Residents of 20(D), 20(E), and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.
20(F)	Caribou	Residents of 20(F), 25(D), and Manley.
20(A)	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—residents of Minto and Nenana.
20(B)	Moose	Remainder—residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto, and Stevens Village.
20(F)	Wolf	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
20(D)	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
20(D)	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
21(A)	Caribou	Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(B) & (C)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Tanana.
21(D)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Huslia.
21(E)	Caribou	Residents of Units 21(A), 21(E) and Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(A)	Moose	Residents of Units 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.

Area	Species	Determination
21(B) and (C)	Moose	Residents of Units 21(B) and (C), Tanana, Ruby, and Galena.
21(D)	Moose	Residents of Units 21(D), Huslia, and Ruby.
21(E)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22(A)	Black Bear	Residents of Unit 22(A) and Koyuk.
22(B)	Black Bear	Residents of Unit 22(B).
22(C), (D), and (E)	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22.
22(A)	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
22, remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.
22	Moose	Residents of Unit 22.
22(B)	Muskox	Residents of Unit 22(B).
22(C)	Muskox	Residents of Unit 22(C).
22(D)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.
22(E)	Muskox	Residents of Unit 22(E) excluding Little Diomede Island.
22	Wolf	Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.
22	Grouse (Spruce)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
22	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
23	Brown Bear	Residents of Units 21 and 23.
23	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Units 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26(A).
23	Moose	Residents of Unit 23.
23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23, remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
23	(Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 24	Black Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Brown Bear	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area,
24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24	Moose	Residents of Unit 24, Koyukuk, and Galena.

Area	Species	Determination
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25(D)	Black Bear	Residents of Unit 25(D).
25(D)	Brown Bear	Residents of Unit 25(D).
25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
25(D)	Caribou	Residents of 20(F), 25(D), and Manley.
25(A)	Moose	Residents of Units 25(A) and 25(D).
25(D) West	Moose	Residents of Unit 25(D) west.
25(D), remainder	Moose	Residents of remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.
25(B) and (C)	Sheep	No Federal subsistence priority.
25(D)	Wolf	Residents of Unit 25(D).
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Muskox	Residents of Kaktovik.
26(A)	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkytsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.

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Subpart D—Subsistence Taking of Fish and Wildlife

3. In Subpart D of 36 CFR part 242 and 50 CFR part 100, § ____.25 is revised to read as follows:

§ _____.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(a) *Definitions.* The following definitions shall apply to all regulations contained in this part:

Abalone iron means a flat device which is used for taking abalone and which is more than 1 inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Airborne means transported by aircraft.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, elk, or moose.

Antlered means any caribou, deer, elk, or moose having at least one visible antler.

Antlerless means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Bear means black bear, or brown or grizzly bear.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, elk, or musk oxen.

Cast net means a circular net with a mesh size of no more than 1½ inches and weights attached to the perimeter

which, when thrown, surrounds the fish and closes at the bottom when retrieved.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

Closed season means the time when fish, wildlife, or shellfish may not be taken.

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

Designated hunter or fisherman means a Federally qualified, licensed hunter or fisherman who may take all or a portion of another Federally qualified, licensed hunter's or fisherman's harvest limit(s) only under situations approved by the Board.

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving gear means any type of hard hat or skin diving equipment, including SCUBA equipment; a tethered, umbilical, surface-supplied unit; or snorkel.

Drainage means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds, and lakes, which contribute to the water supply of the watershed.

Drift gillnet means a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed in one place.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: the meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed in this definition does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, ''edible meat'' means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).

Federally-qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Fishwheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish, which is driven by river current or other means.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish or *bottomfish* means any marine fish except halibut, osmerids, herring and salmonids.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse, and sharp-tailed grouse.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Handline means a hand-held and operated line, with one or more hooks attached.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person or designated group, per specified time period, in a Unit or portion of a Unit in which the taking occurs even if part or all of the harvest is preserved. A fish, when landed and killed by means of rod and reel becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Hydraulic clam digger means a device using water or a combination of air and water used to harvest clams.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net, or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance that is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Possession limit means the maximum number of fish, grouse, or ptarmigan a person or designated group may have in possession if the they have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ram means a male Dall sheep.

Registration permit means a permit that authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

Salmon means the following species: pink salmon (*Oncorhynchus gorbuscha*); sockeye salmon (*Oncorhynchus nerka*); chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning, rearing, or for traveling to a spawning or rearing area.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than 4 feet, equipped with projecting prongs used to gather sea urchins.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eights (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Shovel means a hand-operated implement for digging clams.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur, or pelt of a bear shall mean the entire external covering with claws attached.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under 5-pound weight.

Subsistence fishing permit means a permit issued by the Alaska Department of Fish and Game, unless specifically identified otherwise.

Take or *Taking* means to fish, pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or *antler point* refers to any point on an antler, the length of which is greater than its width and is at least one inch.

To operate fishing gear means any of the following: to deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Transportation means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

Troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing, or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

Trout means the following species: cutthroat trout (*Oncorhynchus clarki*) and rainbow/steelhead trout (*Oncorhynchus mykiss*).

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Taking fish, wildlife or shellfish for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting, trapping, or fishing during a closed season or in an area closed by this part is prohibited. You may not take for subsistence fish, wildlife, or shellfish outside established Unit or Area seasons, or in excess of the established Unit or Area harvest limits, unless otherwise provided for by the Board. You may take fish, wildlife, or shellfish under State regulations on public lands, except as otherwise restricted at § §____.26 through ____.28. Unit/Area-specific restrictions or allowances for subsistence taking of fish, wildlife, or shellfish are identified at § §____.26 through ____.28.

(c) *Harvest limits.* (1) Harvest limits, including those related to ceremonial uses, authorized by this section and harvest limits established in State regulations may not be accumulated.

(2) Fish, wildlife, or shellfish taken by a designated individual for another person pursuant to § __.10(d)(5)(ii), counts toward the individual harvest limit of the person for whom the fish, wildlife, or shellfish is taken.

(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(4) Unless otherwise provided, any person who gives or receives fish, wildlife, or shellfish shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received fish, wildlife, or shellfish, the time and place that the fish, wildlife, or shellfish was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish, wildlife, or shellfish on his or her behalf in accordance with § __.10(d)(5)(ii), the permit shall be furnished in place of a signed statement.

(d) *Fishing by designated harvest permit.* (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) *Hunting by designated harvest permit.* (1) As allowed by § ____.26, if you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take wildlife on your behalf unless you are a member of a community operating under a community harvest system.

(2) The designated hunter must obtain a designated hunter permit and must return a completed harvest report.

(3) You may not designate more than one person to take or attempt to take fish on your behalf at one time.

(4) The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in § ____.26.

(f) A rural Alaska resident who has been designated to take fish, wildlife, or shellfish on behalf of another rural Alaska resident in accordance with § ____.10(d)(5)(ii), shall promptly deliver the fish, wildlife, or shellfish to that rural Alaska resident.

(g) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish, wildlife, or shellfish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous five years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than one large mammal per culture/education camp. Large mammal species allowed to be harvested are limited to deer, moose, caribou, black bear, and mountain goat. Permits will be issued for no more than 25 fish per culture/education camp. Any animals harvested will count against any established Federal harvest quota for the area in which harvested. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous five years, or when there is a request for harvest in excess of that provided in this paragraph (g), will be considered by the Federal Subsistence Board.

(h) If a subsistence fishing or hunting permit is required by this part, the following permit conditions apply unless otherwise specified in this section:

(1) You may not take more fish, wildlife, or shellfish for subsistence use than the limits set out in the permit;

(2) You must obtain the permit prior to fishing or hunting;

(3) You must have the permit in your possession and readily available for inspection while fishing, hunting, or transporting subsistence-taken fish, wildlife, or shellfish;

(4) If specified on the permit, you shall keep accurate daily records of the harvest, showing the number of fish, wildlife, or shellfish taken by species, location and date of harvest, and other such information as may be required for management or conservation purposes; and

(5) If the return of harvest information necessary for management and conservation purposes is required by a permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(i) You may not possess, transport, give, receive, or barter fish, wildlife, or shellfish that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(j) *Utilization of fish, wildlife, or shellfish.* (1) You may not use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, and ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse and ptarmigan.

(4) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

(k) The regulations found in this part do not apply to the subsistence taking and use of fish, wildlife, or shellfish regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of fish, wildlife, or shellfish, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(l) Rural residents, nonrural residents, and nonresidents not specifically prohibited by Federal regulations from fishing, hunting, or trapping on public lands in an area, may fish, hunt, or trap on public lands in accordance with the appropriate State regulations.

4. In Subpart D of 36 CFR part 242 and 50 CFR part 100, § ____.26 is proposed to be added effective July 1, 2002, through June 30, 2003, to read as follows:

§ ____.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (m)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway;

(2) Using any poison;

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation;

(4) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(5) Using a motorized vehicle to drive, herd, or molest wildlife;

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk oxen and mountain goat;

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(10) Using a trap to take ungulates or bear;

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a ⅞ inch wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and, you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (m)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(i) Before establishing a black bear bait station, you must register the site with ADF&G;

(ii) When using bait you must clearly mark the site with a sign reading ''black bear bait station'' that also displays your hunting license number and ADF&G assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within one-quarter mile of a publicly maintained road or trail;

(v) You may not use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves or wolverine;

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares;

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(5) Using a net, or fish trap (except a blackfish or fyke trap);

(6) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(7) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) *Possession and transportation of wildlife.* (1) Except as specified in paragraph (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any Unit, or portion of a Unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that Unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § ____.10(d)(5)(iii) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) *Harvest limits.* (1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(g) *Evidence of sex and identity.* (1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except in Units 11, 13, 19, 21, and 24 where you may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached), to indicate the sex of the harvested moose; however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit includes an antler size or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) You must leave all edible meat from caribou and moose harvested in Units 9(B), 17, and 19(B) prior to October 1 on the bones of the front quarters and hind quarters until you remove the meat from the field or process it for human consumption.

(i) If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) *Sealing of bear skins and skulls.* (1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1–7, 11–17, and 20.

(2) You may not possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area,

Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area from the area or present it for commercial tanning within the Management Area, you must first have it sealed by an ADF&G representative in Barrow, Fairbanks, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) *Sealing of beaver, lynx, marten, otter, wolf, and wolverine.* You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations. In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially sold.

(1) You must seal any wolf taken in Unit 2 on or before the 30th day after the date of taking.

(2) You must leave the radius and ulna of the left foreleg naturally attached to the hide of any wolf taken in Units 1–5 until the hide is sealed.

(l) A person who takes a species listed in paragraph (k) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) *Unit regulations.* You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (m)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of black bear and brown bear;

(D) Unit 1(C):

(*1*) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(*2*) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1(C), Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary

or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of LeConte Bay. 1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(B)—that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(A) and Unit 1(B)—remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1(C)—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Unit 1(D)—remainder—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:	
Unit 1(A)—1 antlered bull	Sept. 15–Oct. 15.
Unit 1(B)—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C)—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1(D)	No open season.
Coyote:	
2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.

Harvest limits	Open season
Trapping	
Beaver: Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii)[Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31 by Federal registration permit only.	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Nov. 15–Mar. 15.
Wolverine: 1 wolverine.	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.

Harvest limits	Open season
Trapping	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 15–Mar. 15.
Wolverine: No limit	Nov. 10–Apr. 30.

(3) *Unit 3*. (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.	Oct. 15–Oct. 31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.

Harvest limits	Open season
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver:	
Unit 3–Mitkof Island–No limit	Dec. 1–Apr. 15.
Unit 3–except Mitkof Island–No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(4) *Unit 4.* (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay;

(E) You may not use any motorized land vehicle for the taking of marten, mink, and weasel on Chichagof Island.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) Five Federal registration permits will be issued for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational

permit would count in an individual's one bear every four regulatory years limit.

Harvest limits	Open season
Hunting	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21′ W. long.) to Rodgers Point (57° 35′ N. lat., 135° 33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57° 34′ N. lat., 135° 25′ W. long.) to the entrance of Gut Bay (56° 44′ N. lat. 134° 38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Unit 4—remainder—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer: 6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1.–May 15.
Trapping	
Beaver:	
Unit 4—that portion east of Chatham Strait—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(5) *Unit 5.* (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag; if you have obtained a Federal registration permit prior to hunting;

(D) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31
Deer:	
Unit 5(A)—1 buck	Nov. 1–Nov. 30.
Unit 5(B)	No open season.
Goat: 1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5(A), Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5(A), except Nunatak Bench—1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 8–Oct. 21, public lands will be closed to taking of moose, except by residents of Unit 5(A).	Oct. 8—Nov. 15.
Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit.	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit.	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.

Harvest limits	Open season
Wolverine: No limit	Nov. 10–Apr. 30.

(6) *Unit 6*. (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take mountain goat in the Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River;

(B) You may not take mountain goat in the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6(B) and 6(C) with the aid of artificial lights;

(C) One permit will be issued to the Native Village of Eyak to take one bull moose from Federal lands in Units 6(B) or (C) for their annual Memorial/Sobriety Day potlatch.

Harvest limits	Open season
Hunting	
Black Bear: 1 bear	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.
Goats:	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only.	Aug. 20–Jan. 31.
In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat.	
Unit 6(D) (subarea RG245)—The taking of goats is prohibited on all public lands	No open season.
Moose:	
Unit 6(C)—1 cow by Federal registration permit only. (Five permits will be issued.)	Aug. 15–Dec. 31.
Unit 6—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession.	May 1–Oct. 31.
Coyote:	
Unit 6(A) and (D)—2 coyotes	Sept. 1–Apr. 30.
Unit 6(B) and 6(C)—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx	No open season.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.

Harvest limits	Open season
Unit 6(A), (B), (C)—remainder, and (D)—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit.	Jan. 15–Feb. 15.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit.	Nov. 10–Feb. 28.

(7) *Unit 7*. (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park;

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15; except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: Unit 7–3 bears	July 1–June 30.
Moose:	
Unit 7—that portion draining into Kings Bay—1 bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler may be taken by the community of Chenega Bay and also by the community of Tatitlek. Public lands are closed to the taking of moose except by eligible rural residents.	No open season.
Unit 7—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sept. 1– Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7—Remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.

Harvest limits	Open season
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Brown Bear: 1 bear by Federal registration permit only. Up to 1 permit may be issued in Akiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.	Dec 1–Dec 15. Apr. 1–May 15.
Deer:	
Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south-western most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31.	Aug. 1–Jan. 31.
Unit 8—remainder—5 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.	Aug. 1–Jan. 31.
Elk: Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept.15–Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from

the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9(B) from April 1–May 31 and in the remainder of Unit 9 from April 1–April 30;

(B) In Unit 9(B), Lake Clark National Park and Preserve, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth, may hunt brown bear by Federal registration permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community but no more than five permits will be issued in a single community; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(C) Residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9(B) for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State;

(D) For Units 9(C) and (E) only, a Federally-qualified subsistence user (recipient) of Units 9(C) and (E) may designate another Federally-qualified subsistence user of Units 9(C) and (E) to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;

(E) For Unit 9(D), a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(F) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 9(B)—Lake Clark National Park and Preserve—Rural residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only.	July 1–June 30.
Unit 9(B), remainder—1 bear by State registration permit only	Sept. 1–May 31.
Unit 9(E)—1 bear by Federal registration permit	Sept. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.	Aug. 10–Mar. 31.
Unit 9(C), that portion within the Alagnak River drainage—1 caribou	Aug. 1–Mar. 31.
Unit 9(C), remainder—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 15–Feb. 28.
Unit 9(B)—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30	Aug. 1–Apr. 15.
Unit 9(D)—1 caribou by Federal registration permit	Aug. 1–Sept. 25. Nov. 15–Mar. 31.
Unit 9(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 1–Apr. 30.
Sheep:	
Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B)—1 ram with ⅞ curl horn by Federal registration permit only.	Aug. 10–Oct. 10.
Remainder of Unit 9—1 ram with ⅞ curl horn	Aug. 10–Sept. 20.
Moose:	
Unit 9(A)—1 bull	Sept. 1–Sept. 15.
Unit 9(B)—1 bull	Aug. 20–Sept. 15. Dec. 1–Jan. 15.
Unit 9(C)—that portion draining into the Naknek River from the north—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.

Harvest limits	Open season
Unit 9(C)—that portion draining into the Naknek River from the south—1 bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(E)—1 bull	Aug. 20–Sept. 20. Dec. 1–Jan. 20.
Coyote: 2 coyotes.	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 9(B), (C), and (E)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31.	Nov. 10–May 31.
Unit 9—remainder—40 beaver per season; however, no more than 20 may be taken between Apr. 1–Apr. 30	Jan. 1–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
Hunting	
Caribou:	
Unit 10—Unimak Island only—2 caribou by Federal registration permit only	Aug. 1–Sept. 25.
	Nov. 15–Mar. 31.
Unit 10—remainder—No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: 2 coyotes.	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11*. Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 11—1 bear	Sept. 1–May 31.
Caribou: Unit 11	No open season.
Sheep:	
1 sheep	Aug. 10–Sept. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older	Sept. 21–Oct. 20.
Goat: Unit 11—that portion within the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only. Federal public lands will be closed to the harvest of goats when a total of 45 goats have been harvested between Federal and State hunts.	Aug. 25–Dec. 31.
Moose: 1 antlered bull by Federal registration permit only	Aug. 20–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.

Harvest limits	Open season
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 1–Jan. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Jan. 31.

(12) *Unit 12*. Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 12 during April and October;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 30.
Caribou:	
Unit 12—that portion of the Nabesna River drainage within the Wrangell-St. Elias National Park and Preserve and all Federal lands south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on Federal public lands.	No open season.
Unit 12—remainder—1bull	Sept. 1–Sept. 20.
Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangel-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee.	Winter season to be announced.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull. The November season is open by Federal registration permit only.	Aug. 24–Aug. 28. Sept. 8–Sept. 17. Nov. 20–Nov. 30.

Harvest limits	Open season
Unit 12—that portion lying east of the Nabesna River and Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken. Unit 12—remainder—1 antlered bull; however during the Aug. 15—Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 30. Aug. 15–Aug. 28. Sept. 1–Sept. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 15 beaver per season	Nov. 1–Apr. 15.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: 5 lynx. No limit	 Nov. 1–30. Dec. 1–Mar. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30
Wolverine: No limit	Nov. 1–Feb. 28

(13) *Unit 13*. (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit

13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou: 2 bulls by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 30. Oct. 21–Mar. 31.
Sheep: Unit 13—excluding Unit 13(D) and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl horn.	Aug. 10–Sept. 20.
Moose:	
Unit 13(E)—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 1–Sept. 20.
Unit 13—remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 15–Sept. 10.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Harvest limits	Open season
Trapping	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 1–Jan. 31.
Marten:	
Unit 13(A–D)—No limit	Nov. 10–Feb. 28.
Unit 13—remainder—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Jan. 31.

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) Unit-specific regulations:

Harvest limits	Open season
Hunting	
Black Bear: Unit 14(C)—1 bear	July 1—June 30.
Beaver: Unit 14(C)—1 beaver per day, 1 in possession	May 15–Oct. 31.
Coyote: Unit 14(C)—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): Unit 14(C)—5 hares per day	Sept. 8–Apr. 30.
Lynx: Unit 14(C)—2 lynx	Dec. 15–Jan. 15.
Wolf: Unit 14(C)—5 wolves	Aug. 10–Apr. 30.
Wolverine: Unit 14(C)—1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): Unit 14(C)—5 per day, 10 in possession	Sept. 8–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14(C)—10 per day, 20 in possession	Sept. 8–Mar. 31.
Trapping	
Beaver: Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1–Apr. 15.
Coyote: Unit 14(C)—No limit	Nov. 10–Feb. 28.

Harvest limits	Open season
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—1 fox	Nov. 10–Feb. 28.
Lynx: Unit 14(C)—No limit	Dec. 15–Jan. 15.
Marten: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Mink and Weasel: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Muskrat: Unit 14(C)—No limit	Nov. 10–May 15.
Otter: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Wolf: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Wolverine: Unit 14(C)—No limit	Nov. 10–Feb. 28.

(15) *Unit 15*. (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150° 00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1–March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;

(C) You may not trap marten in that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;

(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear:	
Unit 15(C)—3 bears	July 1– June 30.
Unit 15—remainder	No open season.
Moose:	
Unit 15(A)—Skilak Loop Wildlife Management Area	No open season.
Unit 15(A)—remainder, Unit 15(B), and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Coyote: No limit	Sept. 1–Apr. 30.
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 Wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15(A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.

Harvest limits	Open season
Unit 15(C)—5 per day, 10 in possession	Jan. 1–Mar. 31.
Trapping	
Beaver: 20 Beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): 1 Fox	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.
Marten:	
Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 15—No limit	Nov. 10– Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: Unit 15(B) and (C)—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull.	Sept. 1–Sept. 15.
Unit 16(B)—remainder—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.

Harvest limits	Open season
Trapping	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17*. (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), from Aug. 1–Nov. 1;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) For Federal registration permit caribou hunts for Unit 17(A) and (C), that portion consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay, a Federally-qualified subsistence user may designate another Federally-qualified subsistence user to harvest caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears	Aug. 1–May 31.
Brown Bear: Unit 17—1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above.	Aug. 1–Sept. 30. Dec. 1–Mar. 31.
Unit 17(B) and (C)—that portion of 17(C) east of the Wood River and Wood River Lakes—5 caribou; however, no more than 2 bulls may be taken from Oct. 1—Nov. 30.	Aug. 1–Apr. 15.
Unit 17(A)—remainder and 17(C)—remainder—selected drainages; a harvest limit of up to 5 caribou will be determined at the time the season is announced.	Season to occur between Aug. 1–Mar. 31, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 17(A)—1 bull by State registration permit	Aug. 25–Sept. 20.

Harvest limits	Open season
Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(C)—that portion that includes the Iowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(B)—remainder and 17(C)—remainder—1 bull by State registration permit only during the periods Aug. 20–Aug. 31 and Dec. 1–Dec. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: Unit 17—40 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you may not use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou south of the Yukon River on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take caribou from a boat moving under power in Unit 18.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 18—that portion south of the Yukon River—A harvest limit of up to 5 caribou will be determined at the time the season is announced and will be based on the management objectives in the ''Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan.'' The season will be closed when the total harvest reaches guidelines as described in the approved ''Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan''.	Season to occur between Aug. 25 and Mar. 31 to be announced by the Yukon Delta National Wildlife Refuge Manager.
Unit 18—that portion north of the Yukon River—5 caribou per day	Aug. 1–Mar. 31.
Moose:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage—1 antlered bull.	Sept. 5–Sept. 25.
Unit 18—south of and including the Kanektok River drainages	No open season.
Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement.	Aug. 25–Sept. 25. Winter season to be announced.
Unit 18—remainder—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement.	Sept. 1–Sept. 30. Winter season to be announced.
Public lands in Unit 18 are closed to the hunting of moose, except by Federally-qualified rural Alaska residents during seasons identified above.	
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1– Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Mar. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–May 30.
Trapping	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamiut:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50′ W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 19(A) and (B)—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Sept. 1–May 31.
Unit 19(A)—remainder, 19(B)—remainder, and Unit 19(D)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 19(A)—north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 19(A)—south of the Kuskokwim River and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou.	Aug. 1–Apr. 15.
Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
Unit 19(D)—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19(D)—remainder—1 caribou	Aug. 10–Sept. 30.
Unit 19—rural Alaska residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep: 1 ram with 7/8 curl horn or larger	Aug. 10 –Sept. 20.
Moose:	
Unit 19—Rural Alaska residents of Lime Village only—no individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.

Harvest limits	Open season
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including, the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including, the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(A)—remainder—1 bull	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(B)—1 antlered bull	Sept. 1–Sept. 30.
Unit 19(C)—1 antlered bull	Sept. 1–Oct. 10.
Unit 19(C)—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Unit 19(D)—remainder—1 antlered bull	Sept. 1–Sept. 30. Dec. 1–Dec. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 19(D)—10 wolves per day	Aug. 10–Apr. 30.
Unit 19—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–Jun. 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta

River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(D) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) You may by permit only hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(F) You may hunt moose by bow and arrow only in the Fairbanks Management Area, which consists of that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 20(E) during April and October;

(C) Residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.

Harvest limits	Open season
Brown Bear:	
Unit 20(E)—1 bear	Aug. 10–June 30.
Unit 20—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 20(E)—1 caribou by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 320 caribou has been reached. The winter season will close when the combined quota of 210 caribou for Units 20(E) and 25(C) Remainder has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 20(F)—north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20(F)—east of the Dalton Highway and south of the Yukon River—1 caribou. However, during the November 1–March 31 season a State registration permit is required.	Aug. 10–Sept. 20. Nov. 1–Mar. 31.
Moose:	
Unit 20(A)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–Sept. 20. Jan. 10–Feb. 28.
Unit 20(B)—remainder—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30. Nov. 15–Dec. 15.
Unit 20(C)—remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30.
Unit 20(E)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 20(E)—that portion drained by the Forty-mile River (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 antlered bull; however during the period only a bull with Spike/fork antlers may be taken.	Aug. 20–Aug. 28. Aug. 20–Sept. 15.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–Sept. 25.
Unit 20(F)—remainder—1 antlered bull	Sept. 1–Sept. 25.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 20(E)—2 lynx	Nov. 1–Jan. 31.
Unit 20—remainder—2 lynx	Dec. 1–Jan. 31.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse.	Aug. 25–Mar. 31.
Unit 20—remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock and Willow):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Units 20(A), 20(B), Unit 20(C), and 20(F)—No limit	Nov. 1–Apr. 15.
Units 20(D) and (E)—25 beaver	Nov. 1–Apr. 15.
Coyote:	
Unit 20(E)—No limit	Oct. 15–Apr. 30.
Remainder Unit 20—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20(A), (B), (D), and (C) east of the Teklanika River—No limit	Dec. 1–Feb. 15.
Unit 20(E)—5 lynx	Nov. 1–Nov. 30.
—No limit	Dec. 1–Mar. 15.

Harvest limits	Open season
Unit 20(F) and the remainder of 20(C)—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20(E)—No limit	Sept. 20–June 10.
Unit 20—remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20(A, B, C, & F)—No limit	Nov. 1–Apr. 30.
Unit 20(D)—No limit	Oct. 15–Apr. 30.
Unit 20(E)—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57' N. lat., 156°41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 21(D), Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) You may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10;

(C) The residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 21(D)—1 bear by State registration permit only	Sept. 1–June 15.
Unit 21—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 21(A)—1 caribou	Aug. 10– Sept. 30. Dec. 10–Dec. 20.
Unit 21(B), (C), and (E)—1 caribou	Aug. 10–Sept. 30.
Unit 21(D)—north of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30. Winter season to be announced.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 21(A)—1 bull	Aug. 20–Sept. 25. Nov. 1–Nov. 30.
Unit 21(B) and (C)—1 antlered bull	Sept. 5–Sept. 25.
Unit 21(D)—Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during Aug. 27–31 and the February season. During the Aug. 27–Sept. 20 season a State registration permit is required. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.	Aug. 27–Sept. 20. Winter season to be announced.
Unit 21(D)—remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the February season. Moose may not be taken within one-half mile of the mainstrem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.	Sept. 5–Sept. 25. Winter season to be announced.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Aug. 20–Sept. 25. Feb. 1–Feb. 10.
Beaver:	
Unit 21(E)—No Limit	Nov. 1–June 10.
Unit 21—remainder	No open season.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit.	Nov. 1–Feb. 28.

Harvest limits	Open season
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22*. (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes;

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

Harvest limits	Open season
Black Bear: 3 bears	July 1–June 30
Hunting	
Brown Bear:	
Unit 22(A)—1 bear by State registration permit by residents of Unit 22(A) only	Sept. 1–May 31.
Unit 22(B)—1 bear by State registration permit by residents of Unit 22(B) only	Sept. 1–May 31.
Unit 22(C)	No open season.
Unit 22(E)—1 bear by State registration permit only	Aug. 1–May 31.
Unit 22—remainder—1 bear by State registration permit	Sept. 1–May 31.
Caribou: Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 22(A)—1 bull; however, the period of Dec. 1–Jan. 31 is closed to hunting except by residents of Unit 22(A) only.	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—1 bull	Aug. 1–Jan. 31.
Unit 22(C)—1 antlered bull	Sept. 1–Sept. 14.
Unit 22(D)—that portion within the Kuzitrin River drainage—1 antlered bull	Aug. 1–Jan. 31.
Unit 22(D)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(E)—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 22(B)—1 bull by Federal permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. The total combined harvest may not exceed 8 bulls.	Aug. 1–Mar. 15.

Harvest limits	Open season
Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 3 cows may be taken, and the total combined harvest may not exceed 7 animals.	Sept. 1–Mar. 15.
Remainder of Unit 22(D)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 13 cows may be taken, and the total combined harvest may not exceed 32 animals.	Aug. 1–Mar. 15.
Unit 22(E)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 14 cows may be taken, and the total combined harvest may not exceed 23 animals.	Aug. 1–Mar. 15.
Unit 22—remainder	No open season.
Beaver:	
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1–June 10.
Unit 22—remainder	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22(A) 22(B)—No limit	Nov. 1–Apr. 15.
Unit 22—remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22(E)—20 per day, 40 in possession	July 15–May 15.
Unit 22 Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1–June 10.
Unit 22(C)	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15. This does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A); if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23;

(B) In addition to other restrictions on method of take found in this § ____.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1—Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit	Sept. 1–May 31.
Unit 23—remainder—1 bear every four regulatory years	Sept. 1–Oct. 10. Apr. 15–May 25.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 23–south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested.
Unit 23–south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested including those harvested during the Aug. 1–Sept. 30 season.
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains.
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested in the DeLong Mountains including those harvested during the Aug. 1–Sept. 30 season.
Unit 23, remainder (Schwatka Mountains)—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Unit 23, remainder (Schwatka Mountains)—1 sheep	Oct. 1–Apr. 30.
Moose:	

Harvest limits	Open season
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Sept. 15. Oct. 1–Mar. 31.
Unit 23—remainder—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 23—south of Kotzebue Sound and west of and including the Buckland River drainage—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 8 cows may be taken, and the total combined harvest may not exceed 13 animals.	Aug. 1–Mar. 15.
Unit 23—remainder	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare: (Snowshoe and Tundra) No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 1–Jan. 15.
Wolf: 5 wolves	Nov. 10–Mar. 31.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 23—the Kobuk and Selawik River drainages—50 beaver	July 1–June 30.
Unit 23—remainder—30 beaver	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: 3 lynx	Dec. 1–Jan. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June. 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain,

then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57' N. lat., 156°41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit	Sept. 1–June 15.
Caribou:	
Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 24—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 24—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 1–Apr. 30.
Unit 24—remainder—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may only be taken during the periods of Aug. 27–31, Dec. 1–Dec. 10, and Mar. 1–Mar. 10. During Aug. 27–Sept. 20, State registration permit is required.	Aug. 17–Sept. 20 Dec. 1–Dec. 10 Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose.	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar.1–Mar. 10.	Aug. 25–Dec. 31 Mar. 1–Mar. 10
Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except those portions of the John River and the Alatna River drainages within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.	Aug. 25 –Sept. 25.
Unit 24—remainder—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents.	Aug. 25–Sept. 25.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.

Harvest limits	Open season
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25*. (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may take caribou and moose from a boat moving under power in Unit 25;

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25(D) west provided that:

(*1*) The person organizing the religious ceremony or cultural event contact the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, the general area in which the taking will occur;

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25(D) west;

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 25(D)—1 bear	July 1–June 30.
Unit 25—remainder—1 bear	Sept. 1–May 31.
Caribou:	
Unit 25(C)—that portion west of the east bank of the mainstem of Preacher Creek to its confluence with American Creek, then west of the east bank of American Creek—1 caribou. However, during the November 1–Mar. 31 season, a State registration permit is required.	Aug. 10–Sept. 20. Nov. 1–Mar. 31.
25(C)—remainder—1 caribou by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 225 caribou has been been reached. The winter season will close when the combined quota of 210 caribou for Units 20(E) and 25(C) Remainder has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150°W. long.—1 bull	Aug. 10–Sept. 30. Dec. 1–Dec. 31.
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkytsik during seasons identified above.	Aug. 10–Apr. 30.
Unit 25(A)—remainder—3 sheep by Federal registration permit only	Aug. 30–Apr. 30.
Moose:	
Unit 25(A)—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Unit 25(B)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Sept. 30. Dec. 1–Dec. 10.
Unit 25(B)—that portion, other than Yukon Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Sept. 5–Sept. 30. Dec. 1–Dec. 15.
Unit 25(B)—remainder—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 15.
Unit 25(C)—1 antlered bull	Sept. 1–Sept. 15.
Unit 25(D)(West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Subunit 25(D) West. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Additional permits for residents of 25(D)West who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25(D)(West) is closed at all times except for residents of Unit 25(D) West during seasons identified above. The moose season will be closed when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25(D)(West).	Aug. 25–Feb. 28.
Unit 25(D)—remainder—1 antlered moose	Aug. 25–Sept. 25. Dec. 1–Dec. 20.
Beaver:	
Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25(C)	No Federal open season.

Harvest limits	Open season
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 25(C)—2 lynx	Dec. 1–Jan. 31.
Unit 25—remainder—2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 25(A)—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 25(C)—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine:	
Unit 25(C)—No limit	Nov. 1–Feb. 28.
Unit 25—remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26*. (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1–Aug. 31 and from Jan. 1–Mar. 31 in Unit 26(A). No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this § __.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears.	July 1–June 30.
Brown Bear:	
Unit 26(A)—1 bear by State registration permit	Sept. 1–May 31.
Unit 26(B) and (C)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the Killik River are closed to the taking of caribou by non-Federally qualified subsistence users from Aug. 1– Sept. 30.	July 1–June 30.
Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30.
Unit 26(C)—10 caribou per day	July 1–Apr. 30.
You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass	
Sheep:	
Unit 26(A) and (B)—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15– Dec. 31.
Unit 26(A)—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1– Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested during the Aug. 1–Sept. 30 season.
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 26(A)—remainder and 26(B)—remainder—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept. 20 seasonis restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr.
Moose:	
Unit 26(A)—that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River—1 bull. Federal public lands are closed to the taking of moose by non-Federally qualified subsistence users.	Aug. 1–31.
Unit 26—remainder	No open season.
Muskox:	

Harvest limits	Open season
Unit 26(C)—1 muskox by Federal registration permit only; 12 permits for bulls and 3 permits for cows may be issued to rural Alaska residents of the village of Kaktovik only. However, cows may be taken only from September 15–March 31. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during open seasons.	July 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Unit 26(A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26(C)—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

Dated: July 23, 2001.

Kenneth E. Thompson,

Subsistence Program Manager, USDA-Forest Service.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 01–21129 Filed 8–24–01; 8:45 am]

BILLING CODE 3410–11–P, 4310–55–P

Federal Register

Monday,
August 27, 2001

Part III

Securities and Exchange Commission

17 CFR Parts 240, 248, and 249

Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934; Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240, 248, and 249

[Release No. 34–44730; File No. S7–13–01]

RIN 3235–AI21

Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting rules to implement certain provisions of the Commodity Futures Modernization Act of 2000 (''CFMA''). First, the Commission is amending its broker-dealer registration requirements and adopting a new form to implement Section 203 of the CFMA. Under this section, futures commission merchants and introducing brokers that are registered with the Commodity Futures Trading Commission (''CFTC'') may register as broker-dealers by filing a notice with the Commission for the limited purpose of effecting transactions in security futures products.

Second, the Commission is adopting an exemption from registration under Section 15(a) of the Securities Exchange Act of 1934 (''Exchange Act''). Subject to certain conditions, this exemption permits a broker-dealer registered by notice to trade security futures products regardless of the market on which the product is listed or traded.

Third, the Commission is adopting amendments to Regulation S–P, which was implemented under the Gramm-Leach-Bliley Act (''GLBA''). These amendments will revise certain provisions of Regulation S–P in light of Section 124 of the CFMA, which makes the privacy provisions of the GLBA applicable to activity regulated by the CFTC. These amendments will also permit futures commission merchants and introducing brokers that are registered by notice as broker-dealers to comply with Regulation S–P by complying with the CFTC's financial privacy rules.

EFFECTIVE DATE: August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Catherine McGuire, Chief Counsel, Theodore R. Lazo, Special Counsel, Christina K. McGlosson, Attorney, or Brice D. Prince, Attorney, at 202–942–0073, Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION: The Commission today is adopting Rules 15a–10 and 15b11–1 under the Exchange Act,[1] Form BD–N,[2] and amendments to Rule 15b2–2 [3] under the Exchange Act regarding procedures for registration by notice of certain broker-dealers for the limited purpose of trading security futures products. In addition, the Commission is adopting amendments to Regulation S–P [4] in light of the CFMA's application of the privacy provisions of the GLBA to the CFTC and its regulated entities.

I. Introduction

On June 20, 2001, the Commission published for comment proposed rules and amendments to its broker-dealer registration requirements to implement certain provisions of the CFMA.[5] We proposed Rules 15a–10, 15b11–1, and 15b11–2 under the Exchange Act, as well as amendments to Rule 15b2–2 under the Exchange Act and to Form BD. These proposals were designed to establish the procedure for futures commission merchants and introducing brokers that are registered with the CFTC (''CFTC Registrants'') [6] to register with the Commission as broker-dealers by filing a notice pursuant to Exchange Act section 15(b)(11)(A) [7] in order to trade security futures products (''Security Futures Product Broker-Dealers''). We also proposed for comment amendments to Regulation S–P. These amendments were designed to update Regulation S–P to make it consistent with amendments to the Commodity Exchange Act (''CEA'') that apply the privacy provisions of Title V of the GLBA to the CFTC and certain of its regulated entities. After careful consideration of the comments submitted in response to the Proposing Release, we are adopting the proposals with certain changes as discussed below.

II. Background

A. Security Futures Products

The CFMA permits the trading of security futures, *i.e.,* futures on individual securities and on narrow-based security indexes.[8] The CFMA regulates security futures both as securities under the federal securities laws,[9] and as futures for purposes of the CEA.[10] Accordingly, under the CFMA, both the Commission and the CFTC have joint jurisdiction over the intermediaries and markets that trade security futures products.[11]

Because they are subject to regulation both as securities and as futures, security futures products must be traded on trading facilities and through intermediaries that are registered with both the Commission and the CFTC. To avoid duplicative regulation, however, the CFMA establishes a system of notice registration under which trading facilities and intermediaries that are already registered with either the Commission or the CFTC may register with the other agency on an expedited basis for the limited purpose of trading security futures products.[12]

The CFMA amended the broker-dealer registration requirements with respect to certain security futures products by adding section 15(b)(11) to the Exchange Act.[13] Section 15(b)(11)(A) provides that a broker or dealer required to register with the Commission only because it effects transactions in security futures products on an exchange registered pursuant to Exchange Act section 6(g) (''Security Futures Product

[1] 17 CFR 240.15a–10 and 240.15b11–1.

[2] 17 CFR 249.501b.

[3] 17 CFR 240.15b2–2.

[4] 17 CFR Part 248

[5] Securities Exchange Act Release No. 44455 (June 20, 2001), 66 FR 34042. (''Proposing Release'').

[6] In this release, the terms ''futures commission merchant'' and ''introducing broker'' have the meanings given in CEA sections 1a(20) and 1a(23) (7 U.S.C. 1a(20) and 1a(23)), respectively.

[7] 15 U.S.C. 78o(b)(11)(A).

[8] Pub. L. No. 106–554, 114 Stat. 2763. Under Exchange Act section 3(a)(55)(A), the term ''security future'' is defined as a contract of sale for future delivery of a single security or of a narrow-based security index. 15 U.S.C. 78c(a)(55)(A).

[9] *See, e.g.,* Exchange Act section 3(a)(10), 15 U.S.C. 78c(a)(10).

[10] The term ''security future'' is defined in CEA Section 1a(31) (7 U.S.C. 1a(31)) as a contract of sale for future delivery of a single security or of a narrow-based security index.

[11] Under Exchange Act section 3(a)(56), (15 U.S.C. 78c(a)(56)) and CEA section 1a(33), (7 U.S.C. 1a(33)), the term ''security futures product'' is defined as a security future or an option on a security future.

[12] Specifically, markets and intermediaries that are registered with one agency may register with the other by submitting a written notice that is effective upon filing. *See* Exchange Act sections 6(g) and 15(b)(11) (15 U.S.C. 78f(g) and 78o(b)(11)) and CEA section 5f and 4f(a)(2) (7 U.S.C. 7b–1 and 6f(a)(2)). A ''notice registrant'' is then subject to primary oversight by one agency, and is exempted under the CFMA from all but the core provisions of the laws administered by the other agency.

[13] 15 U.S.C. 78o(b)(11). For purposes of the Exchange Act, any person who is engaged in the business of effecting transactions in security futures products for the account of another is a broker. See Exchange Act section 3(a)(4), 15 U.S.C. 78c(a)(4). Similarly, any person who is engaged in the business of buying and selling security futures products for the person's own account is a dealer. See Exchange Act section 3(a)(5), 15 U.S.C. 78c(a)(5). With limited exceptions, brokers and dealers are required by Exchange Act section 15(a) to register with the Commission. 15 U.S.C. 78o(a).

Exchange'')[14] may register by filing a written notice with the Commission.[15] We are adopting Rules 15a–10 and 15b11–1 under the Exchange Act, new Form BD–N, and amendments to Rule 15b2–2 under the Exchange Act to implement Exchange Act Section 15(b)(11).

B. Privacy

In June 2000, we adopted Regulation S–P to implement Title V of the GLBA.[16] Subsequently, Section 124 of the CFMA amended the CEA to provide that Title V of the GLBA applies to the CFTC and certain of the entities that it regulates. In light of these amendments to the CEA, we are adopting amendments to update Regulation S–P.

III. Overview of Comments Received

We received seven comment letters in response to the Proposing Release.[17] Most of the commenters focused on two issues: (1) the proposed requirement in Proposed Rule 15b11–1 that CFTC Registrants complete Form BD in order to become Security Futures Product Broker-Dealers, and (2) the provision in Proposed Rule 15a–10 that limits the exemption from broker-dealer registration to Security Futures Product Broker-Dealers that are not members of a national securities exchange registered pursuant to section 6(a) of the Exchange Act (''National Securities Exchange'') or a national securities association registered pursuant to Section 15A(a) of the Exchange Act (''National Securities Association'').

One commenter supported the requirement to complete Form BD to register by notice with the Commission as broker-dealers.[18] The other six commenters asked us to consider developing another method for CFTC Registrants to provide the Commission with notice of registration. Specifically, those commenters noted that the CFTC and the National Futures Association (''NFA'') proposed using a one-page form for notice registration of ''full broker-dealers'' [19] that requires only the disclosure of basic identification information.[20]

All of the commenters also addressed Proposed Rule 15a–10, which provides a conditional exemption from the registration requirements of Exchange Act Section 15(a)(1) for Security Futures Product Broker-Dealers. The commenters generally supported the ability of Security Futures Product Broker-Dealers to trade security futures products regardless of the market on which the products are listed or traded. Six commenters opposed limiting the exemption to Security Futures Product Broker-Dealers that are not members of a National Securities Exchange or a National Securities Association.[21] The commenters also asserted that the proposed rule would give a competitive advantage to full broker-dealers (who would be able to trade on Security Futures Product Exchanges directly) over Security Futures Product Broker-Dealers (who would only be able to trade on National Securities Exchanges and National Securities Associations indirectly through full broker-dealers).

Two commenters supported providing an exception for Security Futures Product Broker-Dealers from the inspection requirement of the rule,[22] and one opposed it.[23] Finally, two commenters supported the proposal to amend Regulation S–P.[24]

IV. Discussion and Basis for Adoption

A. Notice Registration of Broker-Dealers To Conduct Business in Security Futures Products

1. Rule 15b11–1 Under the Exchange Act and Form BD–N: Procedure for Notice Registration

As adopted today, Rule 15b11–1 provides that a CFTC Registrant may register by notice with the Commission as a broker-dealer by filing Form BD–N. Form BD–N is a new form that the Commission is adopting to permit CFTC Registrants to identify themselves and to indicate that they meet the statutory requirements for notice registration. As we explained in the Proposing Release, Exchange Act section 15(b)(11) provides several conditions for notice registration.[25] Rule 15b11–1(b) will require a broker-dealer registering by notice to indicate where appropriate on Form BD–N that it meets all of the eligibility conditions for notice registration.[26] A completed notice of registration will be effective upon filing. In addition, a Security Futures Product Broker-Dealer will be exempt from certain provisions of the Exchange Act with respect to transactions in security futures products.[27]

As proposed, Rule 15b11–1 would have required a CFTC Registrant to file a completed Form BD in order to become a Security Futures Product Broker-Dealer. We also specifically asked for commenters' views on whether CFTC Registrants should be permitted to register by notice as Security Futures Product Broker-Dealers on a form other than Form BD. As noted above, six commenters responded to

[14] Exchange Act section 6(g) (15 U.S.C. 78f(g)) provides that designated contract markets and derivatives transaction execution facilities that are registered with the CFTC under CEA sections 5 and 5a (7 U.S.C. 7 and 7a), respectively, may register by notice with the Commission to trade security futures products as a Security Futures Product Exchange. We have adopted rules to establish the procedures for such notice registration. *See* Securities Exchange Act Release No. 44692 (August 13, 2001), 66 FR 43721.

[15] Section 15(b)(11)(A) further states that the written notice filed with the Commission must be in such form and contain such information concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

[16] 17 CFR Part 248. *See* Securities Exchange Act Release No. 42905 (June 22, 2000), 65 FR 40334.

[17] *See* letters to Jonathan G. Katz, Secretary, Commission from Darlene Marquez, dated July 6, 2001 (''Marquez Letter''); James J. McNulty, President and Chief Executive Officer, Chicago Mercantile Exchange, dated July 24, 2001 (''CME Letter''); David J. Vitale, President and Chief Executive Officer, Chicago Board of Trade, dated July 26, 2001 (''CBOT Letter''); John M. Damgard, President, Futures Industy Association, dated July 26, 2001 (''FIA Letter''); Daniel J. Roth, Senior Executive Vice President and General Counsel, National Futures Association, dated July 26, 2001 (''NFA Letter''); Wendy L. Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University, dated July 26, 2001; and Jean A. Webb, Secretary, CFTC, dated August 10, 2001 (''CFTC Letter'').

[18] *See* Marquez Letter.

[19] The term ''full broker-dealer'' refers to a broker-dealer registered pursuant to Exchange Act section 15(b)(1)(15 U.S.C. 78o(b)(1)).

[20] In addition, the NFA Letter stated that the NFA already maintains substantially the same information in its membership database that Form BD elicits and indicated that it would grant the Commission (and, if necessary, the NASD and NASD Regulation, Inc.) direct electronic access to NFA's Membership, Registration, and Receivables System on request.

[21] All commenters other than the Marquez Letter.

[22] *See* CBOT Letter; CFTC Letter.

[23] *See* Marquez Letter.

[24] *See* FIA Letter; CFTC Letter.

[25] First, the Security Futures Product Broker-Dealer must be registered with the CFTC as a futures commission merchant or as an introducing broker. Second, the Security Futures Product Broker-Dealer must be a member of the NFA or another national securities association registered pursuant to Exchange Act section 15A(k). Third, the Security Futures Product Broker-Dealer must limit its business in securities to security futures products that are listed or traded on Security Futures Product Exchanges, except to the extent that it is permitted to conduct business in other types of securities without registering as a broker-dealer.

[26] In addition, we note that under Exchange Act Section 15(b)(11)(A)(iv), the registration of a Security Futures Product Broker-Dealer will terminate by operation of law if it is no longer registered with the CFTC or is no longer a member of the NFA. Moreover, Exchange Act section 15(b)(11)(A)(iii) provides that the registration of a Security Futures Product Broker-Dealer will be suspended immediately if its membership with the NFA is suspended.

[27] Exchange Act section 15(b)(11)(B), 15 U.S.C. 78o(b)(11)(B). Specifically, a Security Futures Product Broker-Dealer will be exempt from sections 8, 11, 15(c)(3), 15(c)(5), 15B, 15C, and 17(d)–(i) of the Exchange Act (15 U.S.C. 78h, 78k, 78o(c)(3), 78o(c)(5), 78o–4, 78o–5, and 78q(d)–(i)).

this request and suggested that the Commission consider using another form of notice. After careful consideration of the comments, we decided to revise Rule 15b11–1 and to adopt new Form BD–N. Form BD–N requires CFTC Registrants only to provide basic identification information and to indicate that they meet the statutory requirements for notice registration. As discussed below, Form BD–N will elicit the same information that the questions we had proposed adding to Form BD would have elicited.

We are also revising Rule 15b11–1 to provide that a Security Futures Product Broker-Dealer must amend its Form BD–N if any of the information contained in it is or becomes inaccurate for any reason. This revision parallels the requirement in Rule 15b3–1 that provides that a broker-dealer must promptly amend its Form BD if any of the information contained in it is or becomes inaccurate.[28] Because Security Futures Product Broker-Dealers will not file Form BD, they will not be subject to Rule 15b3–1.

The NFA has indicated to Commission staff that it believes that it can process Form BD–N on behalf of the Commission. The instructions to Form BD–N state that the form should be filed with the NFA. The Commission intends to designate the NFA its agent and custodian of Form BD–N records.[29]

2. Proposed Rule 15b11–2 Under the Exchange Act: Procedure for Application To Convert Registration

Proposed Rule 15b11–2 would have permitted a Security Futures Product Broker-Dealer to apply to become registered under Exchange Act section 15(b)(1) as a full broker-dealer by filing an amendment to its Form BD. As adopted, Form BD–N will require a CFTC Registrant only to provide basic identification information, and not the detailed disclosure that Form BD requires. Accordingly, a Security Futures Product Broker-Dealer that wants to become a full broker-dealer will have to apply on Form BD in accordance with Exchange Act Rule 15b1–1.[30] As a result, we are not adopting Rule 15b11–2.

3. Rule 15a–10 Under the Exchange Act: Exemption From Full Broker-Dealer Registration for Security Futures Product Broker-Dealers

As proposed, Rule 15a–10 provided an exemption from the registration requirements of Exchange Act section 15(a)(1) and permitted Security Futures Product Broker-Dealers to effect transactions in security futures products regardless of the market on which the products are listed or traded. The proposed exemption relieved Security Futures Product Broker-Dealers from Exchange Act section 15(b)(11), which limits the securities activity that Security Futures Product Broker-Dealers may engage in under its notice registration to effecting transactions in security futures products on Security Futures Product Exchanges. However, the proposed exemption in Rule 15a–10 did not extend to Security Futures Product Broker-Dealers that are members of a National Securities Exchange or a National Securities Association. Those firms would have had to register as a full broker-dealer or effect the transactions through a full broker-dealer.

As we noted above, six of the seven commenters requested that the exemption in Rule 15a–10 be expanded to permit Security Futures Product Broker-Dealers to become members of a National Securities Exchange or a National Securities Association. For the reasons discussed below, we are adopting Rule 15a–10 with revisions that will allow Security Futures Product Broker-Dealers, subject to certain conditions, to become members of National Securities Exchanges and National Securities Associations.

As we noted in the Proposing Release, Exchange Act section 15(b)(11)(A) provides that notice registration is available for ''a broker or dealer required to register only because it effects transactions in security futures products *on an exchange registered pursuant to section 6(g) [of the Exchange Act]* (emphasis added).'' This provision of the Exchange Act, which was enacted by Congress in the CFMA, limits Security Futures Product Broker-Dealers to effecting transactions in security futures products only on Security Futures Product Exchanges. Accordingly, the Exchange Act requires a Security Futures Product Broker-Dealer to be registered pursuant to Exchange Act section 15(b)(1) as a full broker-dealer in order to effect transactions in security futures products that are listed or traded on a National Securities Exchange or on a National Securities Association.

We believe that it is consistent with the purposes of the CFMA for the Commission to permit Security Futures Product Broker-Dealers to trade security futures products that are listed or traded on National Securities Exchanges or National Securities Associations, and, subject to certain conditions, to permit them to trade those security futures products as members of such exchanges and associations. The CFMA's regulatory scheme provides that Security Futures Product Broker-Dealers are subject to primary regulation by the CFTC and regulation on core securities law issues by the Commission. At the same time, the CFMA preserves the Commission's primary regulatory authority over full broker-dealers. In light of this regulatory scheme, we believe that a Security Futures Product Broker-Dealer should be permitted to effect transactions in any type of security futures product. In addition, we believe that permitting Security Futures Product Broker-Dealers to effect transactions in security futures products traded on all markets should promote competition.

As we noted above, Security Futures Product Broker-Dealers are exempted by statute from significant portions of the Exchange Act and the rules thereunder. In particular, Exchange Act section 15(b)(11)(B)(ii) exempts Security Futures Product Broker-Dealers from Exchange Act section 11(a)–(c), which restrict trading by members of National Securities Exchanges for their own and certain related accounts. Allowing one group of exchange members to effect transactions outside the parameters of section 11(a) would undermine the essential protections provided by that section, and could impair market integrity. As a result, Rule 15a–10 as adopted provides that a Security Futures Product Broker-Dealer that trades security futures products as a member of a National Securities Exchange must comply with section 11(a)–(c) with respect to its transactions in security futures products on that exchange.

In addition, National Securities Exchanges and National Securities Associations that allow Security Futures Product Broker-Dealers to become members will bear the responsibility and expense of developing an appropriate regulatory structure and monitoring a compliance system that accounts for the differences in regulation between Security Futures Product Broker-Dealers and full broker-dealers. We believe that National Securities Exchanges and National Securities Associations should be able to decide for themselves whether to

[28] In the Proposing Release, we noted that Security Futures Product Broker-Dealers would have been subject to Exchange Act Rule 15b3–1.

[29] Even though Form BD–N is not sent directly to the Commission, it is considered a ''report'' filed with the Commission for purposes of Exchange Act sections 15(b), 17(a), 18(a), 32(a), (15 U.S.C. 78o(b), 78q(a), 78r(a)), and other applicable provisions of the Exchange Act.

[30] 17 CFR 240.15b1–1

accept that responsibility and expense. As a result, Rule 15a–10 as adopted provides that a Security Futures Product Broker-Dealer may become a member of a National Securities Exchange or National Securities Association that has rules that provide specifically for the membership of Security Futures Product Broker-Dealers.

In adopting Rule 15a–10, we recognize that we may need to clarify the activities in which a Security Futures Product Broker-Dealer may engage in reliance on the rule. One commenter asked us to confirm that a Security Futures Product Broker-Dealer may accept and deliver securities in connection with security futures products that are ''physically settled'' (*i.e.,* security futures products that provide for the future delivery of the actual underlying securities rather than a cash equivalent). The commenter also asked us to consider amending Exchange Act Rules 3a43–1 and 3a44–1 so that they apply to security futures products,[31] or to consider adopting separate rules to clarify the issue. We expect to resolve questions relating to the specific operation of particular security futures products when we review the filings made by National Securities Exchanges, National Securities Associations, and Security Futures Product Exchanges to list and trade security futures products. However, Rules 3a43–1 and 3a44–1 would not be appropriate models for resolving such questions. Those rules provide relief from broker-dealer registration for a broad range of activities relating to government securities. That relief was appropriate for the markets in futures on government securities, which were already in operation at the time the rules were adopted. That type of broad relief is not appropriate for a market that does not yet exist.

We note, however, that Exchange Act section 6(g)(5)(B) permits limited trading on a principal-to-principal basis in security futures products to begin on August 21, 2001 or such later date by which a limited purpose national securities association has satisfied the requirements of Exchange Act section 15A(k)(2).[32] We will not take enforcement action under Exchange Act section 15(a)[33] against a Security Futures Product Broker-Dealer that is not registered as a full broker-dealer and accepts and occasionally delivers the underlying securities upon the expiration of a security futures product that it has obtained in a transaction permitted by section 6(g)(5)(B) and is effected between today and December 21, 2001.[34]

4. Amendments to Rule 15b2–2 Under the Exchange Act: Inspection of Newly Registered Brokers and Dealers

Rule 15b2–2 under the Exchange Act generally requires the Commission or a self-regulatory organization to inspect a newly registered broker-dealer within six months of its registration. We proposed to amend Rule 15b2–2 to provide an exception for Security Futures Product Broker-Dealers from this requirement.

As we noted above, one commenter maintained that the proposed exception was not necessary, and that the inspection requirement would not be burdensome for Security Futures Product Broker-Dealers. The commenter also suggested that conducting an examination pursuant to Rule 15b2–2 in addition to the examinations conducted by the CFTC would ensure greater compliance with the federal securities laws and therefore would create a safer market for the public.

We have carefully considered these comments. As we noted in the Proposing Release, however, the CFMA provides a specific scheme for the examination of Security Futures Product Broker-Dealers by the Commission under which the Commission consults with the CFTC with respect to its examinations of Security Futures Product Broker-Dealers.[35] We believe that this examination scheme was created in recognition of the fact that it could be burdensome for a Security Futures Product Broker-Dealer to be regularly examined by the Commission when its only securities business consists of security futures products. Moreover, under the terms of the CFMA, the Commission generally defers to the CFTC with respect to financial and operational matters involving Security Futures Product Broker-Dealers.[36] We continue to believe that in light of the statutory scheme of joint regulation it is not necessary to apply Rule 15b2–2 to Security Futures Product Broker-Dealers. Accordingly, we are amending Rule 15b2–2 as proposed, to provide that the rule does not apply to Security Futures Product Broker-Dealers.

5. Form BD

As we noted above, we are adopting Form BD–N, which will elicit most of the information regarding notice registration that would have been elicited through the proposed amendments to Form BD. However, two of the proposed amendments to Form BD would have elicited information that will not be elicited on Form BD–N.

First, Proposed Item 5B would have required a Security Futures Product Broker-Dealer to indicate that it was applying to convert its registration status to become a full broker-dealer. We are not adopting this amendment in light of the fact that we are not adopting Rule 15b11–2.

Second, proposed new Item 12Z of Form BD would have provided a specific question for broker-dealers to use to notify the Commission of their security futures product business if that business accounted (or was expected to account) for 1% or more of the broker-dealer's annual revenue from the securities or investment advisory business. As we noted in the Proposing Release, Form BD is filed with the Central Registration Depository (''CRD'') system, which is operated and maintained by the NASD. The amendment to Item 12 would have been an amendment to Form BD, and any amendment to Form BD requires programming and systems changes to the CRD. We do not believe that it is appropriate at this time to impose these types of changes on the CRD simply to add one question to the Form. As a

[31] 17 CFR 240.3a43–1 and 240.3a44–1. Exchange Act Rules 3a43–1 and 3a44–1 allow futures commission merchants that are registered with the CFTC to effect transactions in government securities that are incidental to their futures-related business without being considered government securities brokers or government securities dealers. *See* Securities Exchange Act Release No. 24726 (July 22, 1987), 52 FR 27962.

[32] Specifically, section 6(g)(5)(B) provides that trading in security futures products may begin at that time in transactions entered into: (I) on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act; and

(II) only between eligible contract participants (as defined in subparagraphs (A), (B)(ii), and (C) of such section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction * * *

[33] 15 U.S.C. 78o(a).

[34] Futures transactions are generally closed out by offsetting transactions rather than by delivery. This position does not extend to a dealer that routinely closes out its transactions in security futures products by physical delivery.

[35] Section 204 of the CFMA amended Exchange Act section 17(b) to provide that the Commission must notify the CFTC before it examines a Security Futures Product Broker-Dealer. Section 17(b) also requires the Commission, upon request, to provide the CFTC with any reports that the Commission prepares in connection with an examination of a Security Futures Broker-Dealer. In addition, section 17(b) specifically provides that Security Futures Product Broker-Dealers are not subject to routine periodic examinations by the Commission.

[36] In particular, Exchange Act section 15(b)(11)(B)(iii) exempts Security Futures Product Broker-Dealers from Exchange Act section 15(c)(3) and the rules thereunder, which provide the financial responsibility standards for broker-dealers. 15 U.S.C. 78o(c)(3); *see e.g.,* Exchange Act Rule 15c3–1 (17 CFR 240.15c3–1) (net capital requirements for brokers or dealers).

result, we are not amending Question 12 of Form BD at this time. Nevertheless, full broker-dealers will still need to indicate that they are engaged in (or expect to be engaged in) security futures products activity if that business accounts (or is expected to account) for 1% or more of the full broker-dealer's annual revenue from the securities or investment advisory business.[37] Accordingly, broker-dealers should use the ''Other'' category in Question 12Z of Form BD to indicate that they are doing business in security futures products that accounts for, or is expected to account for, 1% or more of its annual revenue from the securities or investment advisory business.

6. Temporary Exemption From Broker-Dealer Registration

Exchange Act section 6(g)(5)(B) provides that trading in security futures products may begin on a limited basis on August 21, 2001, or such later date by which a limited purpose national securities association has satisfied the requirements of Exchange Act section 15A(k)(2). We recognize that CFTC Registrants that want to trade security futures products as permitted by section 6(g)(5)(B) may not have enough time to complete the notice registration process before trading in the products is permitted to begin.

We believe that it is consistent with the public interest and the protection of investors to temporarily exempt from the registration requirements of section 15(a)(1) CFTC Registrants that meet the requirements of section 15(b)(11) for the limited trading permitted by section 6(g)(5)(B) of the Exchange Act. Accordingly, we are separately issuing an order pursuant to Exchange Act section 15(a)(2), which provides that CFTC Registrants are exempted from the registration requirements of Exchange Act section 15(a)(1)[38] until October 21, 2001, with respect to transactions in security futures products permitted by Section 6(g)(5)(B) of the Exchange Act.[39]

B. Amendments to Regulation S–P

Title V of the GLBA directed the Commission and certain other federal agencies to adopt rules regarding the disclosure of customers' personal financial information by the financial institutions subject to the agencies' respective jurisdictions. Under this authority, we adopted Regulation S–P, which generally requires broker-dealers, investment companies, and registered investment advisers to: (1) Notify customers of their privacy policies and practices; (2) describe the conditions under which they may disclose customer information to nonaffiliated third parties; and (3) provide a method for their customers to prevent such disclosure of that information.[40] As originally enacted, Title V does not apply to the CFTC or any of its regulated entities.[41]

The CFMA amended the CEA to provide that certain entities that the CFTC regulates are now subject to Title V of the GLBA.[42] Accordingly, the CFTC has adopted its own set of financial privacy rules.[43] Because we adopted Regulation S–P before the CFMA was enacted, we are adopting amendments to update Regulation S–P.

Specifically, we are amending the definition of the term ''Federal functional regulator'' in Section 248.3(m) of Regulation S–P[44] to add the CFTC to the list of regulators contained in the current definition. We are also amending the definition of the term ''financial institution'' in Section 248.3(n) of Regulation S–P[45] to eliminate the exclusion for persons or entities with respect to financial activities subject to the jurisdiction of the CFTC under the CEA.

In addition, we are amending 248.2 of Regulation S–P[46] to provide that Security Futures Product Broker-Dealers subject to and in compliance with the CFTC's financial privacy rules will also be in compliance with Regulation S–P. This amendment to Regulation S–P mirrors a similar provision in the financial privacy rules that the CFTC has adopted.[47]

V. Administrative Procedure Act

Section 553(d) of the Administrative Procedure Act[48] (''APA'') generally provides that, unless an exception applies, a substantive rule may not be made effective less than 30 days after notice of the rule has been published in the **Federal Register**. One exception to the 30-day requirement is an agency's finding of good cause for providing a shorter effective date.

Exchange Act section 6(g)(5)(B)[49] evidences Congress' desire for principal-to-principal transactions between certain market participants in security futures products to begin on August 21, 2001. For CFTC Registrants to engage in the trading permitted by section 6(g)(5)(B), they must first register by notice with the Commission to become Security Futures Product Broker-Dealers. Prior to passage of the CFMA, there was no need for the Commission to have the rules providing for notice registration of CFTC Registrants as broker-dealers that the Commission is adopting today.

Since the passage of the CFMA, the Commission has moved quickly to propose and adopt rules that would allow CFTC Registrants to register by notice with the Commission to become Security Futures Product Broker-Dealers. The CFMA became law on December 21, 2000. The Commission proposed these rules and amendments to existing rules on June 20, 2001. The comment period for the rules and amendments ended on July 26, 2001.

After reviewing and considering the comments received, the Commission is now adopting the rules, form, and rule amendments that would allow CFTC Registrants to register by notice with the Commission to become Security Futures Product Broker-Dealers. By allowing certain principal-to-principal transactions to begin on August 21, 2001, Congress, in essence, established a statutory deadline for the adoption of the notice registration rules. If the effective date of these rules and rule amendments is delayed for 30 days, the Commission will not have a notice registration procedure in place and CFTC Registrants consequently will not be able to register with the Commission

[37] *See* Exchange Act Rule 15b3–1 (requiring broker-dealers to amend Form BD promptly if any information on the form is or becomes inaccurate for any reason).

[38] 15 U.S.C. 78o(a)(1).

[39] Securities Exchange Act Release No. 44731 (August 23, 2001). The text of the order will be available on the Commission's website at *http://www.sec.gov.*

[40] 17 CFR Part 248. *See* Securities Exchange Act Release No. 42905 (June 22, 2000), 65 FR 40334.

[41] Specifically, section 504 of the GLBA does not include the CFTC in the list of agencies required to adopt financial privacy rules. In addition, Section 509(2) of the GLBA does not include the CFTC in the definition of the term ''Federal functional regulator.'' Moreover, section 509(3)(B) of the GLBA specifically excludes from the definition of the term ''financial institution'' any person or entity with respect to any financial activity that is subject to the jurisdiction of the CFTC under the CEA.

[42] Specifically, section 124 of the CFMA added section 5g to the CEA (7 U.S.C. 7b–2), which made Title V of the GLBA applicable to activity regulated by the CFTC. CEA section 5g(a) provides that notwithstanding section 509(3)(B) of the GLBA, futures commission merchants, commodity trading advisors, commodity pool operators and introducing brokers subject to the jurisdiction of the CFTC are to be treated as ''financial institutions'' for purposes of Title V of the GLBA. CEA section 5g(b) provides that the CFTC is to be treated as a ''Federal functional regulator'' under section 509(2) of the GLBA, and directs the CFTC to issue its own financial privacy regulations under Title V of the GLBA.

[43] *Privacy of Customer Information*, 66 FR 21236 (April 27, 2001) (''CFTC Privacy Release'').

[44] 17 CFR 248.3(m).

[45] 17 CFR 248.3(n).

[46] 17 CFR 248.2.

[47] *See* CFTC Privacy Release, 66 FR at 21252.

[48] 5 U.S.C. 553(d).

[49] 15 U.S.C. 78f(g)(3)(B).

before principal-to-principal trading begins on August 21, 2001.

The primary purpose of the 30-day delayed effectiveness requirement is to give affected parties a reasonable period of time to adjust to new rules. Here, the parties that must comply with the rules, form, and rule amendments to implement the notice registration process—CFTC Registrants—would not be harmed by immediate effectiveness of the rules, form and rule amendments. CFTC registrants are familiar with the rules and rule amendments, which are similar to the proposals that were published for comment. While Form BD–N is a new form, most of the information it requires would have been required by the questions that the Commission proposed adding to Form BD. New Form BD–N responds to comments that the Commission received on this proposal, and should be significantly less burdensome for CFTC Registrants to complete than Form BD, which the Commission originally proposed as the form for registration by notice. We believe that a 30-day delay in the effectiveness of the new rule, new form, and rule amendments could interfere with the goals of the CFMA. Moreover, affected parties that need additional time to adjust to the new notice registration procedure will have a 60-day period in which they may engage in the trading of security futures products permitted by section 6(g)(5)(B) without having to file Form BD–N.[50] For these reasons, the Commission finds that good cause exists for the rules, form and rule amendments to be immediately effective upon publication.

VI. Paperwork Reduction Act Analysis

Certain provisions of the new rules and form, and the rule amendments contain ''collection of information requirements'' within the meaning of the Paperwork Reduction Act of 1995.[51] The Commission published a notice soliciting comments on the collection of information requirements in the Proposing Release and submitted these requirements to the Office of Management and Budget (''OMB'') for review in accordance with the PRA requirements in effect at the time. As proposed, Rule 15b11–1 would have required CFTC Registrants to file Form BD to become Securities Futures Product Broker-Dealers. Therefore, the submission to OMB modified the collection of information titled ''Application for Registration as a Broker-Dealer'' that was already approved for Form BD under control number 3235–0012. OMB subsequently approved this new collection of information in accordance with the clearance requirements of 44 U.S.C. 3507.

As adopted, Rule 15b11–1 requires CFTC Registrants that wish to become Securities Futures Product Broker-Dealers to file new Form BD–N. The Commission, therefore, is amending the collection of information approved under control number 3235–0012 to delete the information on Form BD related to Security Futures Product Broker-Dealers, and is filing a new collection of information with OMB to approve new Form BD–N. The title of this new collection of information will be ''Form BD–N, Notice Registration for CFTC Registrants to register with the Commission as Securities Futures Product Broker-Dealers.'' As explained below, the burden on respondents completing Form BD–N will be significantly less than it would have been if they had been required to complete Form BD.

The collection of information obligation imposed by Form BD–N is mandatory for CFTC Registrants choosing to register by notice with the Commission pursuant to Exchange Act section 15(b)(11). An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number.[52]

A. Summary of Collection of Information

Exchange Act section 15(b)(11) provides for the notice registration of Security Futures Product Broker-Dealers. We are adopting Rule 15b11–1 under the Exchange Act to establish the procedure for notice registration of CFTC Registrants to become Security Futures Product Broker-Dealers. Rule 15b11–1 provides that a CFTC Registrant eligible for notice registration must file the notice on Form BD–N.

Form BD–N requires a CFTC Registrant to indicate that it meets the three statutory requirements for notice registration. First, the Security Futures Product Broker-Dealer must be registered with the CFTC as a futures commission merchant or as an introducing broker.[53] Second, the Security Futures Product Broker-Dealer must be a member of the National Futures Association or another national securities association registered pursuant to Exchange Act section 15A(k). Third, the Security Futures Product Broker-Dealer must limit its business in securities to security futures products that are listed or traded on Security Futures Product Exchanges, except to the extent that it is permitted to conduct business in other types of securities without registering as a broker-dealer. Accordingly, Rule 15b11–1(b) will require a broker-dealer registering by notice to indicate where appropriate on Form BD–N that it meets these three conditions for notice registration. In addition, Form BD–N will require basic identification information about the CFTC Registrant.

B. Use of Information

The Commission will use the information collected pursuant to Rule 15b11–1 to elicit basic identification information as well as information that will allow the Commission to ensure that the CFTC Registrant meets the statutory conditions to register by notice pursuant to Exchange Act section 15(b)(11). This information will assist the Commission in fulfilling its regulatory obligations.

C. Respondents

There are approximately 200 futures commission merchants registered with the CFTC; Commission staff estimates that 89 of those are also full broker-dealers. In addition, there are approximately 1,610 introducing brokers registered with the CFTC; Commission staff estimates that 322 of those are also full broker-dealers. Therefore, the Commission staff estimates that approximately 1,399 futures commission merchants and introducing brokers ((200–89 futures commission merchants) + (1610–322 introducing brokers)) may potentially file Form BD–N to become Security Futures Product Broker-Dealers. They will be required to respond to the proposed collection of information before being registered by notice with the Commission pursuant to section 15(b)(11) of the Exchange Act.

[50] The Commission is issuing an order pursuant to Exchange Act section 15(a)(2), which provides an exemption from broker-dealer registration until October 21, 2001, for CFTC Registrants that meet the statutory requirements for notice registration.

[51] 44 U.S.C. 3501 *et seq.* (''PRA'').

[52] 44 U.S.C. 3506(c)(1)(B)(v).

[53] As noted above, section 15(b)(11) provides that notice registration is available only to broker-dealers that fall within the registration requirements of section 15 by effecting transactions in security futures products on a Security Futures Product Exchange. CEA section 4d(a)(1) (7 U.S.C. 6d(A)(1)) provides that futures commission merchants and introducing brokers must be registered with the CFTC before ''soliciting orders or accepting orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or derivatives transaction execution facility.''

D. Total Annual Reporting and Recordkeeping Burden

Completion of Form BD–N will not impose any significant burdens on CFTC Registrants other than those that result from compliance with the CFMA. We estimate that the average time necessary to complete Form BD–N by a CFTC Registrant will be 30 minutes. Therefore, we estimate that the total one-time burden hours for all CFTC Registrants filing Form BD–N will be approximately 699.5 hours (0.5 hours × 1,399 potential registrants). We estimate that the average time necessary to complete an amendment to Form BD–N will be approximately 15 minutes. The total annual burden hours for CFTC Registrants amending Form BD–N will depend on the frequency with which amendments are filed. Historically, the Commission has received an average of 3.25 amendments to Form BD annually per broker-dealer.[54] Accordingly, we estimate that the total annual burden hours for all CFTC Registrants filing amendments to Form BD–N will be 1,136 (3.25 amendments per year per CFTC Registrant × 0.25 hours per amendment × 1,399 CFTC Registrants). Form BD–N is substantially shorter than Form BD.

E. Record Retention Period

As set forth in 17 CFR 200.80f, a Security Futures Product Broker-Dealer is required to retain records of the collection of information for as long as it is registered with the Commission plus 50 years.

F. Collection of Information Is Mandatory

This collection of information is mandatory.

G. Responses to Collection of Information Would Not Be Kept Confidential

The collection of information will not be kept confidential.

H. Request for Comment

Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments to—(i) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collections of information; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collections of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Persons desiring to submit comments on the collection of information requirements described above should direct them to the following persons: (1) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (2) Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609 with reference to File No. S7–13–01. OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication, so a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. The Commission has submitted the proposed collections of information to OMB for approval. Requests for the materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–13–01, and be submitted to the Securities and Exchange Commission, Records Management, Office of Filings and Information Services, 450 Fifth Street, NW., Washington, DC 20549.

VII. Costs and Benefits of Final Rules

In the Proposing Release, the Commission requested comment on all aspects of the costs and benefits of the rules and amendments considered in this proceeding. The Commission encouraged commenters to identify, discuss, analyze, and supply relevant data regarding any additional costs or benefits. The Commission has considered the costs and benefits of Rules 15a–10 and 15b11–1, Form BD–N, and the amendments to Rule 15b2–2 and to Regulation S–P. We are sensitive to the costs and benefits that might arise from compliance with our rules and amendments. In response to commenters' concerns about the costs and benefits of utilizing Form BD for notice registration, we are instead adopting Form BD–N, which will be significantly less burdensome for CFTC Registrants. We understand, however, that some of the rules we are adopting today will impose costs on some persons or entities. The majority of our adopted rules and amendments, however, are necessary to implement provisions of the CFMA.[55] We believe that these adopted rules and amendments will not impose any significant costs other than those that result from compliance with the CFMA.

A. Security Futures Products

We are adopting Exchange Act Rule 15b11–1 and Form BD–N to prescribe the requirements for CFTC Registrants to register by notice with the Commission as broker-dealers pursuant to Exchange Act section 15(b)(11)(A)[56] to effect transactions in security futures products. We are also adopting Exchange Act Rule 15a—-10 to provide Security Futures Product Broker-Dealers with an exemption from registration as full broker-dealers pursuant to Exchange Act section 15(a)(1). In addition, we are adopting conforming amendments to Exchange Act Rule 15b2–2.[57]

The rules, form, and amendments that we are adopting today respond to the mandate of the CFMA that, among other things, requires the Commission to prescribe, by rule, the process for notice registration to be used by Security Futures Product Broker-Dealers. Our rules and amendments relating to security futures products are being made primarily pursuant to Exchange Act section 15(b)(11), which was added to the Exchange Act by the CFMA.

B. Amendments to Regulation S–P

We are adopting amendments to update Regulation S–P to make it consistent with CEA section 5g.[58] Specifically, we are amending the definitions of the terms ''Federal functional regulator'' and ''financial institution.'' In addition, we are amending Regulation S–P to provide that Security Futures Product Broker-Dealers may comply with Regulation S–P by complying with the CFTC's financial privacy rules.

C. Costs and Benefits of the Rulemaking

1. Costs and Benefits of Rules 15a–10 and 15b11–1, Form BD–N, and Amendments to Rule 15b2–2

We are adopting Rule 15b11–1 to set forth the information that CFTC Registrants must submit to register with the Commission as a Security Futures Product Broker-Dealer. Rule 15b11–1 will require a CFTC Registrant registering as a Security Futures Product Broker-Dealer pursuant to Exchange Act

[54] Given that Form BD–N is substantially shorter than Form BD, we expect that this estimate will represent the outside limit of the amount of amendments to Form BD–N that Security Futures Product Broker-Dealers will submit.

[55] Pub. L. No. 106–554, Appendix E, 114 Stat. 2763.

[56] 15 U.S.C. 78o(b)(11)(A).

[57] 17 CFR 240.15b2–2.

[58] 7 U.S.C. 7b–2. Section 5g was added to the CEA by the CFMA.

section 15(b)(11)(A)[59] to file Form BD–N with the Commission. Form BD–N will elicit basic identifying information to allow the Commission to determine whether the CFTC Registrant meets the statutory requirements for notice registration.

Rule 15a–10 will permit Security Futures Product Broker-Dealers to effect transactions in security futures products regardless of where they are listed or traded without being subject to the registration requirements of Exchange Act section 15(a)(1).[60] In addition, the amendments to Rule 15b2–2 will provide an exception for Security Futures Product Broker-Dealers from the requirements of that rule.

a. *Benefits.* Rule 15b11–1 provides CFTC Registrants with an expedited filing process to become registered with the Commission as a Security Futures Product Broker-Dealer. A Form BD–N submitted by a CFTC Registrant as a notice of registration as a Security Futures Product Broker-Dealer will not require approval from the Commission. In addition, Form BD–N will require CFTC Registrants to submit basic identification information and to indicate that they meet the statutory requirements for notice registration. Therefore, it will take very little time for a CFTC Registrant to complete Form BD–N.

Rule 15a–10 will exempt Security Futures Product Broker-Dealers from the statutory requirement that they register as full broker-dealers in order to effect transactions in security futures products that are listed or traded on a National Securities Exchange or a National Securities Association. This exemption will relieve Security Futures Product Broker-Dealers from a statutory limit on their ability to effect transactions in security futures products under their notice registrations. In addition, we are adopting an exception for Security Futures Product Broker-Dealers from the requirement in Rule 15b2–2 that they will be inspected by a self-regulatory organization within 6 months of becoming registered. These rules and amendments should increase the types of business that Security Futures Product Broker-Dealers may engage in under their notice registrations and reduce their regulatory burdens.

b. *Costs.* Rule 15b11–1 under the Exchange Act and Form BD–N will require CFTC Registrants to gather a limited amount of easily available information to file with the Commission to become Security Futures Product Broker-Dealers. In addition, Security Futures Product Broker-Dealers will be required to file an amendment to Form BD-N when information originally provided on Form BD–N is or becomes inaccurate. However, Form BD–N requires only that a CFTC Registrant provide basic identification information and answer a series of ''yes or no'' questions to indicate that it meets the statutory requirements for notice registration. We estimate that the total number of burden hours, at most, associated with this rulemaking is 1835.5 (699.5 one-time burden hours plus 1136 hours related to maximum number of amendments). Estimating CFTC Registrant wages plus overhead to be approximately $65 per hour,[61] we estimate the total cost associated with the paperwork to be at most $119,308.

We believe that Rules 15a–10 and 15b11–1, Form BD–N, and amendments to Rule 15b2–2 that we are adopting today have been designed to minimize costs and should not result in significant costs to any person or entity. We revised Rule 15b11–1 and created Form BD–N to make the cost of notice registration as minimal as possible. In addition, CFTC Registrants and full broker-dealers will be subject to the rules, amendments and form only if they choose to engage in business in security futures products.

2. Costs and Benefits of the Amendments to Regulation S–P

We are adopting amendments to Regulation S–P to update it in light of amendments that the CFMA made to the CEA. Specifically, the CFMA added Section 5g to the CEA to make the privacy provisions of Title V of the GLBA applicable to certain activity regulated by the CFTC. We adopted Regulation S–P pursuant to Title V of the GLBA before the CFMA was enacted. We are amending the definition of the term ''Federal functional regulator'' in section 248.3(m) of Regulation S–P to add the CFTC to the list of regulators contained in the current definition. We are amending the definition of the term ''financial institution'' in section 248.3(n) of Regulation S–P to eliminate the exclusion relating to the CFTC and its regulated entities. In addition, we are amending section 248.2 of Regulation S–P to provide that Security Futures Product Broker-Dealers may comply with Regulation S–P by complying with the CFTC's financial privacy rules.[62]

a. *Benefits.* Our amendments to Regulation S–P will clarify its application and reduce uncertainty that might result if the definitions of the terms ''federal financial regulator'' and ''financial institution'' in Regulation S–P were not amended in light of section 5g of the CEA. Moreover, the amendments should benefit Security Futures Product Broker-Dealers by making it clear that they will be in compliance with Regulation S–P if they comply with the CFTC's financial privacy rules.

b. *Costs.* Our amendments will not affect the operation of Regulation S–P or impose any new requirements on any person or entity. As a result, we believe that our amendments to Regulation S–P will not result in any additional costs to any person or entity.

VIII. Analysis of the Burden on Competition, Promotion of Efficiency, and Capital Formation

Section 3(f) of the Exchange Act[63] requires the Commission, when engaging in a rulemaking requiring the Commission to consider or determine whether an action is necessary or appropriate in the public interest, to consider also whether the action will promote efficiency, competition, and capital formation. As adopted, Rule 15b11–1, Form BD–N, and amendments to Rule 15b2–2 will provide CFTC Registrants with an expedited process to register with the Commission, which we believe will serve as an efficient and cost-effective means for those entities to meet their statutory registration obligations with respect to security futures products. Form BD–N will provide CFTC Registrants with a short and concise form of notice on which to register as Security Future Product Broker-Dealers. In addition, Rule 15a–10 should improve the efficiency of the marketplace and aid capital formation by providing CFTC Registrants with the ability to effect transactions in security futures products on all markets on which the products are listed and traded. We believe that these rules will help bolster investor confidence and lower investor costs by increasing competition in the markets for security futures products and helping to ensure that all qualified market participants have the opportunity to participate in those markets. This should promote

[59] 15 U.S.C. 78o(b)(11)(A).

[60] 15 U.S.C. 78o(a)(1).

[61] Based on the Securities Industry Association's *Report on Management and Professional Earnings in the Securities Industry 2000*, National Statistics Table, Broker (AMEX) plus 35% overhead. This estimate assumes that the CFTC Registrant's compensation is roughly equal to that of brokers on the American Stock Exchange.

[62] Our amendments to Regulation S–P will parallel a similar provision in the financial privacy rules that the CFTC has adopted. *See* 17 CFR 160(b)(1); *see also Privacy of Consumer Financial Information*, 66 FR 21236 (Apr. 27, 2001).

[63] 15 U.S.C. 78c(f).

market efficiency, competition and capital formation.

Our amendments to Regulation S–P should promote efficiency and competition by providing that Security Futures Product Broker-Dealers will have to comply with the financial privacy rules of only their primary regulator. Because the only purpose of the amendments is to update Regulation S–P in light of the CFMA, we believe that our amendments will not adversely affect capital formation.

Section 23(a)(2) of the Exchange Act[64] requires the Commission, in making rules under the Exchange Act, to consider the impact that any such rule will have on competition. In addition, section 23(a)(2) prohibits the Commission from adopting any rule that will impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Six commenters addressed the proposal's effect on competition. The Commission has considered these comments and reviewed the proposed rules in light of the standards set forth in sections 3(f) and 23(a)(2) of the Exchange Act. The commenters specifically addressed the fact that the exemption from broker-dealer registration in Rule 15a–10 is limited to Security Futures Product Broker-Dealers that are not members of a National Securities Exchange or National Securities Association. As noted above, the commenters generally asserted that Rule 15a–10 would give a competitive advantage to full broker-dealers (who would be able to trade on Security Futures Product Exchanges directly) over Security Futures Product Broker-Dealers (who would only be able to trade on National Securities Exchanges and National Securities Associations indirectly through full broker-dealers). The revisions to Rule 15a–10 address those commenters' concerns.

The adopted rules and amendments, which implement provisions of the CFMA, will apply equally to all affected entities. The rules and amendments also will provide the mechanism for Security Futures Product Broker-Dealers to enter the new market for security futures products. All CFTC Registrants that intend to effect transactions in security futures products will use the same procedures to register by notice with the Commission, and the conditions for notice registration will apply equally to all CFTC Registrants. In addition, the adopted rules and amendments relieve Security Futures Product Broker-Dealers from a statutory limitation on their activity and will permit them to trade security futures products regardless of the market on which the products are listed or traded, thereby allowing them to compete evenly with full broker-dealers. As a result, we believe that our adopted rules and amendments will not create any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Moreover, the amendments to Regulation S–P will not have an impact on competition because their only purpose is to update Regulation S–P in light of the CFMA.

[64] 15 U.S.C. 78w(a).

IX. Summary of Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act,[65] the Acting Chairman of the Commission certified that the proposed rules, form and conforming amendments would not have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefore, was attached to the Proposing Release No. 34–44455 (June 20, 2001) as Appendix A. The Commission solicited comments concerning the impact on small entities and the Regulatory Flexibility Act certification, but received no comments.

X. Statutory Basis

The Commission is adopting Rules 15a–10 and 15b11–1 under the Exchange Act, Form BD–N, and amendments to Rule 15b2–2 under the Exchange Act, pursuant to the authority set forth in the Exchange Act, particularly sections 15(a), 15(b), 17(a), and 23(a).[66] The Commission is adopting amendments to Regulation S–P pursuant to section 504 of the GLBA[67] and Exchange Act sections 17 and 23(a).[68]

List of Subjects

17 CFR Part 240

Brokers, Confidential business information, Fraud, Reporting and recordkeeping requirements, Securities.

17 CFR Part 248

Brokers, Consumer protection, Investment companies, Privacy, Reporting and recordkeeping requirements, Securities.

17 CFR Part 249

Brokers, Reporting and recordkeeping requirements, Securities.

[65] 5 U.S.C. 605(b).

[66] 15 U.S.C. 78o(a), 78o(b), 78q, 78o–4(a)(2), 78o–5(a)(2), and 78w(a).

[67] 15 U.S.C. 6804.

[68] 15 U.S.C. 78q and 78w(a).

Text of Rules and Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78*ll*, 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

2. By adding § 240.15a–10 to read as follows:

§ 240.15a–10 Exemption of certain brokers or dealers with respect to security futures products.

(a) A broker or dealer that is registered by notice with the Commission pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) and that is not a member of either a national securities exchange registered pursuant to section 6(a) of the Act (15 U.S.C. 78f(a)) or a national securities association registered pursuant to section 15A(a) of the Act (15 U.S.C. 78o–3(a)) will be exempt from the registration requirement of section 15(a)(1) of the Act (15 U.S.C. 78o(a)(1)) solely to act as a broker or a dealer in security futures products.

(b) A broker or dealer that is registered by notice with the Commission pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) and that is a member of either a national securities exchange registered pursuant to section 6(a) of the Act (15 U.S.C. 78f(a)) or a national securities association registered pursuant to section 15A(a) of the Act (15 U.S.C. 78o–3(a)) will be exempt from the registration requirement of section 15(a)(1) of the Act (15 U.S.C. 78o(a)(1)) solely to act as a broker or a dealer in security futures products, if:

(1) The rules of any such exchange or association of which the broker or dealer is a member provides specifically for a broker or dealer that is registered by notice with the Commission pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) to become a member of such exchange or association; and

(2) The broker or dealer complies with section 11(a)–(c) of the Act (15 U.S.C. 78k(a)–(c)) with respect to any transactions in security futures products

on a national securities exchange registered pursuant to section 6(a) of the Act (15 U.S.C. 78f(a)) of which it is a member, notwithstanding section 15(b)(11)(B)(ii) of the Act (15 U.S.C. 78o(b)(11)(B)(ii)).

3. By amending § 240.15b2–2 by:

a. At the end of paragraph (e)(2), removing the word ''or'';

b. At the end of paragraph (e)(3), removing the period and in its place adding ''; or''; and

c. Adding paragraph (e)(4).

The addition reads as follows:

§ 240.15b2–2 Inspection of newly registered brokers and dealers.

* * * * *

(e) * * *

(4) The member is registered with the Commission pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)).

4. By adding § 240.15b11–1 before the undesignated center heading ''Rules Relating to Over-the-Counter Markets'' to read as follows:

§ 240.15b11–1 Registration by notice of security futures product broker-dealers.

(a) A broker or dealer may register by notice pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) if it:

(1) Is registered with the Commodity Futures Trading Commission as a futures commission merchant or an introducing broker, as those terms are defined in the Commodity Exchange Act (7 U.S.C. 1, *et seq.*), respectively;

(2) Is a member of the National Futures Association or another national securities association registered under section 15A(k) of the Act (15 U.S.C. 78o–3(k)); and

(3) Is not required to register as a broker or dealer in connection with transactions in securities other than security futures products.

(b) A broker or dealer registering by notice pursuant to section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) must file Form BD–N (17 CFR 249.501b) in accordance with the instructions to the form. A broker or dealer registering by notice pursuant to this section must indicate where appropriate on Form BD–N that it satisfies all of the conditions in paragraph (a) of this section.

(c) If the information contained in any notice of registration filed on Form BD–N (17 CFR 249.501b) pursuant to this section is or becomes inaccurate for any reason, the broker or dealer shall promptly file an amendment on Form BD–N correcting such information.

(d) An application for registration by notice, and any amendments thereto, that are filed on Form BD–N (17 CFR 249.501b) pursuant to this section will be considered a ''report'' filed with the Commission for purposes of sections 15(b), 17(a), 18(a), 32(a) (15 U.S.C. 78o(b), 78q(a), 78r(a), 78ff(a)) and other applicable provisions of the Act.

PART 248—REGULATION S–P: PRIVACY OF CONSUMER FINANCIAL INFORMATION

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

Authority: 15 U.S.C. 6801–6809; 15 U.S.C. 78q, 78w, 80a–30(a), 80a–37, 80b–4, and 80b–11.

6. By amending § 248.2 by designating the current text as paragraph (a) and adding paragraph (b) to read as follows:

§ 248.2 Rule of construction.

* * * * *

(b) *Substituted compliance with CFTC financial privacy rules by futures commission merchants and introducing brokers.* Any futures commission merchant or introducing broker (as those terms are defined in the Commodity Exchange Act (7 U.S.C. 1, *et seq.*)) registered by notice with the Commission for the purpose of conducting business in security futures products pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(11)(A)) that is subject to and in compliance with the financial privacy rules of the Commodity Futures Trading Commission (17 CFR part 160) will be deemed to be in compliance with this part.

7. By amending § 248.3 by:

a. At the end of paragraph (m)(5), removing the word ''and'';

b. At the end of paragraph (m)(6), removing the period and in its place adding ''; and'';

c. Adding paragraph (m)(7);

d. Removing paragraph (n)(2)(i); and

e. Redesignating paragraphs (n)(2)(ii) and (n)(2)(iii) as paragraphs (n)(2)(i) and (n)(2)(ii).

The addition reads as follows:

§ 248.3 Definitions.

* * * * *

(m) * * *

(7) The Commodity Futures Trading Commission.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

8. The authority citation for part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted;

* * * * *

9. By adding § 249.501b and Form BD–N to read as follows:

§ 249.501b Form BD–N for notice registration as a broker-dealer.

This form shall be used for notice of registration as a broker-dealer pursuant to Section 15(b)(11)(A) of the Act (15 U.S.C. 78o(b)(11)(A)) for the limited purpose of trading security futures products, or to amend such notice.

Note: Form BD–N is attached as Appendix A to this document. Form BD–N will not appear in the Code of Federal Regulations.

By the Commission.[69]

Dated: August 21, 2001.

Margaret H. McFarland,

Deputy Secretary.

Appendix A

[Note: Appendix A to the preamble will not appear in the Code of Federal Regulations.]

Form BD–N

OMB Approval
OMB Number:
Expires:
Estimated Average burden hours per form:

United States Securities and Exchange Commission, Washington, D.C. 20549

Form for Notice of Registration as a Broker-Dealer for the Purpose of Trading Security Futures Products Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934

Form BD–N Instructions

1. General Instructions—Form BD–N is the form for notice of registration as a broker-dealer for the limited purpose of trading security futures products (''Security Futures Product Broker-Dealer'') pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934 (''Exchange Act'').

• A Security Futures Product Broker-Dealer must be registered with the Commodity Futures Trading Commission as a futures commission merchant or as an introducing broker, and must state that it is so registered by answering ''yes'' to Item 2A.

• A Security Futures Product Broker-Dealer must be a member of the National Futures Association (''NFA'') or another national securities association registered under Section 15A(k) of the Exchange Act, and must indicate such membership by answering ''yes'' to Item 2B.

• Except for securities transactions that do not require broker-dealer registration (such as transactions in government securities that are incidental to futures-related business as defined in Rules 3a43–1 and 3a44–1 under the Exchange Act), a Security Futures Product Broker-Dealer must limit its business in securities to security futures products, and must indicate that it will properly limit its securities business to security futures products by answering ''yes'' to Item 2C.

Note:

• A Security Futures Product Broker-Dealer may apply for registration as a ''full''

[69] Chairman Pitt did not participate in this matter.

broker-dealer pursuant to Section 15(b)(1) of the Exchange Act to conduct business in securities other than in security futures products by filing an application on Form BD. A full broker-dealer is not subject to the exemptions contained in Section 15(b)(11)(B) of the Exchange Act, even with respect to its business in security futures products.

• The notice registration of the Security Futures Product Broker-Dealer will remain effective while the Security Futures Product Broker-Dealer's application to become a full broker-dealer is pending. However, the Security Futures Product Broker-Dealer must continue to limit its business in securities to security futures products until it has satisfied all of the requirements under the Exchange Act to become a full broker-dealer. An application by a Security Futures Product Broker-Dealer to become a full broker-dealer constitutes express consent to withdrawal of its notice registration once it has satisfied all of the requirements under the Exchange Act to become a full broker-dealer.

2. Contact Employee—The individual listed as the contact employee must be authorized to receive all contact information, communications, and mailings and is responsible for disseminating such information within the Security Futures Product Broker-Dealer's organization.

3. Format

• Attach an Execution Page (Page 1) with original manual signatures.

• Please type all information.

• Use only the current version of Form BD–N or a reproduction.

4. Where To File and Number of Copies—Submit one original and two copies of Form BD–N to the Commission's designated agent, the NFA, at the following address: National Futures Association, Registration Department, 200 West Madison Street, Suite 1600, Chicago, IL 60606.

5. Paperwork Reduction Act Disclosure

• Form BD–N requires a futures commission merchant or an introducing broker registering as a Security Futures Product Broker-Dealer for the sole purpose of trading security futures products pursuant to Section 15(b)(11) of the Exchange Act to provide the Commission with certain information.

• An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Sections 15, 17(a), and 23(a) of the Exchange Act authorize the Commission to collect information on Form BD–N. See 15 U.S.C. §§ 78o, 78q(a), and 78w(a).

• Form BD–N is designed to enable the Commission to determine whether a Security Futures Product Broker-Dealer is in compliance with the requirements of the Exchange Act.

• It is estimated that a futures commission merchant or an introducing broker will spend approximately 0.5 hours completing Form BD–N. It also is estimated that each Security Futures Product Broker-Dealer will spend approximately 0.25 hours preparing each amendment to Form BD–N.

• It is mandatory that futures commission merchants and introducing brokers seeking to trade security futures products file a Form BD–N with the Commission through its designated agent, the NFA. It is also mandatory that Security Futures Product Broker-Dealers file amendments to Form BD–N with the Commission's designated agent, the NFA.

• The Commission gives no assurance of confidentiality with respect to the responses submitted on Form BD–N. The public has access to the information contained on Form BD–N.

• This collection of information has been reviewed by the Office of Management and Budget in accordance with the requirements of 44 U.S.C. § 3507.

BILLING CODE 8010–01–U

Page 1 of 1

Form BD-N Page 1 (Execution Page)	U.S. SECURITIES AND EXCHANGE COMMISSION WASHINGTON, D.C. 20549 FORM AND AMENDMENTS FOR NOTICE OF REGISTRATION AS A SECURITY FUTURES PRODUCT BROKER-DEALER FOR THE PURPOSE OF TRADING SECURITY FUTURES PRODUCTS PURSUANT TO SECTION 15(b)(11) OF THE EXCHANGE ACT	Date filed (MM/DD/YYYY) / /

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the applicable provisions of law with respect to the conduct of business as a broker-dealer would violate the federal securities laws and may result in disciplinary, administrative or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

☐ APPLICATION ☐ AMENDMENT

1. Exact name, principal business address, mailing address, if different, and telephone number of *applicant*:

A. Full name of Security Futures Product Broker-Dealer (if sole proprietor, state last, first and middle name):

_____

B. IRS Identification No.

_____

C. (1) Name under which Security Futures Product Broker-Dealer's business primarily is conducted, if different from Item 1A:

_____

(2) List any other name by which the firm conducts business and where it is used:

_____

D. If this filing makes a name change on behalf of the Security Futures Product Broker-Dealer, enter the new name and specify whether the name change is of the Security Futures Product Broker-Dealer's name or business name:

_____

E. Security Futures Product Broker-Dealer's main address: (Do not use a P.O. Box)

_____
(Number and Street) (City) (State/Country) (Zip + 4/Postal Code)

F. Mailing address, if different:

_____

G. Business Telephone Number:

_____ _____
(Area Code) (Telephone Number)

H. Contact Employee:

_____ _____ _____
(Name and Title) (Area Code) (Telephone Number)

EXECUTION – The Security Futures Product Broker-Dealer consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission in connection with the Security Futures Product Broker-Dealer's activities may be given by registered or certified mail or confirmed telegram to the Security Futures Product Broker-Dealer's contact employee at the main address, or mailing address if different, as provided, above.

The undersigned, being first duly sworn, deposes and says that he/she has executed this form on behalf of, and with the authority of, said Security Futures Product Broker-Dealer. The undersigned and the Security Futures Product Broker-Dealer represent that the information and statements contained herein, including exhibits, schedules, or other documents attached hereto, and other information filed herewith, all of which are made a part hereof, are current, true and complete. The undersigned and the Security Futures Product Broker-Dealer further represent that to the extent any information previously submitted is not amended, such information is currently accurate and complete.

(Name of Security Futures Product Broker-Dealer)

_____ _____
(Signature) (Print Name and Title)

Subscribed and sworn before me this _____ day of _____, _____ by _____
(Month) (Year) (Notary Public)

My Commission expires _____ County of _____ State of _____

This page must always be completed in full with original, manual signature and notarization.
To amend, circle items being amended. Affix notary stamp or seal where applicable.

DO NOT WRITE BELOW THIS LINE – FOR OFFICIAL USE ONLY

Form BD-N **Page 2**	**U.S. SECURITIES AND EXCHANGE COMMISSION** **WASHINGTON, D.C. 20549** **FORM AND AMENDMENTS FOR NOTICE OF REGISTRATION AS A SECURITY FUTURES PRODUCT BROKER-DEALER FOR THE PURPOSE OF TRADING SECURITY FUTURES PRODUCTS PURSUANT TO SECTION 15(b)(11) OF THE EXCHANGE ACT**	OFFICIAL USE	OFFICIAL USE ONLY

2. Check the appropriate boxes:	Yes	No
A. Is the Security Futures Product Broker-Dealer registered with the Commodity Futures Trading Commission as a futures commission merchant or as an introducing broker?	☐	☐
B. Is the Security Futures Product Broker-Dealer a member of the National Futures Association or another national securities association registered under Section 15A(k) of the Exchange Act?	☐	☐
C. Does the Security Futures Product Broker-Dealer limit, or will it limit its business in securities to business that does not require it to register under Section 15(b)(1), Section 15B, or Section 15C of the Exchange Act?	☐	☐

[FR Doc. 01–21555 Filed 8–24–01; 8:45 am]

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Federal Register

Vol. 66, No. 166

Monday, August 27, 2001

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Federal Register/Code of Federal Regulations

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FEDERAL REGISTER PAGES AND DATE, AUGUST

39615–40106 1
40107–40572 2
40573–40838 3
40839–41128 6
41129–41438 7
41439–41754 8
41755–42104 9
42105–42412 10
42413–42597 13
42587–42728 14
42729–42928 15
42929–43064 16
43065–43460 17
43461–43760 20
43761–44024 21
44025–44290 22
44291–44520 23
44521–44944 24
44945–45150 27

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

11 44523

3 CFR

Executive Orders:
12002 (See EO 13222) 44025
12214 (See EO 13222) 44025
12722 (See Notice of July 31, 2001) 40105
12724 (See Notice of July 31, 2001) 40105
12735 (See EO 13222) 44025
12755 (See EO 13222) 44025
12851 (See Eo 13222) 44025
13026 (See EO 13222) 44025
13221 40571
13222 44025
Administrative Orders:
Presidential Determinations:
No. 2001-22 of July 26, 2001 40107
No. 2001-23 of August 9, 2001 44521
Notices:
Notice of July 31, 2001 40105

5 CFR

1605 44276
1606 44276
1650 43461

7 CFR

20 44291
301 .....40573, 40923, 41439, 43065
457 42729
916 39615
917 39615
924 42413
959 39621
989 39623
1744 41755
1755 .....43310, 43314
Proposed Rules:
56 42456
58 42458
70 42456
246 40152
911 40923
916 39690
944 .....40845, 40923
948 .....40153, 40155
966 40158
982 44086
993 43534
1205 42464
1230 42469

8 CFR

212 42587
214 42587
245 42587
248 42587
274a 42587
Proposed Rules:
103 41456

9 CFR

54 43964
79 43964
94 42595
95 42595
130 39628
317 40843
381 40843
Proposed Rules:
317 41160
327 .....41160, 42472

10 CFR

72 43761
Proposed Rules:
50 40626
72 43810
430 43123

12 CFR

202 41439
205 41439
208 42929
213 41439
220 44525
226 .....41439, 43463
230 41439
709 40574
712 40575
721 40845
749 40578
1411 44027
Proposed Rules:
611 43536
614 43536
701 40641
702 40642
741 40642
925 .....41462, 43961
930 .....41462, 41474, 43961
931 .....41462, 43961
932 .....41462, 41474, 43961
933 .....41462, 43961

14 CFR

23 40580
39 .....39632, 40109, 40582, 40850, 40860, 40863, 40864, 40867, 40869, 40870, 40872,

40874, 40876, 40878, 40880, 40893, 41129, 41440, 41443, 42105, 42586, 42937, 42939, 43066, 43068, 43070, 43072, 43074, 43076, 43463, 43465, 43467, 43471, 43475, 43763, 43766, 43768, 43770, 44027, 44030, 44032, 44034, 44035, 44039, 44041, 44043, 44044, 44046, 44047, 44291, 44293, 44295, 44297, 44945, 44947, 44950, 44954, 44957, 44958
71 .....42107, 42108, 43078, 43079, 43080, 44049, 44050
91.....41088
95.....39633
97 .....41772, 41774, 44299, 44301
121 .....41088, 41955, 41959, 44050, 44270
125.....44270
135 .....41088, 44050, 44270
145.....41088
187.....43680
Proposed Rules:
39 .....40161, 40162, 40645, 40646, 40926, 41808, 42970, 43124, 43126, 43128, 43130, 43811, 43814, 43815, 44089, 44093, 44311, 44313, 44316, 44319, 44320, 44321, 44323, 44326, 44553, 44556, 44558, 44550, 44561, 44562, 44988, 44990
71 .....42618, 42619, 43121, 44327, 44993, 44994
121.....42807
139.....42807

15 CFR

734.....42108
740.....42108
Proposed Rules:
922.....43135

16 CFR

305.....40110
1700.....40111
Proposed Rules:
314.....41162
1500.....39692

17 CFR

1.....41131, 42256
3.....43080
5.....42256
15.....42256
36.....42256
37.....42256
38.....42256
40.....42256, 42289
41 .....42256, 43083, 44490, 44960
100.....42256
140.....43080, 44960
166.....42256
170.....42256, 43080
180.....42256
200.....40885, 43720
202.....43721
232.....42941
240 .....43721, 44490, 45138
248.....45138
249.....43721, 45138

18 CFR

Proposed Rules:
2.....40929
35.....40929
37.....40929

19 CFR

Proposed Rules:
12.....42163
113.....42163
122.....40649
123.....40649
151.....42163
162.....42163

20 CFR

656.....40584
Proposed Rules:
404.....43136
422.....43136

21 CFR

510.....43773
520.....43773
524.....42730
606.....40886
640.....40886
1308.....42943
1310.....42944
Proposed Rules:
500.....42167
874.....42809

22 CFR

Ch. XIII.....42731
62.....43087

24 CFR

300.....44258
320.....44258
330.....44258
350.....44258
887.....42731
Proposed Rules:
903.....42926

25 CFR

151.....42415
Proposed Rules:
151.....42474
502.....41810

26 CFR

1.....40590, 41133
31.....39638
40.....41775
301.....41133, 41778
602.....43478
Proposed Rules:
1 .....40659, 41169, 44565
5c.....41170
5f.....41170
18.....41170
301.....41169, 41170

27 CFR

1.....42731
4.....42731
5.....42731
7.....42731
12.....42731
17.....42735
18.....42735
19.....42731, 42735
20.....42731, 42735
22.....42731, 42735
24.....42731, 42735
25.....42735
29.....42735
40.....42731, 43478
44.....43478
46.....43478
55.....42731
70 .....42731, 42735, 43478
71.....42731
170.....42735
178.....40596, 42586
179.....40596, 42586
200.....42731
275.....42731
290.....42731, 43478

28 CFR

16.....41445, 43308

29 CFR

697.....44967
4022.....42737
4044.....42737

30 CFR

904.....42739
914.....42743
938.....42750
946.....43480
Proposed Rules:
913.....42813
917.....42815

31 CFR

357.....44526

32 CFR

199.....40601
311.....41779
323.....41780
326.....41783
Proposed Rules:
199.....39699
320.....41811
326.....43138
505.....41814, 43818
701.....43141
806b.....43820

33 CFR

100 .....41137, 41138, 41140, 41141, 41142, 44050
117 .....40116, 40117, 40118, 41144, 42110, 42601, 42602, 44969, 44971
164.....42753
165 .....40120, 41784, 41786, 41787, 42602, 42604, 42753, 42755, 42946, 42948, 43088, 43774, 43776, 44302, 44971
Proposed Rules:
117.....42972
157.....42170
165.....41170
334 .....42475, 42477, 42478

34 CFR

674.....44006
682.....44006
685.....44006

36 CFR

211.....43778
Proposed Rules:
242.....45082
1228.....40166

37 CFR

10.....44526
202.....40322

38 CFR

Ch. I.....44052
3.....44527
21.....42586
Proposed Rules:
3.....41483, 44095
19.....40942
20.....40942

39 CFR

20.....42112
266.....40890
Proposed Rules:
111 .....40663, 41485, 42817, 42820

40 CFR

9.....40121, 42122
51.....40609
52 .....40137, 40609, 40616, 40891, 40895, 40898, 40901, 41789, 41793, 42123, 42126, 42128, 42133, 42136, 42415, 42418, 42425, 42427, 42605, 42756, 42949, 42956, 43484, 43485, 43488, 43492, 43497, 43502, 43779, 43783, 43788, 43795, 43796, 43797, 44053, 44057, 44303, 44528, 44532, 44538, 44544, 44547, 44973, 44974
60 .....42425, 42427, 42608, 44978
61.....42425, 42427
62 .....41146, 42425, 42427, 43509
63 .....40121, 40903, 41086, 44218
70.....40901, 42439
72.....42761
81 .....40908, 44060, 44304
96.....40609
97.....40609
180 .....39640, 39648, 39651, 39659, 39666, 39675, 40140, 40141, 41446, 42761, 42765, 42772, 42776, 42957
258.....42441, 44061
261.....41796, 43054
271 .....40911, 42140, 42962, 43798, 44071, 44307
300 .....40912, 42610, 43806, 44073
Proposed Rules:
9.....41817
52 .....40168, 40664, 40802, 40947, 40947, 40953, 41174, 41486, 41822, 41823, 42172, 42185, 42186, 42187, 42479, 42487, 42488, 42620, 42831, 42974, 43549, 43550, 43552, 43822, 43823, 44096, 44097, 44568, 44571, 44574, 44578, 44580, 44581, 44582, 44995, 44997
60.....42488, 44997
61.....42488
62 .....41176, 42488, 43552, 44582
63 .....40166, 40324, 41664,

43141, 43142
70 .....40953, 42490, 42496
81 .....40953, 42187, 44097, 44329
86.....40953
122.....41817
123.....41817
124.....41817
130.....41817
140.....44585
141.....42974
142.....42974
153.....40170
174.....43552
180 .....39705, 39709, 40170
260.....42193
261.....42193, 43823
262.....42193
263.....42193
264.....42193, 43142
265.....42193, 43142
266.....43142
270.....43142
271 .....42193, 42194, 42975, 43143, 43831, 44107, 44329
281.....40954
300 .....40957, 41177, 41179, 42620, 43831
372.....44107
721.....42976, 42978

42 CFR

57.....44981
58.....44981
400.....43090
405.....39828
410.....39828
412.....39828, 41316
413.....39828, 41316
430.....43090
431.....43090
434.....43090
435.....43090
438.....43090
440.....43090
447.....43090
482.....39828
485.....39828
486.....39828

Proposed Rules:

400.....43614
405.....40372
410.....40372
411.....40372
413.....44672
414.....40372
415.....40372
416.....44585
419.....44672
430.....43614
431.....43614
434.....43614
435.....43614
438.....43614
440.....43614
447.....43614
482.....44585
485.....44585
489.....44672

43 CFR

3160.....41149

44 CFR

62.....40916
64.....43091
65.....43095, 44984
67.....42146

Proposed Rules:

67.....41182, 41186
204.....39715

45 CFR

672.....42450
673.....42450

46 CFR

1.....44985
4.....41955, 42964
5.....41955, 42964
16.....41955, 42964
502.....43511

Proposed Rules:

221.....40664

47 CFR

0.....42552
51.....43516
54.....41149
63.....41801
68.....42779, 42780
73 .....39682, 39683, 42612, 44586, 44587, 44588

Proposed Rules:

51.....42499
63.....41823
64.....40666
73 .....39726, 39727, 40174, 40958, 40959, 40960, 41489, 41490, 42621, 42622, 42623, 44588

48 CFR

1822.....41804
1845.....41805
1852.....41805

Proposed Rules:

2.....42922, 44518
7.....44518
8.....44518
16.....44518
17.....42922, 44518
27.....42102
31.....40838
33.....42922
49.....42922
52 .....42102, 42922, 44288
232.....44588
252.....44588

49 CFR

40.....41944, 41955
171.....44252
172.....44252
192.....43523
195.....43523
199.....41955
219.....41955, 41969
232.....39683
382.....41955, 43097
541.....40622
571.....42613, 43113
578.....41149
653.....41955, 41996
654.....41955, 41996
655.....41955, 41996

Proposed Rules:

71.....40666
171.....40174
172.....41490
173.....40174
174.....40174
175.....40174
176.....40174
177.....40174
178.....40174
209.....42352
234.....42352
236.....42352
544.....41190
571 .....40174, 42982, 42985

50 CFR

17.....43808
20.....44010
216.....43442
223.....44549
224.....44549
229.....42780
300.....42154
635 .....40151, 42801, 42805
648 .....41151, 41454, 42156, 43122
660 .....40918, 41152, 42453, 44552, 44986
679 .....41455, 41806, 42455, 42969, 43524, 44073

Proposed Rules:

14.....43554
17 .....40960, 42318, 43145
20.....42712
84.....43555
100.....45082
216.....44109
223 .....40176, 42499, 43150
224.....42499
226.....42499
600.....42832
622.....40187
660.....40188
679.....41718, 42833
697.....42832

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT AUGUST 27, 2001

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
- California; published 7-26-01
- Colorado; published 6-27-01
- North Carolina; published 6-27-01

Toxic substances:
- Preliminary assessment information reporting—
  - Pentachlorothiophenol, etc.; published 7-26-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
- Chloramphenicol, etc.; approval withdrawn; published 8-15-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Resources and Services Administration

Grants and cooperative agreements; availability, etc.:
- Teaching facilities, educational improvements, scholarships, and student loans; training of public health and allied health personnel; published 8-27-01

SECURITIES AND EXCHANGE COMMISSION

Securities:
- Broker-dealer registration requirements; published 8-27-01

SOCIAL SECURITY ADMINISTRATION

Supplemental security income:
- Aged, blind, and disabled—
  - Social security benefits; overpayments recovery; published 7-26-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Aerospatiale; published 7-23-01
- Airbus; published 7-23-01
- Empresa Brasileira de Aeronautica, S.A. (EMBRAER); published 8-17-01
- McDonnell Douglas; published 7-23-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Limes grown in Florida and imported; comments due by 9-5-01; published 8-6-01

Potatoes (Irish) grown in—
- Colorado; comments due by 9-4-01; published 8-2-01

AGRICULTURE DEPARTMENT

Food and Nutrition Service

Child nutrition programs:
- Women, infants, and children; special supplemental nutrition programs—
  - Vendor management systems; mandatory selection criteria, limitation of vendors, training requirements, high-risk vendors identification criteria, etc.; comments due by 9-4-01; published 8-2-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:
- Gulf of Maine/Bay of Fundy population of harbor porpoise; comments due by 9-4-01; published 8-2-01

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Crab and groundfish; reporting and recordkeeping requirements; comments due by 9-7-01; published 8-8-01

Marine mammals:
- Protected species special exception permits; comments due by 9-4-01; published 7-3-01

COMMERCE DEPARTMENT

Patent and Trademark Office

Patent cases:
- Utility and plant applications; elimination of continued prosecution application practice; comments due by 9-7-01; published 7-9-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:
- Pharmaceuticals production; comments due by 9-4-01; published 8-2-01

Air programs:
- Stratospheric ozone protection—
  - Hydrochlorofluorocarbons (HCFCs); production and consumption control; allowance system; comments due by 9-4-01; published 7-20-01

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- New York; comments due by 9-6-01; published 8-7-01

Air quality implementation plans:
- Interstate ozone transport reduction—
  - Nitrogen Oxides State Implementation Plan Call; electric generating units; seasonal heat input growth rates; response to remands in court cases; comments due by 9-4-01; published 8-3-01

Air quality implementation plans; approval and promulgation; various States:
- California; comments due by 9-4-01; published 8-2-01
- Colorado and Montana; comments due by 9-7-01; published 8-8-01
- Indiana; comments due by 9-4-01; published 8-3-01
- Maryland; comments due by 9-5-01; published 8-6-01
- Michigan; comments due by 9-5-01; published 8-6-01
- Missouri; comments due by 9-5-01; published 8-6-01
- Oregon; comments due by 9-4-01; published 8-3-01
- Pennsylvania; comments due by 9-5-01; published 8-6-01

Air quality planning purposes; designation of areas:
- California; comments due by 9-4-01; published 8-6-01

Hazardous waste:
- Identification and listing—
  - Spent catalysts from dual-purpose petroleum hydroprocessing reactions; comments due by 9-4-01; published 7-5-01

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; comments due by 9-5-01; published 8-6-01
  - National priorities list update; comments due by 9-5-01; published 8-6-01
  - National priorities list update; comments due by 9-6-01; published 8-7-01
  - National priorities list update; comments due by 9-6-01; published 8-7-01

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Satellite communications—
  - Satellite and terrestrial operations; 36.0-43.5 GHz band; spectrum allocation and designation; comments due by 9-4-01; published 7-5-01

Radio stations; table of assignments:
- Texas; comments due by 9-4-01; published 7-24-01
- Texas and Arizona; comments due by 9-4-01; published 7-27-01

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:
- Capital requirements; comments due by 9-7-01; published 8-8-01
  - Correction; comments due by 9-7-01; published 8-21-01
- Uninsured credit limits; comments due by 9-7-01; published 8-8-01
  - Correction; comments due by 9-7-01; published 8-21-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare and Medicaid:
- Anesthesia services; hospital participation conditions; comments due by 9-4-01; published 7-5-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Protection of human subjects:

Pregnant women and human fetuses as research subjects and pertaining to human in vitro fertilization; comments due by 9-4-01; published 7-6-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community facilities:

Urban empowerment zones and renewal communities; Round III designation; comments due by 9-7-01; published 7-9-01

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

Oahu elepaio; comments due by 9-5-01; published 8-6-01

Migratory bird hunting:

Game birds; late-season hunting; comments due by 9-7-01; published 8-28-01

JUSTICE DEPARTMENT

National Instant Criminal Background Check System:

Law-abiding firearms purchasers' legitimate privacy interests and DOJ's obligation to enforce laws preventing prohibited firearms purchases; balance; comments due by 9-4-01; published 7-6-01

LABOR DEPARTMENT

Occupational Safety and Health Administration

Occupational injuries and illnesses; recording and reporting requirements

Effective date delay; comment request; comments due by 9-4-01; published 7-3-01

POSTAL SERVICE

Domestic Mail Manual:

5% error limit for sequenced mailings; revision; comments due by 9-7-01; published 8-8-01

SECURITIES AND EXCHANGE COMMISSION

Securities:

Broker and dealer definitions; bank, savings association, and savings bank exemptions; comments due by 9-4-01; published 7-24-01

National securities exchanges; registration (Form 1-N); comments due by 9-4-01; published 8-20-01

TRANSPORTATION DEPARTMENT

Coast Guard

Ports and waterways safety:

Puget Sound and Strait of Juan De Fuca, WA; Naval Submarine Base Bangor and submarines; security zones; comments due by 9-7-01; published 7-9-01

Vessel documentation and measurement:

Lease-financing for vessels engaged in coastwise trade; comments due by 9-4-01; published 6-29-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 9-4-01; published 8-3-01

Boeing; comments due by 9-6-01; published 7-23-01

Bombardier; comments due by 9-5-01; published 8-6-01

Fokker; comments due by 9-4-01; published 8-3-01

Israel Aircraft Industries, Ltd.; comments due by 9-5-01; published 8-6-01

McDonnell Douglas; comments due by 9-6-01; published 7-23-01

Rockwell Collins, Inc.; comments due by 9-7-01; published 7-31-01

Class E airspace; comments due by 9-6-01; published 7-23-01

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Defective or non-compliant tires; sale or lease; reporting requirement; comments due by 9-6-01; published 7-23-01

Tire pressure monitoring systems; controls and displays; comments due by 9-6-01; published 7-26-01

VETERANS AFFAIRS DEPARTMENT

Board of Veterans Appeals:

Appeals regulations and rules of practice—

Evidence gathering and curing procedural defects without remanding; comments due by 9-5-01; published 8-6-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 2213/P.L. 107–25

To respond to the continuing economic crisis adversely affecting American agricultural producers. (Aug. 13, 2001; 115 Stat. 201)

H.R. 2131/P.L. 107–26

To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes. (Aug. 17, 2001; 115 Stat. 206)

Last List August 7, 2001

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4] Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4] Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4] Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4] Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–044–00051–2)	56.00	Apr. 1, 2001
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–044–00054–7)	53.00	Apr. 1, 2001
200–End	(869–044–00055–5)	20.00	[5] Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–044–00057–1)	57.00	Apr. 1, 2001
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–044–00070–9)	40.00	Apr. 1, 2001
24 Parts:			
0–199	(869–044–00071–7)	53.00	Apr. 1, 2001
200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–044–00073–3)	27.00	Apr. 1, 2001
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–044–00075–0)	28.00	Apr. 1, 2001
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
*§§ 1.851–1.907	(869–044–00085–7)	54.00	Apr. 1, 2001
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5] Apr. 1, 2001
600–End	(869–044–00095–4)	15.00	Apr. 1, 2001
27 Parts:			
1–199	(869–044–00096–2)	57.00	Apr. 1, 2001

Title	Stock Number	Price	Revision Date
200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–042–00098–6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
*100–499	(869–042–00101–2)	14.00	[6]July 1, 2001
500–899	(869–042–00102–8)	47.00	July 1, 2000
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–042–00106–1)	20.00	July 1, 2000
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
200–699	(869–042–00110–9)	33.00	July 1, 2000
700–End	(869–042–00111–7)	39.00	July 1, 2000
31 Parts:			
0–199	(869–042–00112–5)	23.00	July 1, 2000
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
*1–190	(869–042–00114–4)	51.00	[6]July 1, 2001
191–399	(869–042–00115–0)	62.00	July 1, 2000
*400–629	(869–042–00116–8)	35.00	[6]July 1, 2001
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
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48 Chapters:			
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1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
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29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
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100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
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200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
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1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained..