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Title 3—

The President

Proclamation 7469 of September 21, 2001

National POW/MIA Recognition Day, 2001

By the President of the United States of America

A Proclamation

The noble ideals that became our Nation's constitutional foundation were formed over two centuries ago in the hearts of courageous patriots who risked their lives in the name of liberty and justice. Throughout our history, American patriots have risen to answer the call when the enemies of freedom have jeopardized our liberties. Our military history is replete with heroes who put love of country above their own well-being. In answering the call to defend our ideals, generations of brave Americans have left home and family to protect our great Nation, some never to return.

National POW/MIA Recognition Day is notably significant for many American families. It reminds us of the men and women who withstood great hardship while imprisoned by our Nation's enemies; and it reminds us of those still missing, loved ones lost at war but whose fate is not yet fully known. We will not forget these patriots who were willing to give their all to preserve and protect our freedoms.

Nearly 50,000 former POWs live among us, including those held captive during World War II, the Korean War, the Vietnam War, throughout the Cold War era, and during Operation Desert Storm. We owe an incalculable debt of gratitude to these quiet heroes who displayed great honor and indomitable wills and who sacrificed so much for our Nation.

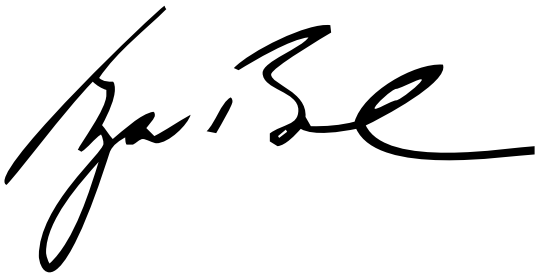
To the families of those who are still missing, we renew our unwavering commitment and determination to obtain the fullest possible accounting for them, including their recovery or repatriation and the identification of the remains of those who have died.

On September 21, 2001, the flag of the National League of Families of American Prisoners and Missing in Southeast Asia will be flown over the White House, the Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the National Vietnam Veterans Memorial, the Korean War Veterans Memorial, U.S. Military installations, national cemeteries, and other locations across our country. This observance will serve as a powerful reminder to all Americans that we will always keep faith with those who served our Nation with honor, integrity, and great sacrifice, remembering those still missing and honoring those who were imprisoned during war.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 21, 2001, as National POW/MIA Recognition Day. I call upon all Americans to join me in honoring former American prisoners of war who suffered the hardships of enemy captivity and in renewing our commitment to those still missing in action. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand one, and of the

Independence of the United States of America the two hundred and twenty-sixth.



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Rules and Regulations

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Docket No. FV01–948–2 IFR]

Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule suspends the continuing assessment rate established for the Colorado Potato Administrative Committee, Area III (Committee) for the 2001–02 and subsequent fiscal periods. The Committee, which locally administers the marketing order regulating the handling of potatoes grown in Northern Colorado, made this recommendation for the purpose of lowering the monetary reserve to a level consistent with program requirements. The fiscal period began July 1 and ends June 30. The assessment rate will remain suspended until an appropriate rate is reinstated.

EFFECTIVE DATES: September 26, 2001. Comments received by November 26, 2001 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 385, Portland, Oregon 97204–2807; telephone: (503) 326–2724, Fax: (503) 3267440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive order 12988, Civil Justice Reform. Under the order now in effect, Colorado potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. For the 1999–00 fiscal period, an assessment rate of $0.02 per hundredweight of potatoes handled was fixed by the Secretary to continue in effect indefinitely unless modified, suspended, or terminated. This action suspends the assessment rate for the 2001–02 fiscal period, which began on July 1, 2001, and will continue in effect until reinstated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administration proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule suspends § 948.215 of the order's rules and regulations. Section 948.215 established an assessment rate of $0.02 per hundredweight of potatoes handled for 1999–00 and subsequent fiscal periods. Continuous assessment rates remain in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary. This rule suspends the $0.02 assessment rate for 2001–02 and will remain in effect during subsequent fiscal periods until reinstated by the Secretary upon recommendation of the Committee.

Sections 948.75–948.77 of the Colorado potato order provide authority for the Committee, with the approval of the Secretary, to formulate an annual budget of expenses and to collect assessments from handlers to administer the program. In addition, § 948.78 of the order authorizes the use of monetary reserve funds to cover program expenses. The members of the Committee are producers and handlers of Colorado Area III potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. Recommendations concerning the budget and assessment rate are formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on May 10, 2001, to discuss the proposed 2001–02 budget and assessment rate and to take appropriate action. However, with only three out of nine voting members in attendance at the meeting, the quorum necessary for the Committee to take action was not present. To ensure that the Committee would have a recommendation for the 2001–02 fiscal period budget, the Committee's manager subsequently polled all Committee members by U.S. mail, as provided for in § 948.61 of the order. The resultant unanimous recommendation by all nine members favored the establishment of a budget with expenditures of $18,200 and an assessment rate of $0.005 (½ cent) per hundredweight of potatoes handled during the 2001–02 fiscal period.

However, section 948.78(a)(2) of the order specifies that the Committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as a reserve, provided that funds already in the reserve are less than approximately two fiscal periods' expenses. After reviewing the Committee's initial recommendation for a $0.005 rate of assessment, the Department requested that the Committee consider suspension of the assessment rate until the reserve is lowered to a level consistent with the order. Consequently, at its meeting of July 19, 2001, the Committee unanimously recommended suspension of the continuing assessment rate of $0.02 for the 2001–02 and subsequent fiscal periods. The Committee concluded that an assessment rate will not be necessary for operation during the 2001–02 fiscal period as funds in the reserve, combined with interest and rental income, are adequate to meet expenses.

As of July 1, 2001, the Committee had $59,579 in its reserve fund. With the 2001–02 budget set at $18,200, the current maximum reserve permitted by the order is approximately $36,400 (approximately two fiscal periods' expenses). To meet its 2001–02 expenses the Committee plans on drawing approximately $14,700 from its reserve, and may additionally earn approximately $3,500 from interest and other income. Thus, with a suspended assessment rate, the Committee's reserve at the end of the 2001–02 fiscal period could be reduced to approximately $44,879. Projecting a similar level of expenses in 2002–03 and continuation of the assessment rate suspension, the Committee's reserve on July 1, 2003, could be about $30,179. This amount would be consistent with the order's requirements.

The major expenditures recommended by the Committee for the 2001–02 fiscal period include $7,000 for salary, $6,300 for office expense (which includes equipment, telephone, and utilities), and $3,000 for rent. Minor expenses total $1,900. Budgeted expenses for these items in the 2000–01 fiscal period were $4,250, $6,800, and $3,000, respectively. Minor expenses totaled $3,600 that year.

Although the Committee foresees a need for the suspension of the continuing assessment rate established in this rule to continue in effect for approximately two fiscal periods, it will remain suspended until reinstated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Since the suspension of the assessment rate will continue for such subsequent fiscal periods as necessary to ensure that the monetary reserve is lowered to a level consistent with the order, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for reinstatement of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information such as the level of the budget and the monetary reserve to determine whether assessment rate reinstatement is needed, and at what level. Further rulemaking will be undertaken as necessary. The Committee's 2001–02 budget has been reviewed and approved by the Department and budgets for subsequent fiscal periods will also be reviewed and, as appropriate, approved by the Department.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 26 producers of Colorado Area III potatoes in the production area and approximately 11 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Information for the most recent season in which statistics are available, as reported by the National Agricultural Statistics Service, was considered in determining the number of large and small producers by acreage, production, and producer prices. According to the information provided, the average yield per acre was 340 hundredweight, the average farm size was 53 acres, and the season average producer price was $5.95 per hundredweight. This equates to average gross receipts to producers of approximately $107,200. Furthermore, based upon information provided by the Committee, all handlers of Area III potatoes have shipped under $5,000,000 worth of potatoes during the most recent season for which numbers are available. Based on the foregoing, it can be concluded that a majority of producers and handlers of Area III potatoes may be classified as small entities, excluding receipts from other sources.

This rule suspends § 948.215 of the order's rules and regulations, which established an assessment rate of $0.02 per hundredweight of potatoes handled beginning with the 1999–00 fiscal period. This suspension will be in effect for the 2001–02 fiscal period and will remain in effect until reinstated.

Without assessment income to offset its 2001–02 budget of $18,200, the Committee plans on drawing approximately $14,700 from its reserve, and may additionally earn approximately $3,500 from interest and other income.

The major expenditures recommended by the Committee in the 2001–02 fiscal period budget include $7,000 for salary, $6,300 for office expenses, and $3,000 for rent. Minor expenses total $1,900. In comparison, the Committee's 2000–01 fiscal period budget of $17,650 included major expenses of $4,250, $6,800, and $3,000, respectively. Minor expenses totaled $3,600.

The Committee recommended that assessment collection be suspended until such time as the monetary reserve reaches a level consistent with the order

requirement of less than approximately two fiscal periods' expenses. The Committee believes that by suspending the assessment rate for at least the next two fiscal periods, the operating reserve should be lowered to an amount consistent with the program. Based on Committee projections, the current reserve of $59,579 will be reduced to about $44,879 by the end of the 2001–02 fiscal period, and to about $30,179 by the end of the 2002–03 fiscal period.

Prior to recommending the suspension of the continuing assessment rate, the Committee discussed alternatives, including its earlier recommended assessment rate of $0.005 per hundredweight. However, the Committee concurred with the Department's position that a suspension of the assessment rate is viable since it could rely on its reserve and other income to meet budgeted expenses, and that such a suspension would expedite the reduction of the reserve. Another alternative considered by the Committee was to refund the portion of the reserve that is over that permitted by the order directly to handlers of record. Because many of the handlers assessed in prior years are no longer in business, the Committee concluded this would not be equitable.

This action will reduce handler costs by almost $9,000 (448,750 hundredweight of assessable potatoes × the current rate of assessment of $0.02) during the 2001–02 fiscal period, as no assessment will be collected. Suspension of the assessment rate will reduce the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meetings were widely publicized throughout the Colorado Area III potato industry and all interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the May 10 and July 19, 2001, meetings were open to the public and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large Colorado Area III potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that the continuing assessment rate established at 64 FR 48081 no longer tends to effectuate the declared policy of the Act. The suspension shall continue in effect until an assessment rate is reinstated by the Secretary, upon recommendation and information submitted by the Committee, or other available information.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action relieves restrictions on handlers by suspending the assessment rate beginning with the 2001–02 fiscal period; (2) the 2001–02 fiscal period began on July 1, 2001, and this action should be effective as soon as possible; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 948.215 [Suspended]

2. In Part 948, § 948.215 is suspended in its entirety.

Dated: September 17, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–23655 Filed 9–24–01; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–15]

Amendment to Class E Airspace, Seneca Falls, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the geographic coordinates of a final rule that was published in the **Federal Register** on April 13, 2001, Airspace Docket No. 00–AEA–15. The final rule established Class E airspace at Seneca Falls, NY.

EFFECTIVE DATE: September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 01–7420, Airspace Docket No. 00–AEA–15, published on April 13, 2001 (66 FR 19082), established Class E airspace at Seneca Falls, NY. An error was discovered in the geographic coordinates for the Finger Lakes Regional Airport. This action corrects those errors.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic coordinates for the Seneca Lake Regional Airport as published in the **Federal Register** on April 13, 2001 (66 FR 19082) are corrected as follows:

§ 71.1 [Amended]

On page 19083, column 2, in the airspace designation for Seneca Falls, NY, third line, correct ''(lat. 42°52′38.58 N/long. 76°46.54′ W)'' to read ''(lat. 42°52′59″ N/long. 76°46′54″ W)''

Issued in Jamaica, New York on September 10, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–23944 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–01–058]

RIN 2115–AE46

Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations during the Sunset Lake Hydrofest to be held on the waters of Sunset Lake near Wildwood Crest, New Jersey. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Sunset Lake during the event.

DATES: This rule is effective from 8 a.m. eastern time on October 6, 2001 until 6:30 p.m. eastern time on October 7, 2001.

ADDRESSES: Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–058 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer Geoffrey Pagels, Marine Events Coordinator, Commander, Coast Guard Group Atlantic City, telephone number (609) 677–2228.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The high-speed power boat races will take place on October 6 and 7, 2001. The special local regulations are necessary to provide for the safety of event participants, support vessels, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

Under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective in less than 30 days. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, the Coast Guard has experience delays in the mails due to the terrorist attack in Washington, D.C., making it impossible to get this document to the **Federal Register** 30 days prior to the event.

Background and Purpose

On October 6 and 7, 2001, the Sunset Lake Hydrofest Association will sponsor the Sunset Lake Hydrofest on the waters of Sunset Lake, near Wildwood Crest, New Jersey. The event will consist of approximately 80 inboard hydroplanes, Jersey Speed Skiffs and flat-bottom Ski boats racing in heats counter-clockwise around an oval racecourse. A fleet of 50 to 100 spectator vessels is anticipated. Due to the need for vessel control during the races, vessel traffic will be temporarily restricted to provide for the safety of spectators, participants and transiting vessels.

Discussion of Regulations

The Coast Guard is establishing temporary special local regulations on specified waters of the Sunset Lake. The temporary special local regulations will be in enforced from 8 a.m. to 6:30 p.m. eastern time on October 6 and 7, 2001, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

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).

Although this regulation prevents traffic from transiting a portion of Sunset Lake during the event, the effect of this regulation will not be significant due to the limited duration of the regulation and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of Sunset Lake during the event.

Although this regulation prevents traffic from transiting or anchoring in a portion of Sunset Lake during the event, the effect of this regulation will not be significant because of its limited duration and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this temporary rule so that they can better evaluate its effects on them and participate in the rulemaking. 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 the address listed under **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

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State law or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

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 will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

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 and direct effect on one or more Indian tribes, on the relationship between the Federal Governments 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.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a marine event are specifically excluded from further analysis and documentation under that section. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—MARINE EVENTS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add a temporary section, § 100.35–T05–058 to read as follows:

§ 100.35–T05–058 Sunset Lake, Wildwood Crest, New Jersey.

(a) *Definitions:*

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Atlantic City.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Group Atlantic City with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant.* Includes all vessels participating in the Sunset Lake Hydrofest under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Group Atlantic City.

(4) *Regulated Area.* Includes all waters of Sunset Lake, from shoreline to shoreline, south of latitude 38°58′32″ N. All coordinates reference Datum: NAD 1983.

(b) *Special Local Regulations:*

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(iii) Unless otherwise directed by the official patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Effective Dates:* This section is in effect from 8 a.m. eastern time on October 6, 2001 until 6:30 p.m. eastern time on October 7, 2001.

(d) *Enforcement Times:* This section will be enforced from 8 a.m. to 6:30 p.m. eastern time on October 6 and 7, 2001.

Dated: September 4, 2001.

Thad W. Allen,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 01–23819 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–034]

Drawbridge Operating Regulation; Lake Pontchartrain, 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 bascule spans of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. This deviation allows the draws of the bridges to remain closed to navigation from 6 a.m. on Monday, October 15, 2001 until 6 a.m. on Wednesday, October 17, 2001. Presently, the draws are required to open on signal if at least three hours notice is given. This temporary deviation is requested to allow for the connection of new submarine cables to operate the draw spans of the bridges.

DATES: This deviation is effective from 6 a.m. on Monday, October 15, 2001 until 6 a.m. on Wednesday, October 17, 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: During the closure period, the bridges will not be able to open for vessels to transit through the bascule spans of the bridge. The bridges have a vertical clearance of 42 feet above mean high water in the closed-to-navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft. In case of an emergency, the bridge owner will be able to hand crank the draws of the bridges to the open to navigation position. As an alternate route, the south channel fixed spans of the dual bridges provides a vertical clearance of 50 feet above mean high water.

The Greater New Orleans Expressway Commission requested a temporary deviation from the normal operation of the drawbridge in order to allow for the connection of new submarine cables to operate the draw spans of the bridges.

This deviation allows the draws of the bridges of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain to remain closed to navigation from 6 a.m. on Monday, October 15, 2001 until 6 a.m. on Wednesday, October 17, 2001.

Dated: September 10, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard Commander, 8th Coast Guard Dist. Acting.

[FR Doc. 01–23824 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Charleston–01–096]

RIN 2115–AA97

Security Zone; Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A temporary security zone is being established in the vicinity of the U.S. Coast Guard Group Charleston Facility Base on the Ashley River in Charleston, South Carolina. This temporary security zone is being established to protect U.S. Coast Guard assets. Entry into this zone is prohibited unless authorized by the Captain of the Port.

DATES: This rule is effective from 6:30 a.m. (EDT) on September 11, 2001 through 6:30 a.m. (EDT) on October 15, 2001.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of [COTP Charleston 1–096] and are available for inspection or copying at Marine Safety Office Charleston, 196 Tradd Street, Charleston, SC 29401 between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT James Mahney, Coast Guard Marine Safety Office Charleston, at (843) 724–7686.

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) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and making these regulations effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying the effective date would be contrary to national security interests since immediate action is needed to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other cause of a similar nature.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to the U.S. Coast Guard Group Charleston Facility Base. This security zone will encompass a portion of the Ashley River near this Coast Guard facility. The zone encompasses waters 200 yards up river and 700 yards down river from the Coast Guard pier, from the facility to the centerline of the channel. Buoys, at approximate positions 32°46′45″ N, 79°56′91″ W, and 32°46′13″ N, 079°56′42″ W, mark the length zone. The Coast Guard will issue a broadcast notice to mariners regarding this security zone and Coast Guard vessels will be on scene strictly enforcing the zone.

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 this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic effect upon 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 as it will only be in effect for a limited time and vessels will be able to transit around the zone.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the Issuance of Federal Regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government'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 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.

Environmental

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

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

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

2. A new temporary § 165.T07–096 is added to read as follows:

§ 165.T07–096 Security Zone; U.S. Coast Guard Group Charleston Facility, Charleston, South Carolina.

(a) *Location.* This security zone will include the area around the U.S. Coast Guard Group Charleston Facility. The zone encompasses waters of the Ashley River 200 yards up river and 700 yards down river from the Coast Guard pier, from the Charleston Facility to the centerline of the channel. Buoys, at approximate positions 32°46′45″ N, 79°56′ 91″ W, and 32°46′13″ N, 79°56′42″ W, mark the length of the zone. The Coast Guard will issue a broadcast notice to mariners and Coast Guard vessels will be on scene strictly enforcing this security zone.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into and movement within this zone is prohibited except as authorized by the Captain of the Port, or a Coast Guard commissioned, warrant, or petty officer designated by him. The Captain of the Port will notify the public of any changes in the status of this zone by Marine Safety Radio Broadcast on VHF FM Marine Band Radio, Channel 13 or 16.

(c) *Dates.* This section is effective from 6:30 a.m. (EDT) on September 11, 2001 through 4 p.m. (EDT) on October 15, 2001.

Dated: September 11, 2001.

G.W. Merrick,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

[FR Doc. 01–23822 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY53–230a, FRL–7057–5]

Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a revision to the New York State Implementation Plan (SIP) related to the control of oxides of nitrogen (NO_X) and volatile organic compounds (VOC) from stationary sources. The SIP revision consists of amendments to New York's Code of Rules and Regulations (NYCRR) Part 212, ''General Process Emission Sources.'' The revision was submitted to comply with the Clean Air Act reasonably available control technology (RACT) requirements for major sources of VOC and NO_X not covered by Control Techniques Guidelines.

EPA is also taking this opportunity to announce that it is accepting the State's determination that there are no emission sources in the New York portion of the New York-Northern New Jersey-Long Island ozone nonattainment area (New York Metropolitan Area) from facilities that would be regulated by NYCRR Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants.'' With this approval, New York has met the Clean Air Act Section 182 requirements for RACT on stationary sources in the New York Metropolitan Area.

DATES: This direct final rule is effective on November 26, 2001 without further notice, unless EPA receives adverse comment by October 25, 2001. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, 2nd Floor, Albany, New York 12233.

Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

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VI. Administrative Requirements

I. What Are the Clean Air Act Requirements?

A. What Are the Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) Requirements?

The Clean Air Act (the Act) as amended in 1990 sets forth a number of requirements that states with areas designated as nonattainment for ozone must satisfy and a timetable for satisfying these requirements. The specific requirements vary depending upon the severity of the ozone problem. One of the requirements, and the subject of this proposed rulemaking, requires states to adopt RACT rules for various VOC source categories. EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979).

Section 182 of the Act sets forth two separate RACT requirements for ozone nonattainment areas. The first requirement, contained in section 182(a)(2)(A) of the Act, and referred to as RACT fix-up, requires the correction of RACT rules for which EPA identified deficiencies before the Act was amended in 1990. The second requirement, set forth in section 182(b)(2) of the Act, applies to moderate (or worse) ozone nonattainment areas as well as to ozone transport regions. The goal of this latter requirement is to ensure that areas not required previously to adopt RACT for some or all of the major stationary sources, adopt rules and ''catch-up'' to those areas subject to more stringent RACT requirements.

EPA issued three sets of Control Techniques Guideline (CTG) documents, establishing a ''presumptive norm'' for RACT for various categories of VOC sources. The three sets of CTGs were (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG are referred to as non-CTG sources. Section 182(b)(2) of the Act requires states with ozone nonattainment areas classified as moderate or worse to develop RACT for all pre-enactment CTG source categories, for all sources subject to post-enactment CTGs and for all non-CTG major sources in those areas. Under the pre-1990 Clean Air Act, ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions.

New York has previously addressed most of these requirements and EPA has approved these revisions into the New York State Implementation Plan (SIP).

B. What Are the Oxides of Nitrogen (NO_X) RACT Requirements?

The air quality planning requirements for the reduction of NO_X emissions using RACT are set out in section 182(f) of the Act. EPA further defines the section 182(f) requirements in a notice, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' published November 25, 1992 (57 FR 55620). Refer to the November 25, 1992 notice for detailed information on the NO_X requirements. Also refer to additional guidance memoranda that EPA released subsequent to the NO_X Supplement. The additional guidance includes: EPA publication EPA–452/R–96–005 (March 1996) entitled ''NO_X Policy Documents for The Clean Air Act of 1990''; EPA's policy memorandum on the approval options for generic RACT rules submitted by states entitled ''Approval Options for Generic RACT Rules Submitted to Meet the non-CTG VOC RACT Requirement and Certain NO_X RACT Requirements'' (November 7, 1996); EPA's draft system-wide averaging trading guidance (December 1993); EPA's publications of ''Alternative Control Technique Documents'' which are technical documents identifying alternative controls for most categories of stationary sources of NO_X; and other related EPA policy and guidance documents.

The Act requires that states establish requirements, where practicable, for major stationary sources to include NO_X RACT controls by May 31, 1995.

II. What Did New York Include in Its Submittals?

On July 8, 1994, New York State Department of Environmental Conservation (NYSDEC) submitted to EPA a request to revise its SIP. The revisions consisted of amendments to New York's Code of Rules and Regulations (NYCRR) Part 212 ''General Process Emission Sources.'' Part 212 was adopted by the State on July 8, 1994 and became effective on September 22, 1994. This regulation is intended to address, at least in part, the requirements of the Act explained in Section I of this notice. It should be noted that because the specific requirements of the Act which New York must address vary relative to the severity of the ozone problem in a specific metropolitan area, the applicability of New York's Part 212 regulations also vary accordingly. A summary of EPA's review and findings concerning the revisions to Part 212 follows. The July 8, 1994 submittal also included revisions to NYCRR Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants.'' However, EPA is not acting on these regulations as a SIP revision at this time. For the purpose of the 1-hour Ozone Attainment SIP for the New York Metropolitan Area, on July 11, 2001, New York submitted a ''negative declaration'' affirming that there are no emission sources in the New York Metropolitan Area from facilities that would be regulated by Parts 214, 216 and 220. The July 11, 2001 submittal also indicates that the attainment demonstration for the New York Metropolitan Area is not dependent upon emission reductions from Part 214, 216 and 220 sources in other parts of the State.

III. What Are the Requirements of Part 212, ''General Process Emission Sources''?

The State of New York has established specific air pollution control requirements for numerous industrial and commercial sources of air pollution. Part 212 provides for control of air pollution sources that are not covered by industry-specific regulations. Part 212 provides for control of such sources throughout the State but also establishes deadlines for compliance with the existing requirements for RACT in the New York City Metropolitan Area which is composed of New York City and the counties of Nassau, Suffolk, Westchester and Rockland and seven municipalities in Orange County—Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick and Woodbury.

Facilities subject to Part 212 must either review their applicable NO_X and VOC emission points to implement RACT, or limit the facility's potential to emit these contaminants below threshold applicability levels. In either case, a compliance plan was required by October 20, 1994. Facilities that could

exceed these levels only if they increased production (i.e., their actual hours of operation increased and they became ''potential'' major facilities), did not need to conduct the RACT analysis if they requested enforceable operating limits before May 31, 1995.

A. What Are Generic Provisions and Does Part 212 Contain Generic RACT Provisions?

Generic provisions are those portions of a regulation which require the application of RACT to an emission point, but the degree of control is not specified in the rule and is to be determined on a case-by-case basis taking technological and economic factors into consideration. Under the Act, these individually determined RACT limits would then need to be submitted by a state as a SIP revision for EPA approval. On November 7, 1996, EPA issued a policy memorandum providing additional guidance for approving regulations which contain these ''generic provisions.'' (Sally Shaver, Director, Air Quality Strategies and Standards Division, memorandum to EPA Division Directors, ''Approval Options for Generic RACT Rules Submitted to Meet the non-CTG VOC RACT Requirement and Certain NO_X RACT Requirements'').

EPA policy allows for the full approval of state generic RACT rules prior to actual EPA approval of SIP revisions establishing RACT for each individual major source. However, to allow this, the state must provide an analysis that concludes that the remaining source RACT determinations involve a de minimis level of emissions. Such an approval does not exempt the remaining sources from RACT; but does provide an opportunity for EPA to make a determination that the state has met a non-CTG requirement prior to taking action on all of the individual case-by-case RACT determinations. Provisions within Part 212 establish a procedure for a case-by-case determination of what represents RACT for an item of equipment, process or source.

B. What Other RACT Provisions Does Part 212 Contain and Are They Federally Approvable?

Section 212.10 provides that owners and/or operators of major sources may petition for an exemption from NO_X RACT if it can be demonstrated that net ozone air quality benefits are greater in the absence of NO_X reductions from a facility. EPA interprets this provision as consistent with the NO_X RACT exemption available in section 182(f) of the Act. New York's provision is consistent with EPA guidance and therefore approvable.

Pursuant to 40 CFR part 51 subpart I and 40 CFR parts 60 and 61, state requirements, such as subdivision 212.10(d), that provide for ''capping out,'' must be federally enforceable. Under section 212.10 a facility with federally and state enforceable conditions in Certificates to Operate which limits its annual potential to emit NO_X and VOCs below the applicability levels of section 212.10 by May 31, 1995 is exempt from the RACT analysis and implementation requirements of section 212.10. In addition, records must be maintained which verify the facility's annual actual emissions and any exceedances of its annual potential to emit conditions must be reported to the State.

EPA has determined that the subsection 212.10(d) requirements are federally enforceable because the section provides for the incorporation of compliance measures and schedules into operating permits which are issued and/or altered in conformance with Part 201 (''Permits and Certificates''). Part 201 has been previously incorporated into the New York SIP and, therefore, is already federally enforceable. While subsection 212.10(d) does not explicitly define federally enforceable, the provision refers to limitations that would be incorporated into a federally enforceable operating permit, adopted pursuant to the procedures provided in Part 201.

Facilities which conduct a RACT analysis are required to review control device technologies and capture efficiencies of these controls for VOC sources, keeping in mind the reasonable economics of RACT. Pursuant to subsection 212.10(c)(4), the following source categories are considered equipped with RACT: VOC emission points which are equipped with a capture system and control device with an overall removal efficiency of at least 81 percent or surface coating processes that use coatings not exceeding 3.5 pounds VOC per gallon as applied (minus water and excluded VOC). Through these provisions, New York has established a presumptive RACT requirement for VOC consistent with the EPA guidance on generic regulations.

Facilities that are subject to Part 212 and have very small emission points (i.e., NO_X and VOC emission rate potentials which are both less than three pounds per hour and in the absence of control equipment less than fifteen pounds per day) do not have to perform a RACT analysis for those very small emission points.

For those sources not subject to specific NO_X and VOC emission limitations or work practice standards, subsection 212.10(c) provides a schedule for submission of and requirements for a compliance plan which must be followed in order to comply with Part 212. Should a source not comply with these requirements it would constitute a violation of Part 212 which may subject the source owner or operator to civil and applicable criminal penalties. EPA has determined that this is sufficient to insure that sources comply and should EPA need to take enforcement action, it could use the same provisions to require compliance. The process specific RACT demonstrations are required to be submitted to EPA for approval as SIP revisions. The deadline for implementation of RACT was May 31, 1995. These revisions to Part 212 are consistent with EPA guidance, therefore, EPA is approving Part 212.

C. How Has New York Addressed the Case-by-Case RACT Determinations?

In a letter dated August 31, 2001, New York provided sufficient data for EPA to evaluate the de minimis level of NO_X emissions from generic sources in the State. Given the State's data, EPA has determined that 1.55 percent of the NO_X emissions subject to RACT controls have either not yet been submitted to EPA as SIP revisions or, if submitted, have not yet been approved by EPA.[1] EPA has determined this amount to be de minimis. The 1.55 percent de minimis level includes emissions from seven facilities for which New York is required to submit single source SIP revisions containing RACT requirements. Therefore, EPA has determined that New York's NO_X RACT regulation conforms with EPA's policy regarding the approval of generic RACT provisions or rules, thereby allowing EPA to approve Part 212. Subsection 212.10(c) requires New York to submit the remaining case-by-case RACT determinations for the NO_X sources to EPA for approval as SIP revisions.

New York has also informed EPA that the permits, pursuant to Title V of the Act, ''Operating Permits,'' are being processed for the NO_X sources controlled by Part 212. Upon the completion of the Title V process for these sources, the State will prepare and submit to EPA source specific SIP revisions for these facilities.

[1] EPA guidance provides that where the non-approved RACT requirements concern sources whose emissions represent less than 5% of the 1990 stationary source NO_X inventory, excluding utility boilers, it may be appropriate to issue a full approval of the generic RACT regulation.

IV. Are New York's Non-CTG RACT Requirements Consistent With EPA's Proposal of the 1-Hour Ozone Attainment Demonstration?

On December 16, 1999 (64 FR 70364), EPA proposed approval of New York's 1-hour Ozone Attainment SIP for the New York Metropolitan Area. EPA must take final action approving all measures relied on for attainment, including the measures associated with the VOC and NO_X RACT requirements for major non-CTG sources, before EPA can issue a final full approval of the 1-hour Ozone Attainment SIP for the New York Metropolitan Area.

New York has submitted adopted regulations for all CTG and non-CTG major sources of VOC and NO_X. EPA has approved the majority of these in past **Federal Register** actions. The remaining New York regulations with provisions relating to RACT applicable to the New York Metropolitan Area are Parts 212, ''General Process Emission Sources,'' 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants.''

On July 11, 2001, New York submitted a ''negative declaration'' affirming that no sources affected by the provisions of Parts 214, 216 and 220 exist in the Urban Airshed Model modeling domain for the New York Metropolitan Area and that New York does not rely on emission reductions from Parts 214, 216 or 220 to demonstrate attainment in that area. EPA has determined that with this certification and today's approval of Part 212, New York has fulfilled the Section 182(b)(2) and 182(f) of the Act requirements for major non-CTG VOC and NO_X RACT sources in the New York Metropolitan Area.

V. Conclusion

EPA has evaluated New York's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA is approving Part 212, ''General Process Emission Sources'' of New York's regulations as meeting the VOC and NO_X RACT ''catch-up'' requirements of sections 182(b)(2) and 182(f) of the Act for major non-CTG sources. EPA is also approving the State's negative declaration that there are no sources regulated by Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants'' in, or relied on in the attainment demonstration for, the New York portion of the New York-Northern New Jersey-Long Island severe 1-hour ozone nonattainment area. EPA also finds that New York has SIP approved regulations for all CTG and non-CTG major sources of VOC and NO_X for the New York Metropolitan Area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 26, 2001 without further notice unless the Agency receives adverse comments by October 25, 2001.

If the EPA receives adverse comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule.

The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. 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 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 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 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). This rule will be effective November 26, 2001 unless EPA receives adverse written comments by October 25, 2001.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 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) of the Act.)

List of Subjects in 40 CFR Part 52

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

Dated: September 10, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

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 HH—New York

2. Section 52.1670 is amended by adding new paragraph (c)(101) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

(101) Revisions to the State Implementation Plan submitted on July 8, 1994 by the New York State Department of Environmental Conservation that establishes VOC and NO_X Reasonably Available Control Technology requirements statewide for general process emission sources.

(i) Incorporation by reference:

(A) Regulation Part 212 of Title 6 of the New York Code of Rules and Regulations, entitled ''General Process Emission Sources'' filed on August 23, 1994 and effective on September 22, 1994.

(ii) Additional information.

(A) Letter from the New York State Department of Environmental Conservation dated July 8, 1994, submitting the Part 212 Regulation and amendments as revisions to the New York State Implementation Plan for ozone.

(B) Letter from the New York State Department of Environmental Department Conservation dated August 31, 2001 submitting an analysis of mass NO_X emissions from generic sources throughout the State.

(C) Letter from the New York State Department of Environmental Conservation dated July 11, 2001 affirming that there are no sources regulated by Parts 214, ''Byproduct Coke Oven Batteries,'' 216, ''Iron and/or Steel Processes,'' and 220, ''Portland Cement Plants'' in, or considered in the attainment demonstration for, the New York portion of the New York-Northern New Jersey-Long Island severe 1-hour ozone nonattainment area.

3. In section 52.1679, the table is amended by revising the entry for Part 212 to read as follows:

§ 52.1679 EPA—approved New York State regulations

New York State regulation	State effective date	Latest EPA approval date	Comments
*	*	*	*
Part 212, General Process Emission Sources	9/22/94	September 25, 2001, 66 FR 48961.	
*	*	*	*

[FR Doc. 01–23762 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301177; FRL–6802–9]

[RIN 2070–AB78]

Spinosad; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of spinosad in or on asparagus at 0.020 part per million (ppm), bushberry subgroup (crop subgroup 13B) at 0.250 ppm, cranberry at 0.01 ppm, foliage of legume vegetable group (crop group 7) at 8.0 ppm, garden beet roots at 0.10 ppm, globe artichoke at 0.30 ppm, juneberry at 0.250 ppm, leaves of root and tuber vegetable group (crop group 2) at 10.0 ppm, lingonberry at 0.250 ppm, okra at 0.40 ppm, pistachio at 0.020 ppm, pome fruit group (crop group 11) at 0.20 ppm, salal at 0.250 ppm, strawberry at 1.0 ppm, sugar beet roots at 0.10 ppm, and the tree nut group (crop group 14) at 0.020 ppm. The Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. This final rule establishes permanent tolerances for spinosad and as part of that process the Agency has reassessed existing tolerances. By law, EPA is required to reassess 66% of the tolerances in existence on August 2, 1996, by August 2002, or about 6,400 tolerances. All permanent tolerances for spinosad were established after August 2, 1996. Consequently, regarding the actions in this final rule, no tolerance reassessments are counted toward the August 2002 review deadline of FFDCA section 408(q).

DATES: This regulation is effective September 25, 2001. Objections and requests for hearings, identified by docket control number OPP–301177, must be received by EPA on or before November 26, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301177 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection

Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 308–9368; and e-mail address: jamerson.hoyt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the**Federal Register** listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301177. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of June 6, 2001 (66 FR 30463) (FRL–6785–1), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions (PP) for tolerances by IR-4, 681 U.S. Highway #1, South, North Brunswick, NJ 08902–3390. This notice included a summary of the petitions prepared by Dow Agrosciences, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.495 be amended by establishing tolerances for residues of the insecticide spinosad, in or on food commodities, as follows:

1. PP 0E6173 proposed the establishment of tolerances for the pome fruit group at 0.2 ppm and foliage of legume vegetable group at 8.0 ppm.

2. PP 0E6217 proposed the establishment of a tolerance for asparagus at 0.02 ppm.

3. PP 1E6230 proposed the establishment of tolerances for the tree nut group, and pistachio at 0.02 ppm.

4. PP 1E6236 proposed the establishment of a tolerance for okra at 0.4 ppm.

5. 1E6245 proposed the establishment of tolerances for garden beet roots and sugar beet roots at 0.1 ppm, cranberry at 0.01 ppm, and the leaves of root and tuber vegetable group at 10 ppm.

6. PP 1E6255 proposed the establishment of tolerances for the bushberry subgroup, juneberry, lingonberry, and salal at 0.25 ppm.

7. PP 1E6256 proposed the establishment of a tolerance for globe artichoke at 0.3 ppm.

8. PP 1E6260 proposed the establishment of a tolerance for strawberry at 0.75 ppm. The petition was subsequently amended to propose a tolerance for strawberry at 1.0 ppm.

Spinosad is a fermentation product of *Saccharopolyspora spinosa*. The product consists of two related active ingredients: Spinosyn A (Factor A; CAS #131929–60–7) or 2-[(6-deoxy-2,3,4-tri-*O*-methyl-αϕ-*L*-manno-pyranosyl)oxy]-13-[[5-(dimethylamino)-tetrahydro-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-14-methyl-1*H*-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione; and Spinosyn D (Factor D; CAS #131929–63–0) or 2-[(6-deoxy-2,3,4-tri-*O*-methyl-αϕ-*L*-manno-pyranosyl)oxy]-13-[[5-(dimethyl-amino)-tetrahydro-6-methyl-2*H*-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11,12,13,14,16a,16b-tetradecahydro-4,14-methyl-1*H*-as-Indaceno[3,2-d]oxacyclododecin-7,15-dione. Typically, the two factors are present at an 85:15 (A:D) ratio.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. * * *.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available

scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of spinosad on asparagus at 0.020 part per million (ppm), bushberry subgroup (crop subgroup 13B) at 0.250 ppm, cranberry at 0.01 ppm, foliage of legume vegetable group (crop group 7) at 8.0 ppm, garden beet roots at 0.10 ppm, globe artichoke at 0.30 ppm, juneberry at 0.250 ppm, leaves of root and tuber vegetable group (crop group 2) at 10.0 ppm, lingonberry at 0.250 ppm, okra at 0.40 ppm, pistachio at 0.020 ppm, pome fruit group (crop group 11) at 0.20 ppm, salal at 0.250 ppm, strawberry at 1.0 ppm, sugar beet roots at 0.10 ppm, and the tree nut group (crop group 14) at 0.020 ppm. EPA's assessment of exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by spinosad are discussed in Unit III.A. of the **Federal Register** of September 23, 1999 (64 FR 51451) (FRL–6381–9),

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for spinosad used for human risk assessment is shown in the following Table 1:

TABLE 1.— SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR SPINOSAD FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary	Not applicable	Not applicable	No appropriate endpoint available. There were no effects observed in oral toxicity studies including oral developmental toxicity studies in rats and rabbits that could be attributable to a single dose (exposure). Therefore, a dose and endpoint were not selected for this risk assessment.
Chronic dietary (all populations)	NOAEL= 2.68 mg/kg/day UF = 100 Chronic RfD = 0.027 mg/kg/day	FQPA SF = 1X cPAD = chronic RfD/FQPA SF = 0.027 mg/kg/day	Chronic feeding study in dogs LOAEL = 8.46 mg/kg/day based on the occurrence of vacuolation in glandular cells (parathyroid) and lymphatic tissues, arteritis, and increases in serum enzymes such as alanine aminotranferase, and aspartate aminotransferase, and triglyceride levels in dogs fed spinosad in the diet at dose levels of 1.44, 2.7, 8.46 mg/kg/day for 52 weeks.
Dermal (short-and intermediate-term) (residential)	Not applicable	Not applicable	No appropriate endpoint available. No toxicity at 2,000 mg/kg/day in a 21-day dermal toxicity study in rats. No dermal absorption expected based on molecular structure and size.

TABLE 1.— SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR SPINOSAD FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Long-term dermal (several months to lifetime) (residential)	Not applicable	Not applicable	No appropriate endpoint available. Long-term exposure is not expected from registered use patterns.
Inhalation (any time period) (residential)	Not applicable	Not applicable	Low toxicity, use pattern and application rate does not indicate a need for risk assessment via inhalation.
Cancer (oral, dermal, inhalation)	Not applicable	Not applicable	Spinosad is classified as a ''Not Likely'' carcinogen.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.495) for residues of spinosad, in or on a variety of raw agricultural commodities. Spinosad is registered for use on a large number of agricultural commodities. Due to a section 18 use for control of Mediterranean fruit fly, tolerances for residues of spinosad have been established for all agricultural commodities not covered by other registrations. Risk assessments were conducted by EPA to assess dietary exposures from spinosad in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. An endpoint was not identified for acute dietary exposure and risk assessment because no effects were observed in oral toxicity studies including developmental toxicity studies in rats or rabbits that could be attributable to a single dose (exposure). Therefore, an acute dietary exposure assessment was not performed.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1999 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments:

The chronic dietary analysis used residue values at the established and recommended tolerance levels for all commodities having spinosad tolerances with the exception of meat (all non-poultry sources) and milk. Anticipated residues were used for meat and milk from beef and dairy cattle as follows: Muscle at 0.09 ppm, fat at 2.54 ppm, kidney at 0.19 ppm, liver at 0.48, whole milk at 0.19 ppm, cream at 0.74 ppm, skim milk at 0.037 ppm. The chronic dietary analysis also assumed that 100 percent crop treatment for registered uses and the proposed uses.

iii. *Cancer.* Spinosad has been classified as ''not likely to be carcinogenic in humans'' based on the results of a carcinogenicity study in mice and the combined chronic toxicity and carcinogenicity study in rats. Therefore, a cancer risk assessment was not performed.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

2. *Dietary exposure from drinking water.* Available data on spinosad show that the compound is not mobile or persistent, and therefore has little potential to leach to ground water. Spinosad may however contaminate surface water upon the release of water from flooded fields to the environment.

The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for spinosad in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of spinosad.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use EECs from these models to quantify drinking water exposure and risk as a percent of the reference dose (%RfD) or percent of the population

adjusted dose (%PAD). Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to spinosad, they are further discussed in the aggregate risk sections below.

Based on the PRZM/EXAMS model, the EECs of spinosad for chronic exposures are estimated to be 0.092 parts per billion (ppb) for surface water. The chronic surface water EEC value for spinosad is based on application of the insecticide to cole crops at 0.13 lb active ingredient per acre per application with a maximum of 0.45 lb active ingredient/acre/season.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Registered residential uses for spinosad currently include Conserve SC Turf and Ornamental (EPA Reg. No. 62719–291) and Conserve Fire Ant Bait (EPA Reg. No. 62719–291). Both products are registered for outdoor use only. The risk assessment was conducted using the following residential exposure assumptions: The turf/ornamental and fire ant bait uses may result in non-dietary ingestion of spinosad-treated plant material or soil by children. Half-life estimates for spinosyn A on various plant foliage ranges from 1.6 to 16 days and generally is dependent on the amount of sunlight received on the plant surfaces. To calculate a quantitative risk from a potential ingestion of grass (in the absence of acute-, short-, or intermediate-term oral endpoints), EPA would need to default to the chronic dietary endpoint. This scenario would represent a child eating grass for > 6 months continuously. Based on the low application rate for spinosad on turf (0.41 lb/a.i./acre), its non-systemic nature, its short half-life (especially in sunlight), and the rapid incorporation of spinosad metabolites into the general carbon pool, EPA believes that residues of spinosad on turf/ornamentals and soil after application would be low and decrease rapidly over time. EPA believes that it is inappropriate to perform a quantitative dietary risk representing a chronic scenario from children ingesting spinosad-treated plants or soil. Qualitatively, the risk from children's ingestion of plant or soil as a result of turf/ornamental and fire ant bait uses does not exceed EPA's level of concern.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether spinosad has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, spinosad does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that spinosad has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity*. There is no indication of increased susceptibility of rat or rabbit fetuses to *in utero* and/or postnatal exposure.

3. *Conclusion*. There is a complete toxicity data base for spinosad and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. This recommendation is based on (1) the completeness of the toxicological data base, (2) no indication of increased susceptibility of rat or rabbit fetuses to *in utero* and/or postnatal exposure, and (3) no requirement for a developmental neurotoxicity study.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Acute aggregate risk consists of the combined dietary exposures from food and drinking water sources. The total exposure is compared to the acute RfD. An acute RfD was not identified since no effects were observed in oral toxicity studies that could be attributable to a single dose. Therefore, the Agency concludes that there is a reasonable certainty of no harm from acute aggregate exposure to spinosad.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to spinosad from food will utilize 29% of the cPAD for the U.S. population, 26% of the cPAD for infants, and 57% of the cPAD for children 1 to 6 years old, the subpopulation at greatest risk. Based on the use pattern, spinosad's short half-life and non-systemic nature, and the rapid incorporation of spinosad metabolites into the general carbon pool, chronic residential exposure to residues of spinosad is not expected. In addition, there is potential for chronic dietary exposure to spinosad in drinking water. After calculating DWLOCs and comparing them to the EECs for surface water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO SPINOSAD

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.027	29	0.092	670
All infants	0.027	26	0.092	200
Children (1 to 6 years)	0.027	57	0.092	120
Children (7 to 12 years)	0.027	40	0.092	160

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposures takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Though residential exposure could occur with the use of spinosad, no toxicological effects have been identified for short- or intermediate-term toxicity. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Aggregate cancer risk for U.S. population.* Spinosad has been classified as ''not likely to be carcinogenic in humans'' based on the results of a carcinogenicity study in mice and the combined chronic toxicity and carcinogenicity study in rats. Therefore, spinosad is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to spinosad residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (HPLC/UV is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

No Codex, Canadian, or Mexican maximum residue limits have been established for residues of spinosad on any crops.

V. Conclusion

Therefore, the tolerances are established for residues of spinosad in or on asparagus at 0.020 ppm, bushberry subgroup (crop subgroup 13B) at 0.250 ppm, cranberry at 0.01 ppm, foliage of legume vegetable group (crop group 7) at 8.0 ppm, garden beet roots at 0.10 ppm, globe artichoke at 0.30 ppm, juneberry at 0.250 ppm, leaves of root and tuber vegetable group (crop group 2) at 10.0 ppm, lingonberry at 0.250 ppm, okra 0.40 ppm, pistachio at 0.020 ppm, pome fruit group (crop group 11) at 0.20 ppm, salal at 0.250 ppm, strawberry at 1.0 ppm, sugar beet roots at 0.10 ppm, and tree nut group (crop group 14) at 0.020 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301177 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before November 26, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in

40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP–301177, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, 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). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, 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 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.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 10, 2001.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.495 is amended by deleting the entries for almonds, apple, and turnip greens; revising the entry for pistachio; and by alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.495 Spinosad; tolerances for residues.

(a)* * *

Commodity	Parts per million	Expiration/ Revocation Date
* *	*	* *
Artichoke, globe	0.30	None
Asparagus	0.020	None
* *	*	* *
Beet, garden, roots	0.10	None
Beet, sugar, roots	0.10	None
* *	*	* *
Bushberry subgroup	0.250	None
* *	*	* *
Cranberry	0.01	None
* *	*	* *
Fruit, pome, group	0.20	None
* *	*	* *
Juneberry	0.250	None
* *	*	* *
Lingonberry	0.250	None
* *	*	* *
Nut, tree, group	0.020	None
* *	*	* *
Okra	0.40	None
* *	*	* *
Pistachio	0.020	None
* *	*	* *
Salal	0.250	None
* *	*	* *
Strawberry	1.0	None
* *	*	* *
Vegetable, foliage of legume, group	8.0	None
Vegetable, leaves of root and tuber, group	10.0	None
* *	*	* *

* * * * *

[FR Doc. 01–23609 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7062–9]

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

AGENCY: Environmental Protection Agency.

ACTION: Final deletion of the Shenandoah Stables Superfund site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Shenandoah Stables site in Lincoln County, Missouri, from the NPL. The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The EPA and the State of Missouri have determined that the site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Feild, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, 901 N. 5th Street, Kansas City, Kansas 66101.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Shenandoah Stables site, Lincoln County, Missouri.

A Notice of Intent to Delete for this site was published in the **Federal Register** on August 7, 2001 (66 FR 41177). The closing date for comments on the Notice of Intent to Delete was September 6, 2001. No comments were received; therefore, EPA has not prepared a Responsiveness Summary.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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

Dated: September 12, 2001.

William W. Rice,

Acting Regional Administrator.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended under Missouri by removing the entry for the ''Shenandoah Stables site in ''Moscow Mills''.

[FR Doc. 01–23599 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7062–8]

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

AGENCY: Environmental Protection Agency.

ACTION: Final deletion of the Times Beach Superfund site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Times Beach site in St. Louis County, Missouri, from the NPL. The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The EPA and the State of Missouri have determined that the site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Feild, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, 901 N. 5th Street, Kansas City, Kansas 66101.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Times Beach site, St. Louis County, Missouri.

A Notice of Intent to Delete for this site was published in the **Federal Register** on August 7, 2001 (66 FR 41179). The closing date for comments on the Notice of Intent to Delete was September 6, 2001. Attached is the Responsiveness Summary addressing comments received from the public.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

Response to Comments: A comment was received by EPA expressing opposition to the deletion of Times Beach from the NPL due to concerns about future flooding of the Meramec River that could uncover more contaminants.

Prior to the removal of contaminated materials from the Times Beach site, the EPA did recognize a concern for erosion of surface soils that could potentially occur during flooding of the Meramec River. In response to this concern, a series of spur levees were constructed by the U.S. Army Corps of Engineers at Times Beach to reduce water velocities across the site during Meramec River flood events. These spur levees were completed in 1987 and remain in place to limit the potential for scour and erosion of soils at the Times Beach site caused by flooding of the Meramec River. These spur levees further assure that future use of the Times Beach site will remain protective of human health.

The Times Beach site was extensively sampled prior to taking any response action to characterize the areal and vertical extent of contamination. This sampling guided the excavation of contaminated soils at the site. Following excavation and treatment of contaminated soils, verification sampling was performed to confirm that soils and other materials remaining at the site were safe for unrestricted human exposure. The EPA believes that the extensive sampling effort conducted at the Times Beach site successfully identified contaminated materials requiring removal, and verified that site conditions will remain safe for use by the public.

The deletion of the Times Beach site from the NPL does not affect EPA's ability to take appropriate actions to respond to the presence of hazardous substances at the site. The NCP (40 CFR 300.425(e)(3)) provides that Times Beach will remain eligible for fund-financed remedial actions following deletion from the NPL. In the event that a significant release of a hazardous substance is identified at the site, the NCP specifies that Times Beach shall be restored to the NPL without application of the Hazard Ranking System.

The EPA believes that these measures assure that conditions at Times Beach will remain protective for future use of the site, and that hazardous response capability will continue to be available. The deletion process will not be altered as a result of this comment.

List of Subjects in 40 CFR Part 300

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

Dated: September 12, 2001.

William W. Rice,

Acting Regional Administrator, Region 7.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended under Missouri by removing the entry for the ''Times Beach site'' in ''Times Beach.''

[FR Doc. 01–23598 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1000

RIN 0970–ACO8

Office of Community Services; Individual Development Accounts

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Final rule.

SUMMARY: This regulation implements a statutory requirement in the Assets for Independence Act under title IV of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998. The Act provides competitive demonstration grants for projects to establish, support, and evaluate individual development accounts for low income individuals and families. The purpose of the five-year Assets for Independence Program is to encourage low-income individuals to accumulate assets by matching an individual's savings with Federal and private funds in order to determine the effects of asset accumulation incentives on the well-being, savings behavior, and stability of low-income families and their communities.

The statute requires the Secretary of Health and Human Services to prescribe regulations that grantees must follow in accounting for amounts grantees deposit in the reserve fund. This final rule implements that provision of the legislation, and includes two changes from the Interim Final Rule published on February 25, 2000. Other factors in the legislation have been, or will be, addressed administratively, through other administrative policy issuances.

DATES: These regulations are effective September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Sheldon Shalit, Office of Community Services, (202) 401–4807, or Richard Saul, Office of Community Services, (202) 401–9341. Hearing impaired individuals may call the Federal Dual Party Relay Service at 800–877–8339 between 8:00 a.m. and 7:00 p.m. eastern time.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Authority

These rules implement section 407(b)(2) of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 (Pub. L. 105–285). Under this provision, the Secretary of Health and Human Services is to prescribe by regulation the rules grantees must follow in accounting for monies in reserve funds, established under the Act, which are used for depositing grant funds; the non-Federal matching funds required for establishing individual development accounts; and the proceeds from any investment of such funds.

II. Background

The Assets for Independence Act (the Act), or title IV of Pub. L. 105–285, provides for the establishment of Individual Development Account (IDA) demonstration projects to determine how effective IDAs and ''asset-building'' strategies are in helping low-income people save earned income, acquire productive assets, and achieve economic self-sufficiency. The Act authorizes the Department of Health and Human Services to conduct a five-year Individual Development Account demonstration, through which grants are made to non-profit organizations on a competitive basis.

The statute provides specific and detailed requirements for establishing such programs and authorizes grants for projects to be awarded within 10 months of enactment of the Act (August 27, 1999). For these reasons, coupled with the Department's commitment to reduce regulatory burden, we have decided to limit regulating to the one area where the statute indicates regulations are required. Specifically, section 407(b)(2) of the Act requires grantees to maintain a reserve fund in accordance with accounting regulations prescribed by the Secretary. Responding to this legislative provision, these rules stipulate which Departmental uniform administrative requirements must be met in maintaining IDA reserve funds.

The statute requires that amounts in the reserve funds be used as matching contributions to individual development accounts for project participants; for expenses related to collecting and reporting project data and information required for the evaluation; for administration of the project including skill training necessary to achieve economic self-sufficiency; and for other project related expenses. Federal funds can only be drawn down after the match funds have been deposited.

With respect to provisions of the Act other than accounting for the amounts in the reserve fund, on January 27, 1999, the Department issued a Program Announcement in the **Federal Register**, ''Program Announcement No. OCS–99–04'' (64 FR 4258), announcing the availability of funds and requesting competitive applications. This Program Announcement, and subsequent guidance, addressed other requirements of the legislation. On March 29, 1999, the Department published guidance, ''Clarification of Program Announcement No. OCS 99–04'' (64 FR 14923), in the **Federal Register** to assist interested applicants in understanding the law and the requirements for eligibility. Also, on July 2, 1999, a Second Round of Applications was published, ''Program Announcement No. OCS–99–04'' (64 FR 36184). Further information is made available to the grantees as part of Terms and Conditions at the time of the grant award.

An interim final rule was published in the **Federal Register** on February 25, 2000 (65 FR 10027). One set of comments was received. We have made a clarification in the final regulation after consideration of these comments.

Additionally, on December 21, 2000, the Assets for Independence Act Amendments of 2000 were signed into law which included an expanded definition of ''qualified entities'' that may receive a grant from the Department. The expanded definition adds credit unions designated as low-income credit unions by the National Credit Union Administration, and organizations designated as community development financial institutions by the Secretary of the Treasury (or the Community Development Financial Institutions Fund) that collaborate with a local community-based organization. Because the amendments were enacted after the interim final rule was issued, we have revised the definition of ''qualified entity'' in the final rule so that the definition is expanded consistent with the amendments. Since this revision is necessary in order that the rule is consistent with the amendment, a new interim final rule will not be issued. Rather, this regulation will proceed to final rule, incorporating the expanded definition, and applying the provisions of the rule to accounting amounts for all qualified entities as defined in the legislation. By proceeding with a final rule instead of a re-issuance of an interim final rule, we also are ensuring that current grantees will be bound by the final rule without further delay.

III. Description of Regulatory Provisions

We are adding a new Part 1000 in title 45 of the Code of Federal Regulations.

New Part 1000 of Chapter X, Title 45 of the CFR—Individual Development Account—Reserve Funds Established Pursuant to Grants for Assets for Independence

We are establishing requirements under new 45 CFR part 1000 regarding reserve funds established pursuant to the Assets for Independence Program. We are confirming that Departmental administrative requirements found in 45 CFR part 74 are applicable to reserve funds established by grantees that are not-for-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code of 1986. We are also confirming that the Departmental administrative requirements found in 45 CFR part 92 are applicable to reserve funds established by State or local government agencies or tribal governments.

New § 1000.1 provides that this part applies to the Community Services Assets for Independence Program.

We are adding a definition of Individual Development Account at § 1000.2(a) to read:

Individual Development Account means a trust or custodial account created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, as defined in section 404(2) of Pub. L. 105–285, or enabling the eligible individual to make an emergency withdrawal, as prescribed in section 404(3) of Pub. L. 105–285. The written governing instrument creating the trust or custodial account must meet the requirements of Section 404(5) of Pub. L. 105–285, (section 404(5)(A)) and of the Project Eligibility Requirements set forth in the Program Announcement No. OCS–99–04 and any future announcements that may be issued.

We are adding a definition of qualified entity (which reflects the expanded definition of the Assets for Independence Act Amendments enacted on Dec. 15, 2000) at § 1000.2(b) to read:

Qualified Entity means one or more not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or a State or local government agency; or a tribal government which has submitted an application under section 405 of Pub. L. 105–285 jointly with a 501(c)(3) organization that is exempt from taxation under 501(a) of the Internal Revenue Code of 1986; or an entity that is a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA), or an organization designated as a community development financial institution by the Secretary of the Treasury (or Community Development Financial Institutions Fund), and can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.

We are adding a definition of reserve fund at § 1000.2(c) to read:

(c) *Reserve Fund* means a fund, established by a qualified entity, that shall include all funds provided to the qualified entity from any public or private source in connection with the demonstration project and the proceeds from any investment made with such funds. The fund shall be maintained in accordance with section 407 of Pub. L. 105–285. At least 90.5% of the Federal grant funds in the Reserve Fund must be used as matching contributions for Individual Development Accounts.

In the last sentence of the definition, we have added the words ''Federal grant'' in response to a comment asking that we clarify the definition regarding the administrative cap and the use of funds.

Under § 1000.3(a), we are confirming that Reserve Funds under the Assets for Independence Program established by qualified entities, other than State or local government agencies or tribal governments, are subject to the Department of Health and Human Services' uniform administrative requirements under 45 CFR Part 74.

Under § 1000.3(b), we are confirming which requirements are applicable to Reserve Funds by a qualified entity that is a State or local government agency or tribal government. While these entities are not required to establish reserve funds, reserve funds that are established by these entities are subject to the Department of Health and Human Services' uniform administrative requirements under 45 CFR part 92.

IV. Comments Received on the Proposal

The comment period for the February 25, 2000 interim final rule expired on April 21, 2000. HHS received two comments from a State government commission addressing this proposal. Both comments addressed the definition of Reserve Fund. Below are the comments and our responses:

1. Comment: In order to be consistent with the Act, the definition of Reserve Fund should provide that the 9.5% limit on funds that can be used for purposes other than matching contributions, as specified in section 407(c)(3), applies to Federal grant funds only.

- Response: We agree that this revision is necessary in order for the definition to be consistent with section 407(c)(3). Therefore, the regulation is being revised to read, ''At least 90.5 percent of the Federal grant funds deposited in the Reserve Fund must be used as matching contributions for Individual Development Accounts.''

2. Comment: Revise the definition of the Reserve Fund to include only the Federal grant funds and the required non-Federal matching contributions for individuals' accounts.

- Response: We disagree that the Reserve Fund is limited to the Federal Grant funds and non-Federal matching contributions for individuals' accounts. The statute states that the Reserve Fund is to include all Federal and non-Federal funds in connection with the demonstration project (section 407(b)(1)(A) of the Act) and any investment proceeds (407(b)(1)(B) of the Act). Therefore, we are not amending the regulation to address this comment.

VI. Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), the Regulatory Flexibility Act (Pub. L. 96–354), that this regulation does not result in a significant impact on a substantial number of small entities. The primary impact is on a limited number of grantees and the impact is not significant.

VII. Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. The rule implements the statutory provisions by specifying applicable rules grantees are subject to in meeting accounting requirements for reserve funds established for purposes of carrying out demonstration projects under the Assets for Independence Act. This rule has been reviewed by the Office of Management and Budget.

VIII. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act) requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

If a covered agency must prepare a budgetary impact statement, section 205 further requires that it select the most

cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with the statutory requirements. In addition, section 203 requires a plan for informing and advising any small government that may be significantly or uniquely impacted by the proposed rule.

We have determined that this rule does not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year.

IX. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Pub. L. 104–13, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record keeping requirements inherent in a rule. This rule requires no new reporting or record keeping requirements.

X. Congressional Review

This rule is not a major rule as defined in 5 U.S.C., Chapter 8.

XI. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may affect family well-being. If the agency's conclusion is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. These regulations do not have an impact on family well-being as defined in the legislation.

List of Subjects in 45 CFR Part 1000

Grant Programs/Social Programs.

(Catalog of Federal Domestic Assistance Programs No. 93.602, Individual Development Account/Assets for Independence)

Dated: May 9, 2001.

Diann Dawson,

Acting Principal Deputy, Assistant Secretary for Children and Families.

Approved: June 28, 2001.

Tommy Thompson,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, we are amending Chapter X of title 45 of the Code of Federal Regulations by revising part 1000 to read as follows:

PART 1000—INDIVIDUAL DEVELOPMENT ACCOUNT RESERVE FUNDS ESTABLISHED PURSUANT TO GRANTS FOR ASSETS FOR INDEPENDENCE

Sec.
1000.1 Scope.
1000.2 Definitions.
1000.3 Requirements.

Authority: 42 U.S.C. 604 nt.

§ 1000.1 Scope.

This part applies to the Office of Community Services' Assets for Independence Program.

§ 1000.2 Definitions.

Individual Development Account means a trust or custodial account created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, as defined in section 404(2) of Pub. L. 105–285, or enabling the eligible individual to make an emergency withdrawal as defined in section 404(3) of Pub. L. 105–385. The written governing instrument creating the trust or custodial account must meet the requirements of Section 404(5) of Pub. L. 105–285, and of the Project Eligibility Requirements set forth in Program Announcements.

Qualified Entity means one or more not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or a State or local government agency; or a tribal government which has submitted an application under section 405 of Pub. L. 105–285 jointly with a 501(c)(3) organization that is exempt from taxation under 501(a) of the Internal Revenue Code of 1986; or an entity that is a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA), or an organization designated as a community development financial institution by the Secretary of the Treasury (or Community Development Financial Institutions Fund), and can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.

Reserve Fund means a fund, established by a qualified entity, that shall include all funds provided to the qualified entity from any public or private source in connection with the demonstration project and the proceeds from any investment made with such funds. The fund shall be maintained in accordance with section 407 of Pub. L. 105–285. At least 90.5% of the Federal grant funds in the Reserve Fund must be used as matching contributions for Individual Development Accounts.

§ 1000.3 Requirements.

(a) A qualified entity, other than a State or local government agency or tribal government, shall establish a Reserve Fund for use in the Assets for Independence program. Each reserve fund established by a qualified entity, other than a State or local government agency or tribal government, is subject to the Department of Health and Human Services' uniform administrative requirements under 45 CFR part 74.

(b) Any reserve fund established by a qualified entity that is a State or local government agency or tribal government is subject to the Department of Health and Human Services' uniform administrative requirements under 45 CFR part 92.

[FR Doc. 01–23892 Filed 9–24–01; 8:45 am]

BILLING CODE 4184–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 01–2091]

List of Office of Management and Budget Approved Information Collection Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises the Commission's list of Office of Management and Budget (OMB) approved public information collection requirements with their associated OMB expiration dates. This list will provide the public with a current list of public information collection requirements approved by OMB and their associated control numbers and expiration dates as of July 31, 2001.

DATES: Effective September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Judy Boley, Office of the Managing Director, (202) 418–0214 or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document adopted on September 10, 2001 and released on September 18, 2001 by the Managing Director in DA 01–2091 revised 47 CFR 0.408 in its entirety.

1. Section 3507(a)(3) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(3), requires agencies to display

a current control number assigned by the Director, Office of Management and Budget (''OMB'') for each agency information collection requirement.

2. Section 0.408 of the Commission's rules displays the OMB control numbers assigned to the Commission's public information collection requirements that have been reviewed and approved by OMB.

3. Authority for this action is contained in Section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and section 0.231(b) of the Commission's Rules. Since this amendment is a matter of agency organization procedure or practice, the notice and comment and effective date provisions of the Administrative Procedure Act do not apply. See 5 U.S.C. 553(b)(A)(d).

4. Accordingly, *It is Ordered, That* section 0.408 of the rules is *Revised* as set forth in the revised text, effective on September 25, 2001.

5. Persons having questions on this matter should contact Judy Boley at (202) 418–0214 or via the Internet to jboley@fcc.gov.

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Federal Communications Commission.

Dated:

Magalie Roman Salas,

Secretary.

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

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as revised; 47 U.S.C. 154, 303 unless otherwise noted.

2. Section 0.408 is revised to read as follows:

§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act of 1995.

(a) *Purpose.* This section displays the control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget (''OMB'') pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission intends that this section comply with the requirement that agencies display current control numbers and expiration dates assigned by the Director, OMB, for each approved information collection requirement. Not withstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management, (''AMD–PERM'') , Federal Communications Commission, Washington, DC 20554.

(b) *Display*

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0004	Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93–62.	(1)
3060–0009	FCC 316	10/31/02
3060–0010	FCC 323	11/30/02
3060–0012	FCC 701	07/31/03
3060–0016	FCC 346	01/31/04
3060–0017	FCC 347	02/28/03
3060–0020	FCC 406	05/31/02
3060–0021	FCC 480	12/31/03
3060–0024	Sec. 76.29	(1)
3060–0025	FCC 755	08/31/03
3060–0027	FCC 301	08/31/03
3060–0029	FCC 302–TV	06/30/04
3060–0031	FCC 314	05/31/04
3060–0032	FCC 315	05/31/04
3060–0034	FCC 340	02/29/04
3060–0049	FCC 753	08/31/03
3060–0053	FCC 703	10/31/02
3060–0054	FCC 820	12/31/01
3060–0055	FCC 327	04/30/03
3060–0056	FCC 730	09/30/01
3060–0057	FCC 731 and Secs. 2.911, 2.960, and 2.1033(a)	06/30/03
3060–0059	FCC 740	08/31/03
3060–0061	FCC 325	07/31/02
3060–0062	FCC 330	03/31/02
3060–0065	FCC 442	02/28/02
3060–0066	FCC 330–R	07/31/03
3060–0069	FCC 756	09/30/02
3060–0072	FCC 409	11/30/01
3060–0075	FCC 345	10/31/03
3060–0076	FCC 395	02/28/03
3060–0084	FCC 323–E	07/31/02
3060–0089	FCC 503	10/30/01
3060–0093	FCC 405	11/30/03
3060–0095	FCC 395–A	04/30/03
3060–0105	FCC 430	11/30/03
3060–0106	Sec. 43.61	12/31/02
3060–0110	FCC 303–S	07/31/04
3060–0113	FCC 396	04/30/03
3060–0120	FCC 396–A	04/30/03

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0126	Sec. 73.1820	10/31/02
3060–0127	FCC 1046	03/31/03
3060–0132	FCC 1068–A	01/31/04
3060–0139	FCC 854/854–R/854ULS	08/31/02
3060–0147	Sec. 64.804	02/28/03
3060–0149	Part 63, Section 214, Secs. 63.01–63.601	11/30/01
3060–0157	Sec. 73.99	05/31/03
3060–0160	Sec. 73.158	01/31/02
3060–0161	Sec. 73.61	12/31/02
3060–0166	Part 42	09/30/01
3060–0168	Sec. 43.43	06/30/03
3060–0169	Secs. 43.51 and 43.53	04/30/02
3060–0170	Sec. 73.1030	03/31/02
3060–0171	Sec. 73.1125	10/31/01
3060–0173	Sec. 73.1207	07/31/04
3060–0174	Sec. 73.1212	07/31/02
3060–0175	Sec. 73.1250	10/31/02
3060–0176	Sec. 73.1510	11/30/02
3060–0178	Sec. 73.1560	01/31/03
3060–0179	Sec. 73.1590	07/31/04
3060–0180	Sec. 73.1610	02/28/02
3060–0181	Sec. 73.1615	12/31/02
3060–0182	Sec. 73.1620	04/30/04
3060–0184	Sec. 73.1740	12/31/01
3060–0185	Sec. 73.3613	10/31/02
3060–0187	Sec. 73.3594	02/29/04
3060–0188	FCC 380	08/31/04
3060–0190	Sec. 73.3544	02/29/04
3060–0192	Sec. 87.103	01/31/04
3060–0194	Sec. 74.21	12/31/01
3060–0202	Sec. 87.37	10/31/03
3060–0204	Sec. 90.20(a)(2)(v)	07/31/02
3060–0206	Part 21	07/31/04
3060–0207	Secs. 11.35, 11.51 and 11.52	11/30/02
3060–0208	Sec. 73.1870	04/30/03
3060–0211	Sec. 73.1943	(1)
3060–0212	Sec. 73.2080	04/30/03
3060–0213	Sec. 73.3525	11/30/03
3060–0214	Sec. 73.3526	10/31/02
3060–0215	Sec. 73.3527	10/31/01
3060–0216	Sec. 73.3538	11/30/01
3060–0219	Sec. 90.20(a)(2)(xi)	09/30/02
3060–0221	Sec. 90.155	12/31/01
3060–0222	Sec. 97.213	10/31/03
3060–0223	Sec. 90.129	04/30/02
3060–0228	Sec. 80.59	07/31/04
3060–0233	Part 36	07/31/03
3060–0236	Sec. 74.703	06/30/02
3060–0240	Sec. 74.651	02/28/03
3060–0241	Sec. 74.633	02/28/03
3060–0242	Sec. 74.604	02/28/03
3060–0243	Sec. 74.551	05/31/02
3060–0245	Sec. 74.537	05/31/02
3060–0246	Sec. 74.452	08/31/03
3060–0248	Sec. 74.751	06/30/02
3060–0249	Sec. 74.781	04/30/03
3060–0250	Sec. 74.784	02/28/03
3060–0251	Sec. 74.833	09/30/02
3060–0254	Sec. 74.433	08/31/03
3060–0259	Sec. 90.263	10/31/03
3060–0261	Sec. 90.215	04/30/04
3060–0262	Sec. 90.179	12/31/01
3060–0264	Sec. 80.413	10/31/03
3060–0265	Sec. 80.868	07/31/04
3060–0270	Sec. 90.443	11/30/03
3060–0280	Sec. 90.633(f) & (g)	08/31/03
3060–0281	Sec. 90.651	05/31/04
3060–0286	Sec. 80.302	04/30/04
3060–0287	Sec. 78.69	10/31/01
3060–0288	Sec. 78.33	03/31/03
3060–0289	Secs. 76.601, 76.1704, 76.1705 and 76.1717	03/31/02
3060–0290	Sec. 90.517	05/31/02

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3060–0291	Sec. 90.477	09/30/01
3060–0292	Part 69	11/30/03
3060–0295	Secs. 90.607(b)(1) & (c)(1)	03/31/04
3060–0297	Sec. 80.503	10/31/03
3060–0298	Part 61	11/30/01
3060–0307	Amendment of part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band.	06/30/03
3060–0308	Sec. 90.505	04/30/04
3060–0309	Sec. 74.1281	10/31/02
3060–0310	Sec. 76.1801	03/31/03
3060–0311	Sec. 76.54	09/30/02
3060–0313	Sec. 76.1701	Pending OMB Approval(1)
3060–0315	Sec. 76.1615	09/30/02
3060–0316	Sec. 76.1700	(1)
3060–0320	Sec. 73.1350	04/30/04
3060–0321	Sec. 73.68	01/31/02
3060–0325	Sec. 80.605	06/30/02
3060–0326	Sec. 73.69	09/30/02
3060–0329	Sec. 2.955	09/30/02
3060–0331	Secs. 76.1803 and 76.1804	08/31/04
3060–0332	Secs. 76.614 and 76.1706	09/30/01
3060–0340	Sec. 73.51	10/31/03
3060–0341	Sec. 73.1680	08/31/03
3060–0342	Sec. 74.1284	07/31/03
3060–0346	Sec. 78.27	03/31/04
3060–0347	Sec. 97.311	02/28/03
3060–0349	Secs. 76.73, 76.75, 76.79, and 76.1702	04/30/03
3060–0355	FCC 492 and FCC 492A	07/31/04
3060–0357	Sec. 63.701	11/31/01
3060–0360	Sec. 80.409(c)	08/31/04
3060–0362	Inspection of Radio Installation on Large Cargo and Small Passenger Ships	02/28/03
3060–0364	Secs. 80.409(d) and (e)	08/31/04
3060–0368	Sec. 97.523	06/30/03
3060–0370	Part 32	06/30/03
3060–0374	Sec. 73.1690	01/31/02
3060–0384	Sec. 64.904	09/30/03
3060–0386	Sec. 73.1635	07/31/02
3060–0387	Sec. 15.201(d)	12/31/02
3060–0390	FCC 395–B	04/30/03
3060–0391	Program to Monitor the Impact of Universal Service Support Mechanisms	12/31/01
3060–0392	47 CFR Part 1, Subpart J, Pole Attachment Complaint Procedures	01/31/04
3060–0393	Sec. 73.54	10/31/02
3060–0394	Sec. 1.420	10/31/02
3060–0395	FCC Reports 43–02, FCC 43–05 and FCC 43–07	06/30/03
3060–0397	Sec. 15.7(a)	07/31/03
3060–0398	Secs. 2.948, 15.117(g)(2)	02/28/03
3060–0400	Tariff Review Plan	05/31/03
3060–0404	FCC 350	05/31/02
3060–0405	FCC 349	03/31/04
3060–0407	Sec. 73.3598	05/31/02
3060–0410	FCC 495A and FCC 495B	06/30/03
3060–0411	FCC 485	06/30/04
3060–0414	Terrain Shielding Policy	11/30/03
3060–0419	Secs. 76.94, 76.95, 76.155, 76.156, 76.157, 76.159 and 76.1609	10/31/01
3060–0421	New Service Reporting Requirements under Price Cap Regulation	05/31/03
3060–0422	Sec. 68.5	10/31/01
3060–0423	Sec. 73.3588	10/31/02
3060–0427	Sec. 73.3523	12/31/03
3060–0430	Sec. 1.1206	09/30/01
3060–0433	FCC 320	03/31/02
3060–0434	Sec. 90.20(e)(6)	05/31/02
3060–0435	Sec. 80.361	09/30/02
3060–0436	Secs. 15.214(c) and 68.200(k)	12/31/02
3060–0439	Sec. 64.201	03/31/04
3060–0441	Sec. 90.621(B)(4)	10/31/03
3060–0449	Sec. 1.65(c)	12/31/01
3060–0452	Sec. 73.3589	10/31/02
3060–0454	Regulation of International Accounting Rates	04/30/03
3060–0463	Secs. 64.601–64.605	06/30/03
3060–0465	Sec. 74.985	08/31/03
3060–0466	Sec. 74.1283	04/30/03

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3060–0470	Secs. 64.901–64.903, Allocation of Cost, Cost Allocation Manual, RAO Letters 19 and 26	05/31/03
3060–0473	Sec. 74.1251	12/31/02
3060–0474	Sec. 74.1263	04/30/03
3060–0475	Sec. 90.713	05/31/02
3060–0481	FCC 452R	08/31/03
3060–0483	Sec. 73.687	07/31/03
3060–0484	Sec. 63.100	01/31/02
3060–0488	Sec. 73.30	02/29/04
3060–0489	Sec. 73.37	02/29/04
3060–0490	Sec. 74.902	03/31/04
3060–0491	Sec. 74.991	03/31/04
3060–0492	Sec. 74.992	02/29/04
3060–0493	Sec. 74.986	02/29/04
3060–0494	Sec. 74.990	02/29/04
3060–0496	FCC Report 43–08	03/31/02
3060–0500	Sec. 76.1713	Pending OMB Approval
3060–0501	Secs. 76.206 and 76.1611	(1)
3060–0502	Sec. 73.1942	(1)
3060–0506	FCC 302–FM	12/31/02
3060–0508	Rewrite of Part 22	08/31/04
3060–0511	FCC Report 43–04	11/30/03
3060–0512	FCC Report 43–01	11/30/03
3060–0513	FCC Report 43–03	11/30/03
3060–0514	Sec. 43.21(b)	05/31/03
3060–0515	Sec. 43.21(c)	10/31/02
3060–0519	Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CC Docket No. 92–60.	12/31/01
3060–0526	Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91–141.	10/31/02
3060–0531	Local Multipoint Distribution Service (LMDS)	10/31/03
3060–0532	Secs. 2.1033(b)(11) and 15.121	08/31/02
3060–0537	Sec. 13.217	05/31/02
3060–0540	Tariff Filing Requirements for Nondominant Common Carriers	05/31/02
3060–0543	Sec 21.913	09/30/02
3060–0544	Sec. 76.701	12/31/03
3060–0546	Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules.	03/31/03
3060–0548	Secs. 76.56, 76.1614, 76.1620, 76.1708, and 76.1709	10/31/01
3060–0550	FCC 328	10/31/02
3060–0551	Secs. 76.1002 and 76.1004	10/31/03
3050–0554	Sec. 87.199	06/30/02
3060–0556	Sec. 80.1061	06/30/02
3060–0560	Sec. 76.911	(1)
3060–0561	Sec. 76.913	10/31/03
3060–0562	Sec. 76.916	07/31/04
3060–0564	Sec. 76.924	12/31/02
3060–0565	Sec. 76.944	10/31/03
3060–0567	Sec. 76.962	02/28/02
3060–0568	Commercial Leased Access Rates, Terms, & Conditions	06/30/03
3060–0569	Sec. 76.975	06/30/03
3060–0570	Sec. 76.982	07/31/04
3060–0572	Filing Manual for Annual International Circuit Status Reports	10/31/02
3060–0573	FCC 394	12/31/02
3060–0574	FCC 395–M	04/30/03
3060–0580	Sec. 76.504	08/31/03
3060–0581	Sec. 76.503	05/31/03
3060–0584	FCC 44 and FCC 45	12/31/02
3060–0589	FCC 159 and FCC 159–C	08/31/03
3060–0594	FCC 1220	06/30/04
3060–0595	FCC 1210	(1)
3060–0599	Implementation of Sections 3(n) and 332 of the Communications Act	01/31/04
3060–0600	FCC 175 and FCC 175–S	04/30/04
3060–0601	FCC 1200	06/30/04
3060–0602	Sec. 76.917	04/30/03
3060–0607	Sec. 76.922	10/31/03
3060–0609	Sec. 76.934(e)	07/31/04
3060–0610	Sec. 76.1606	07/31/04
3060–0611	Sec. 74.783	08/31/03
3060–0613	Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91–141, Transport Phase II.	08/31/03
3060–0621	Rules and Requirements for C & F Block Broadband PCS Licenses	04/30/04

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3060–0624	Sec. 24.103(f)	04/30/04
3060–0625	Amendment of the Commission's Rules to Establish New Personal Communications Services under Part 24.	03/31/04
3060–0626	Regulatory Treatment of Mobile Services	05/31/04
3060–0627	FCC 302–AM	12/31/02
3060–0629	Sec. 76.1605	07/31/04
3060–0630	Sec. 73.62	09/30/01
3060–0633	Secs. 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.965 and 74.1265	08/31/04
3060–0634	Sec. 73.691	04/30/04
3060–0636	Equipment Authorization—Declaration of Compliance—Amendment of Parts 2 and 15	10/31/02
3060–0638	Sec. 76.934(g)	02/28/02
3060–0641	FCC 218–I	10/31/02
3060–0644	FCC 1230	02/28/02
3060–0645	Antenna Registration, Part 17	04/30/02
3060–0647	Annual Survey of Cable Industry Prices	04/30/03
3060–0648	Sec. 21.902	11/30/02
3060–0649	Secs. 76.1601, 76.1607, 76.1617, and 76.1708	12/31/01
3060–0652	Secs. 76.309, 76.1602, 76.1603, and 76.1619	10/31/01
3060–0653	Consumer Information—Posting by Aggregators, Secs. 64.703(b) and (c)	01/31/02
3060–0654	FCC 304	10/31/01
3060–0655	Request for Waivers of Regulatory and Application Fees Predicated on Allegations of Financial Hardship.	(1)
3060–0656	FCC 175-M	11/30/01
3060–0657	Sec. 21.956	09/30/01
3060–0658	Sec. 21.960	11/30/01
3060–0660	Sec. 21.937	09/30/01
3060–0661	Sec. 21.931	10/31/01
3060–0662	Sec. 21.930	09/30/01
3060–0663	Sec. 21.934	09/30/02
3060–0664	FCC 304-A	10/31/01
3060–0665	Sec. 64.707	01/31/02
3060–0667	Secs. 76.630, 76.1612, and 76.1622	10/31/01
3060–0668	Sec. 76.936	03/31/02
3060–0669	Sec. 76.946	05/31/02
3060–0673	Sec. 76.956	03/31/02
3060–0674	Secs. 76.1603 and 76.1618	06/30/02
3060–0678	FCC 312, FCC 312–EZ, FCC 312–R, FCC 312–M, and FCC–312 Schedules	02/29/04
3060–0681	Toll-Free Service Access Codes, Part 52, Subpart D, Secs. 52.101—52.111	09/30/03
3060–0683	Direct Broadcast Satellite Service, Part 100	10/31/03
3060–0684	Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, WT Docket No. 95–157.	01/31/04
3060–0685	FCC 1240	08/31/04
3060–0686	Streamlining the International Section 214 Authorization Process and Tariff Requirements	03/31/04
3060–0687	Access to Telecommunications Equipment and Services by Persons with Disabilities	05/31/02
3060–0688	FCC 1235	07/31/02
3060–0690	Rules Regarding the 37.0—38.6 GHz and 38.6–40.0 GHz Bands	12/31/02
3060–0691	Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz Bands Allotted to Specialized Mobile Radio Service.	04/30/04
3060–0692	Home Wiring Provisions	05/31/04
3060–0695	Sec. 87.219	03/31/02
3060–0697	Parts 22 and 90 to Facilitate Future Development of Paging Systems	10/31/03
3060–0698	Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico.	05/31/04
3060–0700	FCC 1275	12/31/03
3060–0702	Amendment to Parts 20 and 24 of the Commission's Rules, Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap.	03/31/04
3060–0703	FCC 1205	11/30/02
3060–0704	Public Disclosure Requirement Amended, CC Docket No. 96–61	09/30/02
3060–0706	Cable Act Reform	06/30/02
3060–0707	Over-the Air Reception Devices	05/31/02
3060–0710	Policy and Rules Concerning the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996—CC Docket No. 96–98.	08/31/03
3060–0711	Implementation of Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by the Telecommunications Act of 1996, Secs. 1.5001 through 1.5007.	12/31/03
3060–0713	Alternative Broadcast Inspection Program (ABIP) Compliance Notification	08/31/02
3060–0714	Antenna Registration Number Required as Supplement to Application Forms	11/30/02
3060–0715	Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information—CC Docket No. 96–115.	(1)
3060–0716	Blanketing Interference	04/30/03
3060–0717	Billed Party Preference for InterLATA Calls, Secs. 64.703(a), 64.709, and 64.710	07/31/04

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3060–0718	Part 101 Governing the Terrestrial Microwave Fixed Radio Service	10/31/02
3060–0719	Quarterly Report of IntraLATA Carriers Listing Pay Phone Automatic Number Identifications (ANIs).	10/31/03
3060–0723	Public Disclosure of Network Information by Bell Operating Companies	09/30/03
3060–0725	Annual Filing of Nondiscrimination Reports (on Quality of Service, Installation, and Maintenance) by Bell Operating Companies (BOC's).	08/31/03
3060–0726	Quarterly Report of Interexchange Carriers Listing the Number of Dial-Around Calls for Which Compensation is Being Paid to Pay Phone Owners.	08/31/03
3060–0727	Sec. 73.213	11/30/03
3060–0728	Supplemental Information Requesting FCC Registration Number (FRN) for Debt Collection	08/31/03
3060–0732	Consumer Education Concerning Wireless 911	04/30/03
3060–0734	Accounting Safeguards, 47 U.S.C. Sections 260, 271–276, and 47 CFR Secs. 53.209, 53.211 and 53.213, SEC Form 10–K.	06/30/03
3060–0736	Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended—CC Docket No. 96–149.	(1)
3060–0737	Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.	03/31/03
3060–0739	Amendment of the Commission's Rules to Establish Competitive Safeguards for Local Exchange Carrier Provisions of Commercial Mobile Radio Services.	01/31/02
3060–0740	Sec. 95.1015	11/30/02
3060–0741	Implementation of the Local Competition Provisions on the Telecommunications Act of 1996—CC Docket No. 96–98.	04/30/04
3060–0742	Telephone Number Portability, Part 52, Subpart C, Secs. 52.21—52.33	09/30/03
3060–0743	Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996—CC Docket No. 96–128.	10/31/03
3060–0745	Implementation of the Local Exchange Carrier Tariff Streamlining Provisions, CC Docket No. 96–187.	12/31/03
3060–0748	Disclosure Requirements for Information Services Provided through Toll-Free Numbers, Sec. 64.1504.	07/31/03
3060–0749	Sec. 64.1509	07/31/03
3060–0750	Sec. 73.673	05/31/03
3060–0751	Reports Concerning International Private Lines Interconnected to the U.S. Public Switched Network.	05/31/03
3060–0752	Billing Disclosure Requirements for Pay-Per-Call and Other Information Services, Sec. 64.1510	07/31/03
3060–0754	FCC 398	06/30/04
3060–0755	Infrastructure Sharing, Secs. 59.1—59.4	05/31/03
3060–0756	Procedural Requirements and Policies for Commission Processing of Bell Operating Company (BOC) Applications for the Provision of In-Region, InterLATA Services under Section 271 of the Telecommunications Act of 1996.	10/31/01
3060–0757	FCC Auctions Customer Survey	01/31/04
3060–0758	Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, ET Docket No. 96–256.	06/30/03
3060–0760	Access Charge Reform—CC Docket No. 96–262	10/31/02
3060–0761	Closed Captioning of Video Programming	02/29/04
3060–0763	FCC Report 43–06	03/31/02
3060–0765	Revision of Parts 22 and 90 of the Commission's Rules to Facilitate Future Development of Paging Systems.	10/31/03
3060–0767	Auction Forms and License Transfer Disclosures—Supplement for the 2nd R&O, Order on Reconsideration, and 5th NPRM in CC Docket No. 92–297.	04/30/04
3060–0768	28 GHz Band Segmentation Plan Amending the Commission's Rules to Redesignate the 27.5—29.5 GHz Frequency Band, to Reallocate the 29.5—30.0 GHz Frequency Band, and to Establish Rules and Policies for Local Multipoint Distribution Services and for the Fixed Satellite Service.	06/30/03
3060–0769	Aeronautical Services Transition Plan	06/30/03
3060–0770	Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94–1 (New Services).	10/31/02
3060–0771	Sec. 5.61, Procedure for Obtaining a Special Temporary Authorization in the Experimental Radio Service.	12/21/03
3060–0773	Sec. 2.803, Marketing of RF Devices Prior to Equipment Authorization	09/30/03
3060–0774	Federal-State Joint Board on Universal Service—CC Docket No. 96–45, Secs. 36.611 and 36.612 and 47 CFR Part 54.	06/30/04
3060–0775	Secs. 64.1901—64.1903	09/30/03
3060–0779	Amendment to Part 90 of the Commission's Rules to Provide for Use of the 220–222 MHz Band by the Private Land Mobile Radio Service, PR Docket No. 89–552.	04/30/04
3060–0780	Uniform Rate-Setting Methodology	11/30/03
3060–0782	Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations.	01/31/04
3060–0783	Coordination Notification Requirements on Frequencies Below 512 MHz, Sec. 90.176	01/31/04
3060–0786	Petitions for LATA Association Changes by Independent Telephone Companies	01/31/04
3060–0787	Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance, FCC 478.	(1)

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3060–0788	DTV Showings/Interference Agreements	08/31/01?
3060–0789	Modified Alternative Plan, CC Docket No. 90–571	05/31/04
3060–0790	Availability of Inside Wiring Information, Sec. 68.110(c)	11/30/03
3060–0791	Accounting for Judgments and Other Costs Associated with Litigation, CC Docket No. 93–240	11/30/03
3060–0793	Procedures for States Regarding Lifeline Consent, Adoption of Intrastate Discount Matrix for Schools and Libraries, and Designation of Eligible Telecommunications Carriers.	08/31/02
3060–0795	ULS TIN Registration and FCC 606	08/31/02
3060–0798	FCC 601	03/31/04
3060–0799	FCC 602	02/28/02
3060–0800	FCC 603	01/31/02
3060–0801	Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97–82.	08/31/02
3060–0802	Message Intercept Requirement	11/30/01
3060–0804	Health Care Providers Universal Service Program—FCC 465, FCC 466, FCC 466–A, FCC 467, and FCC 468.	(1)
3060–0805	Sec. 90.527	12/31/01
3060–0806	Universal Service, Schools and Libraries Program, FCC 470 and 471	03/31/04
3060–0807	47 CFR 51.803 and Supplemental Procedures for Petitions to Section 252(e)(5) of the Communications Act of 1934, as amended.	04/30/04
3060–0809	Communications Assistance for Law Enforcement Act (CALEA)	04/30/03
3060–0810	Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended.	03/31/04
3060–0812	Assessment and Collection of Regulatory Fees	08/31/02
3060–0813	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Calling Systems	07/31/04
3060–0814	Local Switching Support and Local Switching Support Data Collection Form and Instructions, Sec. 54.301.	09/30/01
3060–0816	Local Competition and Broadband Reporting, CC Docket No. 99–301	11/30/03
3060–0817	Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95–20.	08/31/03
3060–0819	Lifeline Assistance (Lifeline) Connection Assistance (Link Up) Reporting Worksheet and Instructions, 47 CFR 54.400—54.417, FCC 497.	05/31/04
3060–0820	Transfers of Control Involving Telecommunications Carriers	09/30/01
3060–0823	Pay Telephone Reclassification, Memorandum Opinion and Order, CC Docket No. 96–128	12/31/01
3060–0824	FCC 498	(1)
3060–0827	Request for Radio Station License Update	09/30/01
3060–0833	Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings/Designation of Agents.	(1)
3060–0834	Reconsideration of Rules and Policies for the 220–222 MHz Radio Service	12/31/01
3060–0835	Ship Inspection Certificates, FCC 806, FCC 824, FCC 827 and FCC 829	03/31/02
3060–0837	FCC 302–DTV	05/31/03
3060–0840	Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation—CC Docket No. 98–77.	09/30/01
3060–0841	Public Notice, Additional Processing Guidelines for DTV	04/30/02
3060–0844	Carriage of the Transmissions of Digital Television Broadcast Stations	10/31/01
3060–0848	Deployment of Wireline Services Offering Advanced Telecommunications Capability—CC Docket No. 98–147.	05/31/04
3060–0849	Commercial Availability of Navigation Devices	10/31/01
3060–0850	FCC 605	06/30/04
3060–0851	FCC 305	12/31/01
3060–0852	FCC 306	12/31/01
3060–0853	FCC 486, FCC 500, and FCC 479	12/31/01
3060–0854	Truth-in-Billing Format, CC Docket No. 98–170	03/31/04
3060–0855	FCC 499, FCC 499–Q	07/31/04
3060–0856	FCC 472, FCC 473, FCC 474	05/31/02
3060–0857	Annual Reporting Requirement for Blanket Licensing of Ka-band Satellite Earth Station	12/31/01
3060–0858	State Public Safety Plan Requirements and Year 2000 Readiness	01/31/02
3060–0859	Suggested Guidelines for Petitions for Ruling under Section 253 of the Communications Act	04/30/03
3060–0862	Handling Confidential Information	05/31/02
3060–0863	Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act.	07/31/02
3060–0864	Data to Determine Percentage of Interstate Telecommunications Revenues from Wireless Carriers and Submission of Data to Determine Eligibility.	02/28/02
3060–0865	Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third-Party Disclosure Requirements.	10/31/03
3060–0867	Request for Waiver of Section 20.18(c) of the Commission's Rules Regarding Compatibility with Enhanced 911 Emergency Calling Systems.	07/31/02
3060–0874	FCC 475	(1)
3060–0876	USAC Board of Directors Nomination Process, Sec. 54.703 and Review of Administrator's Decision, Secs. 54.719—54.725.	04/30/03
3060–0878	Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II ALI Requirements	08/31/02
3060–0881	Sec. 95.861	04/30/02
3060–0882	Sec. 95.833	12/31/02

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0886	Sec. 73.3534	05/31/02
3060–0888	Cable Television Service Pleading and Complaint Rules—Part 76	06/30/02
3060–0891	FCC 330–A	07/31/02
3060–0892	Direct Broadcast Satellite Public Interest Obligations	07/31/02
3060–0893	Universal Licensing Service (ULS) Pre-Auction Database Corrections	09/30/03
3060–0894	Certification Letter Accounting for Receipt of Federal Support	05/31/03
3060–0895	Numbering Resource Optimization, FCC 502	01/31/04
3060–0896	Broadcast Auction Form Exhibits	07/31/02
3060–0897	MDS and ITFS Two-Way Transmissions	04/30/04
3060–0900	Compatibility of Wireless Services with Enhanced 911—CC Docket No. 94–102	12/31/02
3060–0901	Reports of Common Carriers and Affiliates	04/30/03
3060–0905	Regulations for RF Lighting Devices, Part 18, Sec. 18.307	11/30/02
3060–0906	FCC 317	08/31/03
3060–0910	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.	03/31/03
3060–0912	Cable Attribution Rules	04/30/03
3060–0914	Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule, or in the Alternative, for a Declaratory Ruling.	04/30/04
3060–0915	Public Notice—Information on Medical Telemetry Equipment Operating in the 450–460 MHz Band.	03/31/03
3060–0916	406 MHz Personal Locator Beacons (PLB's)	04/30/03
3060–0917	FCC 160	08/31/03
3060–0918	FCC 161	08/31/03
3060–0919	FCC 162	08/31/03
3060–0920	FCC 318	10/31/03
3060–0921	Petitions for LATA Boundary Modification for the Deployment of Advanced Services	08/31/03
3060–0922	FCC 397	04/30/03
3060–0923	Election Statement	04/30/03
3060–0924	Creation of Low Power Radio Service	04/30/03
3060–0926	Transfer of the Bands from Federal Government Use: NPRM	01/31/04
3060–0927	Auditor's Annual Independence and Objectivity Certification	05/31/03
3060–0928	FCC 302–CA	12/31/03
3060–0929	FCC 331	02/29/04
3060–0930	Implementation of the Satellite Home Viewer Improvement Act (SHVIA) of 1999; Enforcement Procedures for Retransmission Consent Violations Conforming to Section 325(e) of the Communications Act of 1934, as amended.	12/31/02
3060–0931	Maritime Mobile Service Indentity (MMSI)	06/30/03
3060–0932	FCC 301–CA	11/30/03
3060–0933	FCC 460	11/30/03
3060–0934	FCC 731–TC	01/31/04
3060–0935	Cable Industry Survey on Channel Capacity and Retransmission Consent	2/31/03
3060–0936	Sec. 95.1215, Disclosure Policies; Sec. 95.1217, Labeling Requirements	07/31/03
3060–0937	Establishment of a Class A Television Service, MM Docket No. 00–10	01/31/04
3060–0938	FCC 319	07/31/03
3060–0939	E911, Second Memorandum Opinion and Order	05/31/04
3060–0940	Amendment of Part 95 of the Commission's Rulesto Provide Regulatory Flexibility in the 218–219 MHz Service, WT Docket No. 98–169.	07/31/03
3060–0942	Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Join Board on Universal Service.	01/31/04
3060–0943	Sec. 54.809	12/31/03
3060–0944	Review of Commission Consideration of Applications Under the Cable Landing License Act	08/31/03
3060–0945	Sec. 79.2	08/31/03
3060–0947	Sec. 101.1327	09/30/03
3060–0948	Noncommercial Educational Applicants	01/31/04
3060–0949	FCC 159–W	10/31/03
3060–0950	Extending Wireless Telecommunications Servicesto Tribal Lands, WT Docket No. 99–266	04/30/04
3060–0951	Service of Petitions for Preemption, 47 CFR Sec. 1.1204(b) Note, and Sec. 1.1206(a) Note 1	01/31/04
3060–0952	Proposed Demographic Information and Notifications	10/31/03
3060–0953	Wireless Medical Telemetry Service, ET Docket No. 99–255	10/31/03
3060–0954	Third NPRM and NPRM Regarding Implementation of the 911 Act	10/31/03
3060–0955	2 GHz Mobile Satellite Service Reports	02/29/04
3060–0956	Notification of Emergency Alert System Status	11/30/03
3060–0957	Wireless Enhanced 911 Service	05/31/04
3060–0959	Compatibility Between Cable Systems and Consumer Electronics Equipment	05/31/04
3060–0960	Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmissions.	(1)
3060–0961	2000 Biennial Regulatory Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers; Phase 2 and Phase 3, CC Docket No. 00–199.	01/31/04
3060–0962	Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use.	01/31/04
3060–0963	Sec. 101.527, Construction Requirements for 24 GHz Operations; Sec. 101.529, Renewal Expectancy Criteria for 24 GHz Licensees.	02/29/04

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0966	Secs. 80.385, 80.475, and 97.303, Automated Marine Telecommunications Service (AMTS)	02/29/04
3060–0967	Sec. 79.2	02/29/04
3060–0968	FCC 501	07/31/04
3060–0969	Availability to INTELSAT Space Segment Capacity to Users and Providers Seeking to Access INTELSAT Directly.	02/29/04
3060–0970	Sec. 90.621(e)(2)	06/30/04
3060–0971	Numbering Resource Optimization	([1])
3060–0972	Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.	03/31/04
3060–0973	Sec. 64.1120(e)	11/30/01
3060–0974	Proposed Requirements for Secondary Market Transactions, CC Docket No. 99–200	04/30/04
3060–0975	Promotion of Competitive Networks in Local Telecommunications Markets Multiple Environments (47 CFR Parts 1, 64 and 68).	05/31/04
3060–0977	Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934.	06/30/04
3060–0978	Compatibility with E911 Emergency Calling Systems; Fourth Report and Order	06/30/04
3060–0979	Spectrum Audit Letter	10/31/01
3060–0980	Implementation of the Satellite Home Viewer Improvement Act (SHVIA), Broadcast Signal Carriage Issues, Retransmission Consent Issues.	06/30/04
3060–0981	1998 Biennial Review: Streamlining of Cable Television Services, Part 76, Public File and Notice Requirements.	06/30/04
3060–0982	Implementation of Low Power Television (LPTV) Digital Data Services Pilot Project	10/31/01
3060–0983	Standards for Co-Channel and Adjacent Channel Interference in the Land Mobile Radio Service	07/31/04
3060–0984	Secs. 90.35(b)(2) and 90.175(b)(1)	07/31/04
3060–0985	Public Safety, State Interoperability Channels	07/31/04
3060–0986	Federal-State Joint Board on Universal Service, Plan for Reforming the Rural Universal Support Mechanism.	12/31/01
3060–0988	Election to Freeze part 36 Categories and Allocations	12/31/01
3060–0989	Procedures for Applicants Requiring Section 214 Authorization for Domestic Interstate Transmission Lines Acquired Through Corporate Control.	12/31/01
3060–0991	AM Measurement Data	01/31/02
3060–0992	Request for Extension of the Implementation Deadline for Non-Recurring Services, CC Docket No. 96–45 and Sec. 54.507(d)(1)–(4).	01/31/02
3060–0993	Establishment of a Class A Television Service	02/28/02

[1]Pending OMB approval.

[FR Doc. 01–23826 Filed 9–24–01; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98–120, CS Docket No. 00–96; CS Docket No. 00–2, FCC 01–22]

Carriage of Digital Television Broadcast Signals

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of certain sections of the Commission's broadcast signal carriage rules, 47 CFR 76.5(b), 76.56(e), 76.57, 76.62, 76.64, 76.922, and 76.1603(c) which were amended to require that a digital-only television station may assert its right to mandatory carriage. Specifically, new television stations that transmit only digital signals, and current television stations that return their analog spectrum allocation and convert to digital operations, must be carried on cable systems. Certain sections of these rules contained information collection requirements that required the approval of the Office of Management and Budget (''OMB'') before they could become effective. These sections of the broadcast signal carriage rules have been approved by OMB and become effective on September 25, 2001.

DATES: The amendments to 47 CFR 76.5(b), 76.56(e), 76.57, 76.62, 76.64, 76.922, and 76.1603(c), published at 66 FR 16533 (March 26, 2001), become effective on September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Eloise Gore of the Consumer Protection and Competition Division, Cable Services Bureau at (202) 418–7200, TTY (202) 418–7172, or via Internet at *egore@fcc.gov.*

SUPPLEMENTARY INFORMATION: On January 18, 2001, the Commission adopted a Report and Order amending its rules to require cable systems to carry the digital signals of local television broadcast stations under the circumstances described in the Report and Order. A summary of the Report and Order was published in the **Federal Register** at 66 FR 16533 (March 26, 2001). The Order adopted amendments to 47 CFR 76.5(b), 76.56(e), 76.57, 76.62, 76.64, 76.922, and 76.1603(c) to implement the new requirements for carriage and retransmission consent. The rules cover a wide range of topics including: carriage obligations and definitions, channel positioning, retransmission consent, cable rates, and notice to customers. The rule sections contained information collection requirements that required OMB approval before they could become effective. OMB approved the information collection requirements on September 14, 2001. *See* OMB No. 3060–0844. Accordingly, amendments to sections 76.5(b), 76.56(e), 76.57, 76.62, 76.64, 76.922, and 76.1603(c) of the rules, become effective on September 25, 2001. This document constitutes publication of the effective date of those sections.

List of Subjects in 47 CFR Part 76

Cable television, Carriage, Digital television, Mandatory carriage, Television broadcast stations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–23971 Filed 9–24–01; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 66, No. 186
Tuesday, September 25, 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 THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 8

[Docket No. 01–20]

RIN 1557–ACOO

Assessment of Fees

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to amend 12 CFR 8.2(a), which sets forth the formula for the semiannual assessment the OCC charges each national bank. The amendment would revise the formula to establish a minimum base amount for the semiannual assessment for the first assessment bracket ($0–$2 million) of the assessment schedule. This change will enable the OCC to modestly adjust its assessments to better align with its costs of supervision.

DATES: Comments must be received October 25, 2001.

ADDRESSES: Comments should be directed to: Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Mailstop 1–5, Washington, DC 20219, Attention: Docket No. 01–20. In addition, comments may be sent via facsimile to (202) 874–4448 or via Internet at *regs.comment@occ.treas.gov.* You may make an appointment to inspect and photocopy comments at the same location by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: Michele Meyer, Counsel, Legislative and Regulatory Activities Division, (202) 874–5090; or David Nebhut, Director, Policy Analysis, (202) 874–5220.

SUPPLEMENTARY INFORMATION:

I. Background

The OCC charters, regulates, and supervises approximately 2,200 national banks and 58 Federal branches and agencies of foreign banks in the United States, accounting for approximately 55 percent of the nation's banking assets. Our mission is to ensure a safe, sound, and competitive national banking system that supports the citizens, communities, and economy of the United States.

The OCC funds the activities it undertakes to carry out this mission through assessments on institutions regulated by the OCC. The National Bank Act authorizes the OCC to collect assessments, fees, or other charges as necessary or appropriate to carry out the responsibilities of the Office. 12 U.S.C. 482 (Supp. 2000). The statute requires that our charges be set to meet the Comptroller's expenses in carrying out authorized activities. *Id.* Pursuant to part 8 of its regulations, the OCC currently assesses national banks and Federal branches and agencies according to the following formula, set forth in the table at § 8.2(a):

If the banks' total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:		
Over—	But not over—	This amount—Base Amount	Plus—Marginal rates	Of excess over—
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
$0	$2	$0	Y1	$0
2	20	X1	Y2	2
20	100	X2	Y3	20
100	200	X3	Y4	100
200	1,000	X4	Y5	200
1,000	2,000	X5	Y6	1,000
2,000	6,000	X6	Y7	2,000
6,000	20,000	X7	Y8	6,000
20,000	40,000	X8	Y9	20,000
40,000		X9	Y10	40,000

Under this formula, the OCC assesses a national bank according to the amount of assets the bank reports on its Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries) (''Call Report'') filed for the quarter preceding the semiannual assessment period. A bank calculates the book-asset component of its assessment by first identifying which of 10 asset categories it fits within. If the bank fits within the smallest category (*i.e.,* $0 to $2 million), it multiplies all of its assets by a marginal rate that is provided each year by the OCC in the Notice of the Comptroller of the Currency Fees (Notice of Fees). Under this system, a national bank with $2 million in assets currently pays approximately $3,211 ($2 million multiplied by the 0.0016057180 marginal rate currently in effect) semiannually for the cost of its supervision by the OCC.

If the bank fits within any of the other nine asset categories, the bank pays a base amount provided in the Notice of Fees for that category (which equals the assessment on the largest bank in the next smallest asset category), plus an amount determined by multiplying a marginal rate (also provided in the Notice of Fees) by the amount of its assets that exceed the low end-point of its category. Thus, for example, a bank with $10 million in assets would fall into the second asset category ($2 million to $20 million) and would pay an assessment equal to $3,211, which is

the current base amount for its category, plus $1605, which is the product of the current marginal rate for that category (0.0002007170), multiplied by $8 million (the amount of its assets that exceeds the $2 million low-end point for its category).[1]

II. Proposed Rule

The OCC proposes to revise the table at § 8.2(a) to establish a minimum base amount for the semiannual assessment for the first assessment bracket of the assessment schedule. This would be accomplished by deleting the figure of $0 as the base amount in Column C for the first asset bracket and replacing it with a variable (X1), and deleting the variable Y1 in Column D and replacing it with $0. The proposed revised table at § 8.2(a) would look as follows:

If the banks' total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:		
Over—	But not over—	This amount—Base Amount	Plus—Marginal rates	Of excess over—
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
$0	$2	X1	$0	
2	20	X2	Y1	2
20	100	X3	Y2	20
100	200	X4	Y3	100
200	1,000	X5	Y4	200
1,000	2,000	X6	Y5	1,000
2,000	6,000	X7	Y6	2,000
6,000	20,000	X8	Y7	6,000
20,000	40,000	X9	Y8	20,000
40,000		X10	Y9	40,000

As amended, the OCC's assessment formula would require national banks to pay an assessment equal to the base amount (X1) for assets subject to the first asset bracket. The OCC anticipates that the December 1, 2001, Notice of Fees will include a base amount in the range of $5,000. For example, if this base amount were applied to the smallest asset bracket, this would result in a minimum semiannual assessment charge for these banks of $5,000, or an increase of $1,789 for a bank with balance sheet assets of $2 million. The base amount for each of the larger categories (X2–X10) would increase by the same dollar amount, because the base amount for any category is the maximum that a bank in the immediately preceding asset category would pay.

This modest increase is necessary and appropriate under 12 U.S.C. 482 to carry out the OCC's supervisory responsibilities, particularly in regard to the smallest banks it supervises. The adjustment will help to provide that the assessments received from national banks are better aligned with the banks' fair share of the expenses of the OCC.

III. Comment Solicitation

The OCC requests comment on all aspects of this proposal, as well as on alternatives to the proposal. We also ask for comment on the impact of this proposal on small banks and on community banks. The OCC recognizes that these banks operate with more limited resources than larger institutions and may present a different risk profile. Thus, the OCC requests comment on the impact of the proposal on small banks' and community banks' current resources, and whether the goals of the proposal could be achieved, for these banks, through an alternative approach.

Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Pub. L. 106–102, sec. 722, 113 Stat. 1338, 1471 (Nov. 12. 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. We invite your comments on how to make this proposal easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the proposed regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the proposed regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand?
- What else could we do to make the regulation easier to understand?

IV. Regulatory Flexibility Act

An agency must prepare a Regulatory Flexibility Analysis if a rule it proposes will have a ''significant economic impact'' on a ''substantial number of small entities.'' 5 U.S.C. 603, 605. If, after an analysis of a rule, an agency determines that the rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) provides that the head of the agency may so certify.

The OCC has reviewed the impact this proposed rule will have on small national banks. For purposes of this Regulatory Flexibility Analysis and proposed regulation, the OCC defines ''small national banks'' to be those banks with less than $100 million in total assets. Based on that review, the OCC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. The basis for this conclusion is that the minimum semiannual assessment for these banks will increase by only approximately $1,789. The OCC does not believe this to be a significant economic impact.

V. Executive Order 12866

The OCC has determined that this proposal is not a significant regulatory action under Executive Order 12866.

[1] This simple calculation assumes no adjustments would be made to the assessment to reflect, for instance, a bank's status as a non-lead bank or a composite supervisory rating of 3, 4, or 5 under the Uniform Financial Institutions Rating System or ROCA rating (which rates risk management, operational controls, compliance, and asset quality), as appropriate. *See* 12 CFR 8.2(a)(6) and (7).

VI. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (2 U.S.C. 1532) (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that the proposed rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, this rulemaking requires no further analysis under the Unfunded Mandates Act.

List of Subjects in 12 CFR Part 8

National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the OCC proposes to amend part 8 of chapter I of title 12 of the Code of Federal Regulations as follows:

PART 8—ASSESSMENT OF FEES

1. The authority citation for Part 8 continues to read as follows:

Authority: 12 U.S.C. 93a, 481, 482, 1867, 3102, and 3108; 15 U.S.C. 78c and 781; and 26 D.C. Code 102.

2. In § 8.2, paragraph (a) is revised to read as follows:

§ 8.2 Semiannual assessment.

(a) Each national bank and each District of Columbia bank shall pay to the Comptroller of the Currency a semiannual assessment fee, due by January 31 and July 31 of each year, for the six-month period beginning 30 days before each payment date. The amount of the semiannual assessment paid by each bank is computed as follows:

If the banks' total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:		
Over—	But not over—	This amount—Base Amount	Plus—Marginal rates	Of excess over—
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
$0	$2	X1	$0	
2	20	X2	Y1	2
20	100	X3	Y2	20
100	200	X4	Y3	100
200	1,000	X5	Y4	200
1,000	2,000	X6	Y5	1,000
2,000	6,000	X7	Y6	2,000
6,000	20,000	X8	Y7	6,000
20,000	40,000	X9	Y8	20,000
40,000		X10	Y9	40,000

* * * * *

Dated: September 17, 2001.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 01–23844 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–372–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 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 A319, A320, and A321 series airplanes. This proposed AD would require replacing certain flight warning computers (FWCs) with improved FWCs. This proposed AD is prompted by mandatory continuing airworthiness information issued by a foreign civil airworthiness authority. The actions specified in this proposed AD are intended to ensure that radioaltimeter malfunctions are annunciated to the flightcrew, and to prevent consequent erroneous autopilot behavior during approach and landing. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–372–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. 2000–NM–372–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: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; 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 2000–NM–372–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. 2000–NM–372–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 A319, A320, and A321 series airplanes. The DGAC advises that radio altimeter software anomalies could lead to erroneous position data with no alarm detection on airplanes equipped with a flight warning computer (FWC) at a standard below E2. Failure of the FWC to annunciate radioaltimeter malfunctions to the flightcrew could result in erroneous autopilot behavior during approach and landing.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–31–1106, Revision 04, dated December 21, 1999, which describes procedures for replacing both FWCs E1 standard with FWCs modified to the E2 standard. The modification to the FWC involves modifying four cards in the FWCs and either replacing or reprogramming the on-board replaceable modules (OBRMs) in the FWCs. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–320–147(B), dated July 26, 2000, 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 actions specified in Airbus Service Bulletin A320–31–1106, described previously.

Difference Between Proposed AD and French Airworthiness Directive

The DGAC classified Airbus Service Bulletin A320–31–1141, dated March 6, 2000, as an alternative method of compliance with the requirements of the French airworthiness directive. The FAA finds it unnecessary to refer to that service bulletin, which specifies the prior or concurrent accomplishment of Airbus Service Bulletin A320–31–1106 (the cited source of service information for the actions in this proposed AD).

Cost Impact

Approximately 352 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 3 work hours per airplane to do the proposed actions, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost of the proposed AD on U.S. operators is estimated to be $63,360, or $180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet done any of the actions of this proposed AD, and that no operator would do those actions in the future unless this proposed AD is adopted. The cost figures discussed in AD's represent only the time necessary to do the specific actions required by an AD. These figures typically do not include incidental costs, such as time for access and close, or time for planning and 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 2000–NM–372–AD.

Applicability: Model A319, A320, and A321 series airplanes without Airbus Modification 26017; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 ensure that radioaltimeter malfunctions are annunciated to the flightcrew, and to prevent consequent erroneous autopilot behavior during approach and landing, accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, replace the flight warning computers (FWCs) in accordance with Airbus Service Bulletin A320–31–1106, Revision 04, dated December 21, 1999.

Note 2: FWC replacement accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A320–31–1106, dated January 3, 1997; Revision 01, dated April 16, 1997; Revision 02, dated January 20, 1998; or Revision 03, dated July 9, 1999, is acceptable for compliance with the requirements of paragraph (a) of this AD.

Spare Parts

(b) As of the effective date of this AD, no person may install an FWC, part number 350E017251414, on any airplane.

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, 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 3: 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 Permit

(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.

Note 4: The subject of this AD is addressed in French airworthiness directive 2000–320–147(B), dated July 26, 2000.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–23827 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–151–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 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 BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. This proposal would require a functional test of the shortening mechanism of the nose landing gear for free movement of the capsule in the upper and lower bearings, and corrective action, if necessary. This action is necessary to prevent damage to the capsule, which could result in inability to extend the nose landing gear in normal or emergency situations, and consequent injury to passengers and flight crew. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–151–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–151–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 British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; 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–151–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–151–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports that previously issued service information provided inadequate procedures for the installation of corrosion resistant replacement bearings in the nose landing gear on BAE Systems (Operations) Limited (Jetstream) Model 4101 airplanes. If the bearings are not installed correctly, they can restrict free movement of the capsule in the shortening mechanism of the nose landing gear. This condition, if not corrected, could result in damage to the capsule, inability to extend the nose landing gear in normal or emergency situations, and consequent injury to passengers and flight crew.

Explanation of Relevant Service Information

The manufacturer has issued BAE Systems (Operations) Limited (Jetstream) Service Bulletin J41–32–075, dated April 18, 2001, which references APPH Precision Hydraulics Service Bulletin AIR83586–32–16, dated February 2001, for accomplishment of an initial functional test of the shortening mechanism of the nose landing gear for free movement of the capsule in the upper and lower bearings; and rework of the nose landing gear if the capsule does not move freely.

The BAE Systems (Operations) Limited (Jetstream) service bulletin describes procedures for corrective actions for failure of the functional test specified above. The corrective actions include a full functional test of the extension/retraction system of the nose landing gear and repeating those tests at a certain interval if the landing gear extends/retracts correctly. If the landing gear does not extend/retract, the service bulletin specifies immediate replacement of the landing gear with new landing gear. The Civil Aviation Authority, which is the airworthiness authority for the United Kingdom, classified this service bulletin as mandatory.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

U.S. Type Certification of the Airplane

This airplane model is manufactured in United Kingdom and is 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.

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 bulletin described previously.

Cost Impact

The FAA estimates that 59 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed functional test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the functional test proposed by this AD on U.S. operators is estimated to be $7,080, or $120 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 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:

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket 2001–NM–151–AD.

Applicability: Model Jetstream 4101 airplanes, as listed in BAE Systems (Operations) Limited (Jetstream) Service Bulletin J41–32–075, dated April 18, 2001, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or

repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the capsule in the upper and lower bearings of the shortening mechanism of the nose landing gear, which could result in inability to extend the nose landing gear in normal or emergency situations, and consequent injury to passengers and flight crew, accomplish the following:

Functional Test/Corrective Action

(a) Within 300 flight hours or 60 days after the effective date of this AD, whichever comes first: Do a functional test of the shortening mechanism of the nose landing gear for free movement of the capsule in the upper and lower bearings, according to APPH Precision Hydraulics Service Bulletin AIR83586–32–16, dated February 2001. If the capsule does not move freely, before further flight, do the actions specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If the capsule moves freely no further action is required by this paragraph.

(1) Rework according to APPH Precision Hydraulics Service Bulletin AIR83586–32–16, dated February 2001.

(2) If the rework is not done, before further flight, do a full functional test of the extension/retraction system of the nose landing gear according to BAE Systems (Operations) Limited (Jetstream) Service Bulletin J41–32–075, dated April 18, 2001; and do the actions specified in paragraph (a)(1)(i) or (a)(2)(ii) of this AD, as applicable.

(i) If the nose landing gear extends and retracts correctly, repeat the full functional test every 50 flight hours according to the service bulletin. Within 300 flight hours after the initial test, do the requirements in paragraph (a)(1) of this AD, which ends the repetitive testing specified in this paragraph.

(ii) If the nose landing gear does not extend and retract correctly, before further flight, replace the nose landing gear with new landing gear according to the service bulletin.

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

Special Flight Permits

(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.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–23828 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–185–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 and –300 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 Dornier Model 328–100 and –300 series airplanes. This proposal would require testing of the left- and right-hand potentiometer levers of the aileron flight control system, and follow-on or corrective action, as applicable. This action is necessary to prevent detachment of an aileron potentiometer lever, which could result in jamming of the elevator and/or aileron flight control systems and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–185–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–185–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 FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; 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–185–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–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 and –300 series airplanes. The LBA advises that a potentiometer lever without a safety lock function (because of insufficient spline engagement) was found on a manufacturer-owned test airplane. This condition, if not corrected, could cause detachment of an aileron potentiometer lever, which could result in jamming of the elevator and/or aileron flight control systems and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Dornier Service Bulletin SB–328–27–359, dated March 29, 2001 (for Model 328–100 series airplanes), and Dornier Service Bulletin SB–328J–27–064, Revision 1, dated April 12, 2001 (for Model 328–300 series airplanes), which describe procedures for testing of the potentiometer levers for security of attachment to the splined shaft and follow-on or corrective actions, as applicable. (Follow-on and corrective actions include replacing the loose lever with a new one if available, or temporarily reassembling the existing lever with loctite until a new one is available). Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The LBA classified these service bulletins as mandatory and issued German airworthiness directives 2001–167/2, dated June 28, 2001, and 2001–168, dated June 14, 2001, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

These airplane models are manufactured in Germany 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 LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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, except as discussed below.

Differences Between Proposed Rule, Foreign Airworthiness Directives, and Service Bulletins

The parallel German airworthiness directives require testing of the potentiometer levers of the aileron, elevator, and rudder flight control systems, but the proposed AD would only require testing of the potentiometer levers of the aileron flight control system. The FAA has determined that detachment of a potentiometer lever of the aileron flight control system could result in jamming of the aileron and/or elevator control systems. But detachment of a potentiometer lever of the rudder or elevator flight control systems will not introduce an unsafe condition. The German airworthiness directives and Dornier Service Bulletins SB–328–27–359, dated March 29, 2001; and SB–328J–27–064, Revision 1, dated April 12, 2001, included testing of the potentiometer levers of the rudder and elevator control systems for economic reasons, because it takes considerably more time to access the testing area than it does to perform the testing and it is cost-efficient to test the remaining areas once they have been accessed. Because detachment of the potentiometer levers of the rudder and elevator flight control systems will not cause an unsafe condition, however, the proposed AD will not require their testing.

Operators should note that, while no compliance date for replacement of defective levers is specified in German airworthiness directives 2001–167/2, dated June 28, 2001, and 2001–168, dated June 14, 2001, this proposed AD would require, within 30 days after the effective date of the AD, replacement of any defective lever, in accordance with Dornier Service Bulletin SB–328–27–359, dated March 29, 2001; or Dornier Service Bulletin SB–328J–27–064, Revision 1, dated April 12, 2001. If replacement levers are needed but unavailable, this proposed AD would require interim corrective measures and then, within 4,000 flight hours or 24 months from the effective date of the AD, whichever comes first, replacement of any defective lever in a manner approved by the FAA or the LBA (or its delegated agent).

Operators should note that, although Dornier Service Bulletin SB–328–27–359, dated March 29, 2001, specifies that for airplanes on which Dornier Service Bulletin SB–328–27–319 has not been accomplished, testing be performed on the installed nose wheel steering potentiometer, the proposed rule does not require that. The FAA has determined that the unsafe condition does not exist for those airplanes on which Dornier Service Bulletin SB–328–27–319 has not been accomplished.

Operators should also note that, although Dornier Service Bulletin SB–328–27–359, dated March 29, 2001; and Dornier Service Bulletin SB–328J–27–064, Revision 1, dated April 12, 2001, specify that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished per a method approved by either the FAA or the LBA (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the LBA would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 89 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,680, or $120 per airplane, per test cycle.

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:

Dornier Luftfahrt GMBH: Docket 2001–NM–185–AD.

Applicability: Model 328–100 airplanes, serial numbers 3005 through 3119, inclusive, on which Dornier Service Bulletin SB–328–27–319, dated June 26, 2000, or Revision 1, dated September 27, 2000, has been accomplished; and Model 328–300 series airplanes, serial numbers 3105 through 3184, inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent detachment of the aileron potentiometer lever, which could result in jamming of the elevator and/or aileron flight control systems and reduced controllability of the airplane, accomplish the following:

Testing and Corrective Action

(a) Within 30 days after the effective date of this AD, test the left- and right-hand potentiometer levers of the aileron flight control system to determine whether, with the bolt in position and the clamping force across the splines relaxed, the levers can be pulled off the splined shaft, in accordance with the Dornier service bulletin listed in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For Dornier Model 328–100 series airplanes: Accomplishment Instructions, ''Aileron System,'' of Dornier Service Bulletin SB–328–27–359, dated March 29, 2001.

(2) For Dornier Model 328–300 series airplanes: Accomplishment Instructions, ''Aileron System,'' of Dornier Service Bulletin SB–328J–27–064, Revision 1, dated April 12, 2001.

(b) If, as a result of the test required by paragraph (a) of this AD, any lever cannot be removed, before further flight, retighten the nut and bolt and replace the split pin, in accordance with the Dornier service bulletin listed in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(c) If, as a result of the test required by paragraph (a) of this AD, any lever can be detached from the splined shaft, perform the actions specified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) If a new lever is available from stock or from the airplane manufacturer, before further flight, replace the defective lever with a new lever, in accordance with the Dornier service bulletin listed in paragraph (a)(1) or (a)(2) of this AD, as applicable and, after the installation of the new lever and before further flight, test the new lever as required in paragraph (a) of this AD.

(2) If a new lever is not available from stock or from the airplane manufacturer, before further flight, reassemble the existing lever with loctite, in accordance with the Dornier service bulletin listed in paragraph (a)(1) or (a)(2) of this AD, as applicable and, within 4,000 flight hours or 24 months after the effective date of this AD, whichever comes first, replace the lever with a new lever in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Luftfahrt-Bundesamt (LBA) (or its delegated agent).

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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

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.

Note 3: The subject of this AD is addressed in German airworthiness directive 2001–167/2, dated June 28, 2001, and German airworthiness directive 2001–168, dated June 14, 2001.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–23841 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–241–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 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 Bombardier Model DHC–8–100, –200, and –300 series airplanes. This proposal would require replacement of the observer's seat latch assembly with a new, approved seat latch assembly. This action is necessary to prevent the observer's seat separating from its attachment points in the event of an accident or emergency landing due to an understrength seat latch assembly. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–241–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–241–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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, 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:

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–241–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–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 airplanes. TCCA advises that the observer's seat latch assembly in the flight compartment and its attachment to the cockpit door frame have been found to be understrength on airplanes equipped with Hunting interiors. This condition, if not corrected, could result in the observer's seat separating from its attachment in the event of an accident or emergency landing.

Explanation of Relevant Service Information

Bombardier has issued Service Bulletin 8–25–307, dated November 13, 2000, which describes procedures for replacing the observer's seat latch components with new approved seat latch components in Hunting interior airplanes. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF–2001–18, dated May 4, 2001, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

These airplane models are manufactured in Canada 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, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, 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 bulletin described previously.

Cost Impact

The FAA estimates that 35 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,372 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $56,420, or $1,612 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:

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 2001–NM–241–AD.

Applicability: Model DHC–8–102, –103, –106, –201, –202, –301, –311, –314, and –315 airplanes, certificated in any category, serial numbers 408, 413, 434 through 507 inclusive, excluding serial numbers 452, 464, 490, and 506.

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 the observer's seat separating from its attachment points in the event of an accident or emergency landing, accomplish the following:

Replacement

(a) Within 12 months after the effective date of this AD, replace the observer's seat latch assembly by incorporating ModSum 8Q100890 (including removing and discarding existing latch and installing serrated plate, shim, and new latch assembly), in accordance with Bombardier Service Bulletin 8–25–307, dated November 13, 2000.

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, New York 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, New York ACO.

Note 2: 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

(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 3: The subject of this AD is addressed in Canadian airworthiness directive CF–2001–18, dated May 4, 2001.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–23842 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–255–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 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 A319, A320, and A321 series airplanes. This proposal would require replacement of the low-pressure solenoid valve for the crew oxygen supply with a modified valve. This action is necessary to prevent faulty operation of the low-pressure solenoid valve for the crew oxygen supply, which could prevent oxygen from being supplied to the airplane crew when needed, such as in the event of smoke in the cabin or rapid depressurization of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by October 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–255–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–255–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–255–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–255–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 A319, A320, and A321 series airplanes. The DGAC advises that the low-pressure solenoid valve for the crew oxygen supply may not operate correctly. In one reported incident, the oxygen supply for the airplane crew was found to be inoperative following an in-flight test. Analysis of certain valves revealed a discrepancy between the position of the valve and the switch for the crew oxygen supply. In some conditions, the solenoid valve would not change position (i.e., open or close) when the push-button switch on the cockpit overhead panel was pressed. Such faulty operation of the low-pressure solenoid valve for the crew oxygen supply, if not corrected, could prevent oxygen from being supplied to the airplane crew when needed, such as in the event of smoke in the cabin or rapid depressurization of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A320–35–1003, Revision 1, dated January 28, 1993; and A320–35–1016, dated July 31, 1996. Both service bulletins describe procedures for replacement of the existing low-pressure solenoid valve for the crew oxygen supply with a modified valve. The modified valves incorporate a new electronic card. Airbus Service Bulletin A320–35–1003, Revision 1, refers to EROS Service Bulletin DVE90–35–40, dated September 10, 1991, and Airbus Service Bulletin A320–35–1016 refers to EROS Service Bulletin DVE90–35–49, dated January 31, 1995, as the appropriate sources of service information for accomplishment of the modification of the valve.

Accomplishment of the actions specified in Airbus Service Bulletins A320–35–1003, Revision 1, and A320–35–1016 is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2001–237(B) R1, dated July 25, 2001, in order to assure 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 applicable Airbus service bulletins described previously.

Cost Impact

The FAA estimates that 111 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be provided at no cost to the operator. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $6,660, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2001–NM–255–AD.

Applicability: Model A319, A320, and A321 series airplanes; on which Modification 21946 (Airbus Service Bulletin A320–35–1003) or 21999 has not been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 faulty operation of the low-pressure solenoid valve for the oxygen supply, which could prevent oxygen from being supplied to the airplane crew when needed, such as in the event of smoke in the cabin or rapid depressurization of the airplane, accomplish the following:

Replacement

(a) Within 16 months after the effective date of this AD, replace the low-pressure solenoid valve, part number (P/N) DVE90–04, for the crew oxygen supply with a modified valve, P/N DVE90–05 or DVE90–06, as applicable. Do the replacement according to Airbus Service Bulletins A320–35–1003, Revision 1, dated January 28, 1993; or A320–35–1016, dated July 31, 1996; as applicable.

Note 2: Airbus Service Bulletin A320–35–1003, Revision 1, refers to EROS Service Bulletin DVE90–35–40, dated September 10, 1991, as the appropriate source of service information for modifying the low-pressure solenoid valve for the crew oxygen supply.

Note 3: Airbus Service Bulletin A320–35–1016 refers to EROS Service Bulletin DVE90–35–49, dated January 31, 1995, as the appropriate source of service information for modifying the low-pressure solenoid valve for the oxygen supply.

Spares

(b) As of the effective date of this AD, no person shall install a low-pressure oxygen valve, part number DVE90–04, on any airplane.

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, 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

(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.

Note 5: The subject of this AD is addressed in French airworthiness directive 2001–237(B) R1, dated July 25, 2001.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–23843 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY53–230b; FRL–7057–6]

Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the State Implementation Plan (SIP) revision submitted by the State of New York related to development of reasonably available control technologies for source categories of volatile organic compounds and oxides of nitrogen for which EPA has not issued a control techniques guideline. Specifically, EPA is proposing approval of amendments to New York's Code of Rules and Regulations Part 212, ''General Process Emission Sources.'' In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before October 25, 2001.

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007–1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, 2nd Floor, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637–3381.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is located in the Rules Section of this **Federal Register**.

Dated: September 10, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 01–23761 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 082901A]

Fisheries of the Northeastern United States; Supplemental Environmental Impact Statements (SEISs) for the Essential Fish Habitat (EFH) Components of the Monkfish, Atlantic Herring, and Atlantic Salmon Fishery Management Plans (FMPs); Change of Date Time, and Location for Public Scoping Meeting and Extension of Public Comment Period

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

ACTION: Change in date, time, and location of public scoping meeting and extension of public comment period.

SUMMARY: NMFS recently announced its intent to prepare SEISs in accordance with the National Environmental Policy Act of 1969 (NEPA) for the EFH components of the Monkfish, Atlantic Herring, and Atlantic Salmon FMPs. NMFS will hold a public scoping meeting and accept written comments to determine the range of management alternatives to be addressed in the SEISs to describe and identify EFH for these fisheries, minimize to the extent practicable the adverse effects of fishing on EFH, and identify other actions to encourage the conservation and enhancement of EFH. NMFS is changing the date, time and location of the public scoping meeting and extending the public comment period.

DATES: NMFS will accept written comments through November 21, 2001. The public scoping meeting will be held on November 7, 2001, at 7 p.m.

ADDRESSES: Written comments on the intent to prepare the SEISs and requests for the scoping document or other information should be directed to the National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, Attn: Louis A. Chiarella. Comments may also be sent via facsimile (fax) to (978) 281–9301. NMFS will not accept unsigned faxes or comments by e-mail. The public scoping meeting will be held at the Friend Room, Sawyer Free Library, 2 Dale Ave., Gloucester, MA.

FOR FURTHER INFORMATION CONTACT: Louis A. Chiarella, Essential Fish Habitat Coordinator, 978–281–9277, fax 978–281–9301, e-mail Lou.Chiarella@noaa.gov.

SUPPLEMENTARY INFORMATION: On September 10, 2001 (66 FR 46979), NMFS published notification of its intention to prepare SEISs for the EFH components of the Monkfish, Atlantic Herring, and Atlantic Salmon FMPs. See the September 10, 2001, **Federal Register** notification for background and scoping information related to the development of these SEISs. NMFS is changing the time and date of the public scoping meeting as detailed below. The meeting is being postponed because the original schedule conflicted with a New England Fishery Management Council meeting. The comment period is being extended to allow sufficient time for the public to develop written comments after the postponed scoping meeting is held.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Louis A. Chiarella (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting date.

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

Dated: September 18, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–23796 Filed 9–21–01; 1:49 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 091701D]

Mid-Atlantic Fishery Management Council; Public Meetings and a Public Hearing

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

ACTION: Public meetings and a public hearing.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Ecosystem Management Committee and Executive Committee will hold public meetings and a public hearing.

DATES: The meetings will be held on Tuesday, October 9, to Thursday, October 11, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the New Bern Riverfront Convention Center, New Bern, NC; telephone: 252–637–1551.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION:

Meeting Dates

Tuesday, October 9, 2001, from 10 a.m. to 11 a.m. New Member Orientation.

Tuesday, October 9, 2001, from 11 a.m. to 11:30 a.m. Council convenes for the purpose of swearing in new and reappointed Council members and the election of officers.

Tuesday, October 9,.2001, from 12:30 p.m. to 3 p.m. The Ecosystem Management Committee will meet.

Tuesday, October 9, 2001, from 3 p.m. to 4 p.m. A presentation on Atlantic Coast Bottlenose Dolphin Take Reduction Team activities will take place.

Wednesday, October 10, 2001, from 8 a.m. to 4:30 p.m. Council will meet.

Thursday, October 11, 2001, from 8 a.m. to 10 a.m. The Executive Committee will meet.

Thursday, October 11, 2001, from 10 a.m. to noon. A public hearing will be convened by the Council at NMFS request to take public comment on a regulatory amendment for the FMP for Summer Flounder, Scup, and Black Sea Bass.

Thursday, October 11, 2001, from 10 a.m. to 4 p.m. Council will meet.

Agenda items for the committees and Council meeting(s), as appropriate, are: Review status of Magnuson-Stevens Act reauthorization, especially as regards inclusion of statutory provisions requiring Councils to adopt ecosystem management planning as part of Councils' charters, discuss and develop committee actions necessary to provide guidance and direction to Council for development of potential ecosystem management approaches in Mid-Atlantic area (Ecosystem Management Committee); overview of Marine Mammal Protection Act, status of Atlantic Bottlenose Dolphin (BND) stocks along the Atlantic Coast including estimates of abundance and potential biological removal levels, BND/fishery interactions including estimates of mortality and identification of problem fisheries (gears/areas/

seasons), BND Take Reduction Plan development under the Marine Mammal Protection Act; review and discuss Monkfish Committee's recommendations on monkfish management measures for 2002/2003 fishing year, approve management measures for 2002/2003 fishing year; review and discuss Dogfish Committee's actions regarding Amendment 1 to the Spiny Dogfish Fishery Management Plan, review and discuss Dogfish Committee's recommendations on dogfish management measures for 2002/03 fishing year, adopt management measures for 2002/03 fishing year; Information and Education Program on marine protected areas (MPAs); review annual work plan for 2002, review status of FY2001 budget, and review status of FY2002 grant application (Executive Committee); hear organizational and committee reports including the New England Council's report where the Council may address possible actions on herring, groundfish, monkfish, red crab, scallops, skates, and whiting.

On Thursday, October 11, the Council will convene a public hearing to take public comment on a proposed regulatory amendment to the Fishery Management Plan for Summer Flounder, Scup and Black Sea Bass Fisheries (FMP). The FMP requires NMFS to compile all landings information and compare annual landings to the quotas allocated. Landings in excess of a quote are required to be deducted from the quota allocations in the following fishing year. Because the fishing year does not end until December 31 in any year, it is impossible to have a final accounting of annual landings at the time the specifications are published for the fishing year that begins on January 1. NMFS will review several alternatives under consideration that would allow the annual landings to be tabulated in sufficient time to make the overage deductions in the annual specifications. Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 20, 2001.

Richard W. Surdi,

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

[FR Doc. 01–23975 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 66, No. 186

Tuesday, September 25, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Draft Supplemental to the Food for Peace Monetization Field Manual

Pursuant to the Agriculture Market and Transition Act of 1996 (Pub. L. 480, as amended), notice is hereby given that the Draft Supplemental to the Food for Peace Monetization Field Manual—Policy on the Use of Non—fat Dry Milk for Monetization is available to interested parties for the required thirty (30) days comment period.

Individuals who wish to receive a copy of these draft guidelines may download them from the USAID website at: *http://www.usaid.gov/hum_response/ffp/* or contact: Office of Food for Peace, Agency for International Development, RRB 7.06–120, 1300 Pennsylvania Avenue, Washington, DC 20523–0809.

Contact person: Jean Capps, (202) 712–0086. Individuals who have questions or comments on this draft addendum should contact Richard Newberg at (202) 712–1828.

The thirty day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: September 17, 2001.

William T. Oliver,

Director, Office of Food for Peace, Bureau for Humanitarian Response.

[FR Doc. 01–23949 Filed 9–24–01; 8:45 am]

BILLING CODE 6116–01–M

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Ohio Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission which was to have convened at 1:00 p.m. and adjourned at 5:00 p.m. on Wednesday, September 26, 2001, at the Hyatt Regency Hotel, 350 North High Street, Columbus, Ohio, has been canceled.

The original notice for the meeting was announced in the **Federal Register** on September 5, 2001, FR Doc. 01–22212, Vol. 66, No. 172, Page 46432.

Persons desiring additional information should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362).

Dated at Washington, DC, September 19, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–23992 Filed 9–20–01; 5:01 pm]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission which was to have convened at 12:30 p.m. and adjourned at 4:30 p.m. on Friday, September 28, 2001, at the Philadelphia Convention Center, Conference Room B, 12th and Arch Streets, Philadelphia, has been canceled.

The original notice for the meeting was announced in the **Federal Register** on September 5, 2001, FR Doc. 01–22210, Vol. 66, No. 172, Page 46432.

Persons desiring additional information should contact Marc Pentino of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116).

Dated at Washington, DC, September 20, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–23993 Filed 9–20–01; 5:01 pm]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Cancellation of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission which was to have convened at 10:45 a.m. and adjourned at 2:45 p.m. on Friday, September 21, 2001, at the Hamilton Room-One Flight Up Resturant, Burlington International Airport, 1200 Airport Drive, South Burlington, Vermont, has been canceled.

The original notice for the meeting was announced in the **Federal Register** on September 5, 2001, FR Doc. 01–22211, Vol. 66, No. 172, Page 46432.

Persons desiring additional information should contact Marc Pentino of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116).

Dated at Washington, DC, September 20, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–23994 Filed 9–20–01; 5:01 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson

In the Matters of: Thane-Coat, Inc. 12725 Royal Drive Stafford, Texas 77477, Jerry Vernon Ford President Thane-Coat, Inc. 12725 Royal Drive Stafford, Texas 77477 and with an address at 58 East Guada Coma New Braunfels, Texas 78130, and Preston John Engebretson Vice-President Thane-Coat, Inc. 12725 Royal Drive Stafford, Texas 77477 and with an address at 8903 Bonhomme Road Houston, Texas 77074, Respondents

Decision and Order on Renewal of Temporary Denial Order

On March 20, 2001, then Acting Assistant Secretary for Export Enforcement Lisa A. Prager issued a Decision and Order on Renewal of Temporary Denial Order (hereinafter ''Order'' or ''TDO''), renewing for 180

days, in a ''non-standard'' format, a May 5, 1997 Order naming, inter alia, Thane-Coat, Inc.; Jerry Vernon Ford, President, Thane-Coat, Inc.; and Preston John Engebretson, Vice-President, Thane-Coat, Inc. (hereinafter referred to collectively as the ''Respondents'', as persons temporarily denied all U.S. export privileges. 66 FR 17147–17149 (March 29, 2001). Unless renewed, the Order will expire on September 16, 2001.

On August 24, 2001, pursuant to § 766.24 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (hereinafter the ''Regulations''), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. secs. 2401–2420 (1994 & Supp. IV 1998)) (hereinafter the ''Act''), the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter ''BXA''), requested that I renew the Order against Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson for 180 days in a ''non-standard'' format, consistent with the terms agreed to by and between the parties in April 1998.

In its request, BXA stated that, as a result of an ongoing investigation, it had reason to believe that, during the period from approximately June 1994 through approximately July 1996, Thane-Coat, Inc., through Ford and Engebretson, and using its affiliated companies, TIC Ltd. and Export Materials, Inc., made approximately 100 shipments of U.S.-origin pipe coating materials, machines, and parts to the Dong Ah Consortium in Benghazi, Libya. These items were for use in coating the internal surface of prestressed concrete cylinder pipe for the Government of Libya's Great Man-Made River Project.[1] Moreover, BXA's investigation gave it reason to believe that the Respondents and the affiliated companies employed a scheme to export U.S.-origin products from the United States, through the United Kingdom, to Libya, a country subject to a comprehensive economic sanctions program, without the authorizations required under U.S. law, including the regulations. The approximate value of the 100 shipments at issue is stated to be $35 million. In addition, the Respondents and the affiliated companies undertook several significant and affirmative actions in connection with the solicitation of business on another phase of the Great Man-Made River Project.

BXA has stated that it believes that the matters under investigation and the information obtained in that investigation support renewal of the TDO issued against the Respondents as the evidence shows that Respondents engaged in a significant, deliberate, and covert scheme to violate U.S. export control laws, including the regulations, over a period of years and are likely to commit future violations without the renewal of the TDO. The Respondents' pattern of extensive, repeated and clandestine shipments combined with the Respondents' business knowledge and practice (e.g., setting up shell companies, both foreign and domestic) and repeated inquiries with foreign entities to acquire contracts to conduct business in Libya and Iran demonstrate a likelihood that Respondents may commit further violations.

In April 1998, BXA and the Respondents reached an agreement, whereby BXA sought a renewal of the TDO, but changing the ''standard'' format to a ''non-standard'' format, denying all of the Respondents' U.S. export privileges to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, North Korea, Iran, and any other country or countries that may be made subject in the future to a general trade embargo by proper legal authority pending resolution of the criminal charges against Respondents. In return, the Respondents agreed that, among other conditions, at least 14 days in advance of any export that any of the Respondents intends to make of any item from the United States to any destination world-wide, the Respondents will provide to BXA's Dallas Field Office (i) notice of the intended export, (ii) copies of all documents reasonably related to the subject transaction, including, but not limited to, the commercial invoice and bill of lading, and (iii) the opportunity, during the 14-day notice period, to inspect physically the item at issue to ensure that the intended shipment is in compliance with the Export Administration Act, the Export Administration Regulations, or any order issued thereunder. BXA has sought renewal of the TDO in a ''non-standard'' format comparable to the terms of the March 20, 2001 TDO; respondents have hereto not opposed renewal of the TDO in a ''non-standard'' format.

Based on BXA's showing, I find that it is appropriate to renew the order temporarily denying the export privileges of Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson in a ''non-standard'' format, incorporating the terms agreed to by and between the parties in April 1998 with 2 revisions: deleting North Korea from the list of countries to which Respondents' export privileges are denied as North Korea is no longer subject to a general trade embargo and adding Sudan to the list as Sudan is now subject to a general trade embargo. I find that such renewal is necessary in the public interest to prevent imminent violations of the Regulations and to give notice to companies in the United States and abroad to cease dealing with these persons in any commodity, software, or technology subject to the regulations and exported or to be exported to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, Sudan, and any other country or countries that may be made subject in the future to a general trade embargo by proper legal authority, or in any other activity subject to the regulations with respect to these specific countries.

Accordingly, it is therefore ordered:

First, that Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and all of its successors or assigns, officers, representatives, agents, and employees when acting on its behalf; Jerry Vernon Ford, President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477, and 58 East Guada Coma, New Braunfels, Texas 78130, and all of his successors or assigns, representatives, agents and employees when acting on his behalf; and Preston John Engebretson, Vice-President, Thane-Coat, Inc., 12725 Royal Drive, Stafford, Texas 77477 and 8903 Bonhomme Road, Houston, Texas 77074, and all of his successors or assigns, representatives, agents, and employees when acting on his behalf (all of the foregoing parties hereinafter collectively referred to as the ''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') subject to the Export Administration Regulations (hereinafter the (''Regulations'') and exported or to be exported from the United States to the United Kingdom, the Bahamas, Libya, Cuba, Iraq, Iran, or Sudan or to any other country or countries that may be made subject in the future to a general trade embargo pursuant to proper legal authority (hereinafter the ''Covered Countries''), or in any activity subject to the regulations with respect to the Covered Countries, including but not limited to:

[1] BXA understands that the ultimate goal of this project is to bring fresh water from wells drilled in southeast and southwest Libya through prestressed concrete cyclinder pipe to the coastal cities of Libya. This multibillion dollar, multiphase engineering endeavor is being performed by the Dong Ah Construction Company of Seoul, South Korea.

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item that is subject to the Regulations and that is exported or to be exported from the United States to any of the Covered Countries, or in any other activity subject to the regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States to any of the Covered Countries that is subject to the Regulations, or in any other activity subject to the regulations.

SECOND, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of any of the denied persons any item subject to the Regulations to any of the Covered Countries;

B. Take any action that facilitates the acquisition, or attempted acquisition by any of the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States to any of the Covered Countries, including financing or other support activities related to a transaction whereby any of the denied persons acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from any of the denied persons of any item subject to the regulations that has been exported from the United States to any of the Covered Countries;

D. Obtain from any of the denied persons in the United states any item subject to the regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States to any of the Covered Countries; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States to any of the Covered Countries, and which is owned, possessed or controlled by any of the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by any of the denied persons if such service involves the use of any item subject to the regulations that has been or will be exported from the United States to any of the Covered Countries. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that at least 14 days in advance of any export that any of the denied persons intends to make of any item from the United States to any destination world-wide, the denied person will provide to BXA's Dallas Field Office (i) notice of the intended export, (ii) copies of all documents reasonably related to the subject transaction, including, but not limited to, the commercial invoice and bill of lading, and (iii) the opportunity, during the 14-day notice period, to inspect physically the item at issue to ensure that the intended shipment is in compliance with the Export Administration Act, the Export Administration Regulations, or any order issued thereunder.

Fourth, that, without limiting the provisions of the First Ordering Paragraph on page 5, after notice and opportunity for comment, as provided in § 766.23 of the regulations, any persons, firm, corporation, or business organization related to any of the denied persons by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services, may also be made subject to the provisions of this Order.

Fifth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the regulations are the foreign-produced direct product of U.S.-origin technology.

Sixth, that, in accordance with the provisions of § 766.24(e) of the regulations, Thane-Coat, Ford, or Engebretson may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

Seventh, that this Order is effective immediately and shall remain in effect for 180 days.

Eighth, that, in accordance with the provisions of § 766.24(d) of the regulations, BXA may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on each Respondent and shall be published in the **Federal Register**.

Entered this 14th day of September, 2001.

Michael I. Farcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 01–23948 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 01–00003.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to Sun Valley Rice Co., LLC. (''Sun Valley''), Arbuckle, California, effective September 19, 2001. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131 (this is not a toll-free number) or by E-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001 *et seq.*) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2000).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

DESCRIPTION OF CERTIFIED CONDUCT

I. Export Trade

1. Products

California rice and rice products (rough rice, brown rice, milled, under milled, or unpolished rice, coated rice, oiled rice, enriched rice, rice bran, rice polish, head rice, broken rice, second head rice, brewers rice, screenings, rice flour, rice hulls).

2. Services

All services related to the export of Products.

3. Technology Rights

All intellectual property rights associated with Products or Services, including, but not limited to: patents, trademarks, services marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and sui-generis forms of protection for databases and computer programs.

4. Export Trade Facilitation Services (as They Relate to the Export of Products)

Export Trade Facilitation Services, including, but not limited to: Consulting and trade strategy, arranging and coordinating delivery of Products to port of export; arranging for inland and/or ocean transportation; allocating Products to vessel; arranging for storage space at port; arranging for warehousing, stevedoring, wharfage, handling, inspection, fumigation, freight forwarding; insurance and financing; documentation and services related to compliance with customs' requirements; sales and marketing; export brokerage; foreign marketing and analysis; foreign market development; overseas advertising and promotion; Products research and design based upon foreign buyer and consumer preferences; inspection and quality control; shipping and export management; export licensing; provisions of overseas sales and distribution facilities and overseas sales staff; legal; accounting and tax assistance; development and application of management information systems; trade show exhibitions; professional services in the area of government relations and assistance with federal and state export assistance programs (*e.g.,* Export Enhancement and Market Promotion programs); joint ventures; invoicing(billing) foreign buyers; collecting (letters of credit and other financial instruments) payment for Products; and arranging for payment of applicable commissions and fees.

II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

III. Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, The Sun Valley Rice Company, LLC, on a transaction-by-transaction basis, may:

1. Exchange information with Suppliers or other entities individually regarding availability of and prices for Products for export, and inventories and near-term production and delivery schedules for purposes of determining the availability of Products for purchase and export and coordinating export of Products with its distributors and customers in the Export Markets;

2. Confer with Suppliers, on a one-to-one basis, about the possibility of offers to and purchases by Sun Valley for a specific export sales opportunity;

3. Solicit Suppliers to offer/sell Products through the certified activities of Sun Valley Rice Company, LLC;

4. Solicit orders from potential foreign distributors and purchasers for sale of Products in Export Markets;

5. Prepare and submit offers of Products to potential foreign distributors, purchasers, and other entities for sale in Export Markets;

6. Establish the price and quantity of Products for sale in Export Markets and set other terms for any export sale;

7. Negotiate and enter into agreements for sale of products in Export Markets;

8. Enter into agreements to purchase Products from one or more Suppliers to fulfill specific sale obligations, which may include agreements whereby Suppliers agree to deal exclusively with Sun Valley Rice Company, LLC, for sale of the Products in a particular Export Market or Markets and/or whereby Sun Valley Rice Company, LLC, agrees to purchase exclusively any particular Supplier's (or Suppliers') Products for resale in the Export Market;

9. Assign sales of Products to, and/or divide export orders among, Suppliers or other persons based on orders, export markets, territories, customers, or any other basis Sun Valley Rice Company, LLC deems fit;

10. Broker and take title to the Products;

11. Enter into agreements with one or more Export Trade Intermediaries or export trade purchasers for the purchase of Products, which may be agreements whereby Sun Valley Rice Company, LLC, agrees to deal exclusively with an entity or customer in a particular Export Market, and/or by which that customer or intermediary agrees to deal exclusively with Sun Valley Rice Company, LLC and/or agrees not to purchase from Sun Valley Rice Company, LLC's, competitors in any Export Market, unless so authorized;

12. Apply for and utilize government export assistance and incentive programs;

13. Participate in the bidding process and award of tender proceeds under ''The Association for the Administration of Rice Quotas, Inc.'' (part of the US/EU Enlargement Agreement) as may be amended or succeeded providing for EU rice tarriff-rate quotas signed on July 22, 1996;

14. Refuse to purchase Products or provide information regarding export sales of Products to any Supplier(s) or other entities for any reason Sun Valley Rice Company, LLC, deems fit;

15. Refuse to sell Products, to quote prices of Products, to provide information regarding Products, or to market or to sell Products to any customers or distributors in the Export Markets, or in any countries or geographic areas in the Export Markets; and

16. Meet with Suppliers or other entities periodically to discuss general matters specific to the activities approved in this certificate (not related to price and supply arrangements between Applicant and the individual Suppliers) such as relevant facts concerning the Export Markets (e.g., demand conditions, transportation costs and prices in the export markets), or the possibility of joint marketing, bidding or selling arrangements in the Export Markets.

IV. Definitions

''Supplier'' means a person that produces, provides, or sells Products and/or Services.

''Export Intermediary'' means a person who acts as distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions including or arranging for the provision of Export Trade Facilitation Services.

V. Terms and Conditions of Certificate

1. In engaging in the above Export Trade Activities and Methods of Operation, The Sun Valley Rice Company, LLC, shall not intentionally disclose, directly or indirectly, to any Supplier, any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, terms of domestic marketing or sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. The Sun Valley Rice Company, LLC, will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary believes that the information or documents are required to determine that the Export Trade and/or the Export Trade Activities and Methods of

Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

VI. Protection Provided by Certificate

This Certificate protects The Sun Valley Rice Company, LLC, its directors, officers, and employees acting on its behalf, from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions. A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: September 20, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–23965 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or E-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether an amended Certificate should be issued.

If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 87–16A04.''

The Association for Manufacturing Technology's (''AMT'') original Certificate was issued on May 19, 1987 (52 FR 19371, May 22, 1987) and last amended on March 6, 2001 (66 FR 15841, March 21, 2001).

A summary of the application for an amendment follows.

Summary of the Application

Applicant: AMT—The Association for Manufacturing Technology, 7901 Westpark Drive, McLean, Virginia, 22102–4269.

Contact: Karin L. Kizer, Attorney, Telephone: (202) 662–5303.

Application No.: 87–16A04.

Date Deemed Submitted: September 11, 2001.

Proposed Amendment: AMT seeks to amend its Certificate to:

1. Add each of the following companies as a new ''Member'' of the Certificate within the meaning of § 325.2(1) of the regulations (15 CFR 325.2(1)): The Beckwood Corporation, Fenton, Missouri; Ultra Tech Machinery, Inc., Cuyahoga Falls, Ohio; ATS Michigan, Brighton, Michigan; ATS Southwest, Tucson, Arizona; ATS Carolina, Rock Hill, South Carolina; Advanced Machine & Engineering Co., Rockford, Illinois; The Gem City Engineering Company, Dayton, Ohio; ATS Oregon, Carvallis, Oregon; and DeVlieg Bullard II, Inc., Rockford, Illinois.

2. Delete the following companies as ''Members'' of the Certificate: American Pfauter Limited Partnership; Anorad Corporation; Automatic Design Concepts; Belden Inc.; Benchmaster Products, Inc.; Boston Digital Corporation; Buffalo Machine Tools of Niagara, Inc.; Clearing Niagara; Columbus McKinnon for the activities of its CM Positech Division; D&H Machinery, Inc.; Davenport Machine—A Dover Industries Company; Elox Corporation; Esterline Technologies; GEC Alsthom Cyril Bath Company; Harper Surface Finishing System, Inc.; Hayes-Lemmerz Process Control Automation, Inc.; Jesse Engineering Co.; Jewett Automation; Lumonics Corporation; MG Industries; Machine Tool Research, Inc.; MHI Machine Tool USA, Inc.; New Monarch Machine Tool Company; Olofsson Corporation; O.S. Walker Company, Inc.; PMC Industries; P.R. Hoffman Machine Products; Pacific Roller Die Co., Inc.; Parker-Majestic Inc.; The Producto Machine Company; RD & D Corporation; Rendas Tool & Die, Inc.; R. Howard Strasbaugh, Inc.; Teledyne; Themac, Inc.; Tree Machine Tool Co., Inc.; Tyler Machinery Co.; U.S. Amada, Ltd.; Unison Corporation; Utilase Systems, Inc.; Vermont—USA Machine Tool Group; Versa-Mil Inc./Phillips Corporation; Weldun Flexible Assembly Company; W.J. Savage Company, Inc.; and Wisconsin Automated Machinery.

3. Change the listing of two existing Members as follows: ''Kleer-Flo Industries'' to ''Kleer-Flo Company'' and ''LeBlond Makino Machine Tool Company'' to ''Makino Inc.''

Dated: September 19, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading, Company Affairs.

[FR Doc. 01–23966 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application to Amend Certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''),

International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration by phone at (202) 482–5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice in writing to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmitted by E-mail to oetca@ita.doc.gov. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 92–6A001.''

The Aerospace Industries Association of America, Inc. (''AIA'') original Certificate was issued on April 10, 1992 (57 FR 13707, April 17, 1992) and last amended on November 12, 1998 (63 FR 64061, November 18, 1998). A summary of the application for an amendment follows.

Summary of the Application

Applicant: Aerospace Industries Association of America, Inc. (''AIA''), 1250 Eye Street, N.W., Washington, DC 20005.

Contact: Matthew F. Hall, Telephone: (202) 862–9700.

Application No.: 92–6A001.

Date Deemed Submitted: September 11, 2001.

Proposed Amendment: AIA seeks to amend its Certificate to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of § 325.2(1) of the regulations (15 CFR 325.2(1)): Groen Brothers Aviation, Inc., Salt Lake City, UT; i2 Technologies, Washington, D.C.; Martin-Baker America, Incorporated, Arlington, VA (Controlling Entity: Martin-Baker Aircraft Company Ltd., Denham, Buckinghamshire, UK); MatrixOne, Inc., Chelmsford, MA; MD Helicopters, Inc., Mesa, AZ; The NORDAM Group, Tulsa, OK; Omega Air, Inc., Alexandria, VA; Space Access, LLC, Palmdale, CA; Spectrum Astro, Inc., Gilbert, AZ; Stellex Aerostructures, Inc., Woodland Hills, CA (Controlling Entity: Stellex Technologies, Inc., Woodland Hills, CA); Swales Aerospace, LLC, Beltsville, MD; Vought Aircraft Industries, Inc., Dallas, TX; W.L. Gore & Associates, Inc., Newark, DE; BAE Systems North America, Inc., Rockville, MD; GenCorp, Sacramento, CA; Smiths Aerospace Actuation Systems, Los Angeles, CA, Duarte, CA; Triumph Group, Inc.; Wayne, PA; Alcoa Industrial Components; Salt Lake City, UT (Controlling Entity: Alcoa, Pittsburgh, PA); Analytical Graphics, Inc., Malvern, PA; Atlantic Research Corporation, Gainesville, VA (Controlling Entity: Sequa Corporation, New York, NY); Aviall, Inc., Dallas TX; Ball Aerospace & Technologies Corporation, Boulder, CO; Cubic Corporation, San Diego, CA; Curtiss-Wright Corporation, Lyndhurst, NJ; Dassault Falcon Jet Corporation, South Hackensack, NJ (Controlling Entity: Dassault Aviation, France); Davis Tool, Inc., Hillsboro, OR; DRS Technologies, Inc., Parsippany, NJ; Embraer Aircraft Corporation, Brazil; Exostar, LLC, Herndon, VA; Fairchild Dormier Corporation, Wessling, Germany; Fairchild Fasteners, Dulles, VA (Controlling Entity: The Fairchild Corporation, Dulles, VA); General Atomics Aeronautical Systems, Inc., San Diego, CA (Controlling Entity: General Atomics, San Diego, CA); Genuity Solutions, Inc., Woburn, MA; GKN Aerospace, Inc., Reston, VA (Controlling Entity: GKN Westland Aerospace division of GKN, PLC, Worcestershire, UK); ITT Industries, Inc., McLean, VA.

2. Delete the following companies as ''Members'' of the Certificate within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Aerojet-General Corporation, Sacremento, CA; Allied Signal Inc., Morristown, NJ; Hughes Electronic Corporation, El Segundo, CA; CMS, Inc., Tampa, FL; Coltech Industries, Inc., New York, NY; Digital Equipment Corporation, Maynard, MA; Cordant Technologies, Inc., Ogden, UT; Dowty Decoto, Inc., Duarte, CA; Dynamic Engineering Incorporated, Newport News, VA; Gulfstream Aerospace Corporation, Savannah, GA; Interturbine Corporation, Peabody, MA; ITT Defense and Electronics Inc., McLean, VA; Litton Industries, Inc., Woodland Hills, CA; Lucas Industries, Inc., Reston, VA; Marconi North America Inc., Wayne, NJ; Pacific Scientific Company, Duarte, CA; Sundstrand Corporation, Rockford, IL; Triumph Controls, Inc., North Wales, PA; Veridian Corporation, Alexandria, VA.

3. Change the listings of the current Members as follows: ''BF Goodrich; Akron, OH'' to ''Goodrich Corporation, Charlotte, NC;'' ''HEICO Corporation, Hollywood, FL'' to ''HEICO Corporation; Miami, FL;'' ''B.H. Aircraft Company, Incorporated, Farmingdale, NY'' to ''B.H. Aircraft Company, Incorporated, Rokonkoma, NY.''

Dated: September 19, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–23967 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091701C]

Nominations for a Federal Advisory Committee on Marine Protected Areas

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

ACTION: Notice of a reopening of an application deadline.

SUMMARY: The Department of Commerce is establishing a Federal Advisory Committee on Marine Protected Areas (Committee) pursuant to Executive Order 13158 and is seeking nominations for membership on this Committee.

DATES: Nominations must be postmarked on or before September 30, 2001.

ADDRESSES: Nominations should be sent to the Office of Ocean and Coastal Resource Management, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, Attn: Federal Advisory Committee on Marine Protected Areas.

FOR FURTHER INFORMATION CONTACT: Roger Griffis, NOAA, (301) 713–3155, extension 104. E-mail: Roger.B.Griffis@noaa.gov.

SUPPLEMENTARY INFORMATION: On August 10, 2001, (66 FR 42204), NOAA published a notice requesting nominations for the Committee. Additional details about the Committee and the nomination process are provided in the notice and not repeated here. NOAA is re-opening the application deadline until September 30, 2001.

Nominations should be sent to (see **ADDRESSES**) and must be postmarked on or before September 30, 2001.

Dated: September 18, 2001.

William T. Hogarth,

Assistant Administrator for Fisheries National Marine Fisheries Service.

[FR Doc. 01–23976 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Malaysia

September 20, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit.

EFFECTIVE DATE: September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 345 is being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69914, published on November 21, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 20, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on September 25, 2001, you are directed to increase the current limit for Category 345 to 227,168 dozen[1], as provided for under the Uruguay Round Agreement on Textiles and Clothing:

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–23995 Filed 9–20–01; 4:48 pm]

BILLING CODE 3510–DR–S

[1] The limit has not been adjusted to account for any imports exported after December 31, 2000.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

September 19, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 25, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 666-P is being increased for special shift from Category 666-S, reducing the limit for Category 666-S to account for the special shift being applied to Category 666-P.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66972, published on November 8, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 19, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 2, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products produced or

manufactured in Pakistan and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on, September 25, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Specific limits	
666–P [2]	1,181,955 kilograms.
666–S [3]	5,037,443 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 666–P: only HTS numbers 6302.22.1010, 6302.22.1020, 6302.22.2010, 6302.32.1010, 6302.32.1020, 6302.32.2010 and 6302.32.2020.

[3] Category 666–S: only HTS numbers 6302.22.1030, 6302.22.1040, 6302.22.2020, 6302.32.1030, 6302.32.1040, 6302.32.2030 and 6302.32.2040.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–23846 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Provisions for Delays of Textile Visas or Exempt Certificates Due to the Recent National Emergency

September 19, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs making provisions for delays in textile visas or exempt certificates due to the recent national emergency

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Brian F. Fennessy, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

In light of the recent national emergency, some textile visas or exempt certificates may be delayed in reaching their destination; visas are often delivered by courier services that have been disrupted by these events. As a result, CITA has determined that copies of visas and exempt certificates shall be accepted for conditional release of merchandise for a limited period of time.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, with respect to all textiles and textile product subject to visa requirements entered on or after September 11, 2001 but prior to September 29, 2001, to accept copies of textile visas or exempt certificates for the conditional release of merchandise. The original textile visa or exempt certificate must be presented to the U.S. Customs Service upon receipt and no later than October 12, 2001. Effective for textiles and textile products entered on or after September 29, 2001, original textile visas will be required. U.S. Customs should continue to require an Electronic Visa Information System (ELVIS) transmission for all shipments for which an ELVIS transmission is required.

Absent submission of the original textile visa or exempt certificate on or before October 12, 2001, the goods will be deemed inadmissible.

D. Michael Hutchinson,

Acting Chairman, Committee for Implementation of Textile Agreements

Committee for the Implementation of Textile Agreements

September 19, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.
Charles W. Winwood
Acting Commissioner
U.S. Customs Service
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Mr. Commissioner:

In light of the recent national emergency, some textile visas or exempt certificates may be delayed in reaching their destination; visas are often delivered by courier services that have been disrupted by these events. As a result, CITA has determined that copies of visas and exempt certificates shall be accepted for conditional release of merchandise for a limited period of time.

CITA directs that, with respect to all textiles and textile product subject to visa requirements entered on or after September 11, 2001 but prior to September 29, 2001, the United States Customs Service shall accept copies of textile visas or exempt certificates for the conditional release of merchandise. The original textile visa or exempt certificate must be presented to the U.S. Customs Service upon receipt and no later than October 12, 2001. Effective for textiles and textile products entered on or after September 29, 2001, original textile visas will be required. U.S. Customs should continue to require an Electronic Visa Information System (ELVIS) transmission for all shipments for which an ELVIS transmission is required.

Absent submission of the original textile visa or exempt certificate on or before October 12, 2001, the goods will be deemed inadmissible.

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for Implementation of Textile Agreements.

[FR Doc. 01–23847 Filed 9–20–01; 9:57 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designations Under the Textile and Apparel Short Supply Provisions of the African Growth and Opportunity Act (AGOA) and the United States-Caribbean Basin Trade Partnership Act (CBTPA)

September 20, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Determination

EFFECTIVE DATE: September 24, 2001.

SUMMARY: The Committee for the Implementation of Textile Agreements (Committee) has determined, under the AGOA, that certain fabrics, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner, and, under the CBTPA, that 100 percent polyester crushed panne velour fabric of circular knit construction for use in apparel cannot be supplied by the domestic industry in commercial quantities in a timely manner. The Committee hereby designates certain apparel articles that are both cut and sewn or otherwise assembled in an eligible country, from these fabrics, as eligible for quota-free and duty-free treatment under the textile and apparel short supply provisions of the AGOA and the CBTPA, and eligible under Harmonized Tariff Schedule of the United States subheadings 9819.11.24 or 9820.11.27, to enter free of quotas and duties.

FOR FURTHER INFORMATION CONTACT: Philip J. Martello, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA and Section 211 of the CBTPA, amending Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act (CBERA); Presidential Proclamations 7350

and 7351 of October 2, 2000; Executive Order No. 13191 of January 17, 2001.

Background

The short supply provision of the AGOA provides for duty-free and quota-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and certain procedural requirements have been met. In Presidential Proclamation 7350, the President proclaimed that this treatment would apply to such apparel articles of fabrics or yarns designated by the appropriate U.S. government authority in the Federal Register. In Executive Order 13191, the President authorized the Committee to determine whether particular yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA.

Similarly, the short supply provision of the CBTPA provides for duty-free and quota-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States or a beneficiary CBTPA country if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner and certain procedural requirements have been met. In Presidential Proclamation 7351, the President proclaimed that this treatment would apply to such apparel articles of fabrics or yarns designated by the appropriate U.S. government authority in the Federal Register. In Executive Order 13191, the President authorized the Committee to determine whether particular yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner.

On March 1, 2001, the Committee received a petition alleging that certain fabrics, set forth in Annex I, for use in blouses and nightwear, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that such apparel articles of such fabrics be eligible for preferential treatment under the AGOA. On March 8, 2001, the Committee requested public comment on the petition (66 FR 13912). On April 10, 2001, the Committee and the U.S. Trade Representative (USTR) sought the advice of the Industry Sector Advisory Committee for Wholesaling and Retailing and the Industry Sector Advisory Committee for Textiles and Apparel (collectively, the ISACs). On April 10, 2001, the Committee and USTR offered to hold consultations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (collectively, the Congressional Committees). On April 16, 2001, the U.S. International Trade Commission (USITC) provided advice on the petition. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabrics set forth in the petition cannot be supplied by the domestic industry in commercial quantities in a timely manner. On April 30, 2001, the Committee and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and the advice obtained from the ISACs and the USITC. A period of 60 calendar days since this report was submitted has expired, as required by the AGOA.

On March 6, 2001, the Committee received a petition alleging that 100 percent polyester crushed panne velour fabric of circular knit construction, classified in subheading 6001.92.00 and reported under statistical reporting number 6001.92.0030 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that apparel articles of such fabrics be eligible for preferential treatment under the CBTPA. On March 12, 2001, the Committee requested public comment on the petition (66 FR 14357). On April 11, 2001, the Committee and USTR sought the advice of the ISACs and offered to hold consultations with the Congressional Committees. On April 23, 2001, the USITC provided advice on the petition. Based on the information and advice received and its understanding of the industry, the Committee determined that the fabric set forth in the petition cannot be supplied by the domestic industry in commercial quantities in a timely manner. On May 3, 2001, the Committee and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and the advice obtained from the ISACs and the USITC. A period of 60 calendar days since this report was submitted has expired, as required by the CBTPA.

CITA hereby designates as eligible for preferential treatment under subheading 9819.11.24 of the HTSUS, for purposes of the AGOA, blouses and nightwear that are both cut and sewn or otherwise assembled in one or more eligible beneficiary sub-Saharan African countries, provided the fabric of the outer shell is of a fabric set forth in Annex I and that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States, imported directly into the customs territory of the United States from an eligible beneficiary sub-Saharan African country. An ''eligible beneficiary sub-Saharan African country'' means a country which the President has designated as a beneficiary sub-Saharan African country under section 506A of the Trade Act of 1974 (19 U.S.C. 2466a) and which has been the subject of a finding, published in the Federal Register, that the country has satisfied the requirements of section 113 of the AGOA (19 U.S.C. 3722) and resulting in the enumeration of such country in U.S. note 1 to subchapter XIX of chapter 98 of the HTSUS.

CITA hereby designates as eligible for preferential treatment under subheading 9820.11.27 of the HTSUS, for purposes of the CBTPA, apparel articles that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, provided the fabric of the outer shell is of crushed panne velour fabric wholly of polyester, of circular knit construction, classified in subheading 6001.92.00 (statistical reporting number 6001.92.0030) of the HTSUS and that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States, that are imported directly into the customs territory of the United States from an eligible CBTPA beneficiary country. An ''eligible CBTPA beneficiary country'' means a country which the President has designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the CBERA (19 U.S.C. 2703(b)(5)(B)) and which has been the subject of a finding, published in the Federal Register, that the country has satisfied the requirements of section 213(b)(4)(A)(ii) of the CBERA (19 U.S.C. 2703(b)(4)(A)(ii)) and resulting in the enumeration of such country in U.S. note 1 to subchapter XX of chapter 98 of the HTSUS.

ANNEX I

(a) Fabrics of subheadings 5208.21, 5208.22, 5208.29, 5208.31, 5208.32, 5208.39, 5208.41, 5208.42, 5208.49, 5208.51, 5208.52 or 5208.59, of average yarn number exceeding 135 metric;

(b) Fabrics of subheading 5513.11 or 5513.21, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(c) Fabrics of subheadings 5210.21 or 5210.31, not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(d) Fabrics of subheadings 5208.22 or 5208.32, not of square construction, containing more than 75 warp ends and filling picks per square centimeter, of average yarn number exceeding 135 metric;

(e) Fabrics of subheadings 5407.81, 5407.82 or 5407.83, weighing less than 170 grams per square meter, having a dobby weave created by a dobby attachment, of average yarn number exceeding 135 metric;

(f) Fabrics of subheadings 5208.42 or 5208.49, not of square construction, containing more than 85 warp ends and filling picks per square centimeter, of average yarn number exceeding 85 metric, or exceeding 135 metric if the fabric is of oxford construction (a modified basket weave with a large filling yarn having no twist woven under and over two single, twisted warp yarns);

(g) Fabrics of subheading 5208.51, of square construction, containing more than 75 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 95 or greater metric;

(h) Fabrics of subheading 5208.41, of square construction, with a gingham pattern, containing more than 85 warp ends and filling picks per square centimeter, made with single yarns, of average yarn number 135 or greater metric, and characterized by a check effect produced by the variation in color of the yarns in the warp and filling;

(i) Fabrics of subheading 5208.41, with the warp colored with vegetable dyes, and the filling yarns white or colored with vegetable dyes, of average yarn number greater than 65 metric.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–24071 Filed 9–24–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance; Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of upcoming teleconference meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in order to attend the meeting (i.e., interpreting services assistive listening devices and/or materials in alternative format) should notify Ms. Hope M. Gray at 202–708–7439 or via e-mail at hope.grav@ed.gov no later than 2:00 p.m. on Tuesday, September 25, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accomodation. The meeting site is accessible to individuals with disabilities. This notice also describes the functions of the Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

Note: Due to the circumstances surrounding cancellation of the Advisory Committee's meeting scheduled for September 13–14, 2001, it is necessary to hold a teleconference before September 30 to address the Committee's plans for fiscal year 2002 and other business. Therefore, we were unable to publish this notice 15 days in advance of the scheduled teleconference as required under section10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: Wednesday, September 26, 2001, beginning at 3 p.m. and ending at approximately 4:30 p.m.

ADDRESSES: The Portals Building, 1250 Maryland Avenue, SW., Courtyard Level, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Dr. Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, Portals Building, 1280 Maryland Avenue, SW., Suite 601, Washington, DC 20202–7582, (202) 708–7439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the Committee has been charged with providing technical expertise with regard to systems of need analysis and application forms, making recommendations that result in the maintenance of access to postsecondary education for low- and middle-income students; conducting a study of institutional lending in the Stafford Student Loan Program; assisting with activities related in 1992 reauthorization of the Higher Education Act of 1965; conducting a third-year evaluation of the Ford Federal Direct Loan Program (FDLP) and the Federal Family Education Loan Program (FFELP) under the Omnibus Budget Reconciliation Act (OBRA) of 1993; and assisting Congress with the 1998 reauthorization of the Higher Education Act.

The recongressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act. The Committee traditionally approaches its work from a set of fundamental goals: promoting program integrity, eliminating or avoiding program complexity, integrating delivery across the Title IV programs, and minimizing burden on students and institutions.

Reauthorization of the Higher Education Act has provided the Advisory Committee with a significantly expanded agenda in six major areas, such as Performance-based Organization (PBO); Modernization; Technology; Simplification of Law and Regulation; Distance Education; and Early Information and Needs Assessment. In each of these areas, Congress has asked the Committee to: monitor progress toward implementing the Amendments of 1998; conduct independent, objective assessments; and make recommendations for improvement to the Congress and the Secretary. Each of these responsibilities flows logically from and effectively implements one or more of the Committee's original statutory functions and purposes.

The proposed agenda includes: (a) approval of the Committee's fiscal year 2002 plans; and (b) elections. Space is limited and you are encouraged to contact the Advisory Committee staff through the Internet at *ADV.COMSFA@ed.gov* no later than Tuesday, September 25, 2001, if you wish to participate. Also, you may contact the Advisory Committee staff at (202) 708–7439.

The Advisory Committee will meet in Washington, DC via teleconference on Wednesday, September 26, 2001, from 3 p.m. until approximately 4:30 p.m.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, Portals Building, 1280 Maryland Avenue, SW., Suite 601, Washington, DC from the hours of 9 a.m. to 5:30 p.m. weekdays, except Federal holidays.

Dated: September 19, 2001.

Brian K. Fitzerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 01–23899 Filed 9–24–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

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

DATES: Wednesday, October 3, 2001, 6 p.m.–9 p.m.

ADDRESSES: Great Basin Room, National Nuclear Security Administration Nevada Operations Office, 232 Energy Way, North Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197, fax: 702–295–5300.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Advisory Board is to make recommendations to the Department of Energy and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Training and educational updates on the Underground Test Area (UGTA) and transportation issues.

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

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments. This **Federal Register** notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on September 19, 2001.

Belinda G. Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–23900 Filed 9–24–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

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

DATES: Thursday, October 4, 2001—6 p.m. to 9:30 p.m.

ADDRESSES: Jefferson County Airport Terminal Building, Mount Evans Room, 1175 Airport Way, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to the Department of Energy and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Quarterly update by representative from the Defense Nuclear Facilities Safety Board.
2. Part Five: Board recommendation development and ongoing educational discussion regarding the Radionuclide Soil Action Level Review.
3. Approve Board's work plan and budget for 2002.
4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments. This **Federal Register** notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 9 a.m. to 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on September 19, 2001.

Belinda G. Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–23901 Filed 9–24–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–602–000]

Dominion Transmission, Inc.; Notice of Conversion to Part 284 Service and Non-Conforming Service Agreements

September 19, 2001.

Take notice that on September 14, 2001, Dominion Transmission, Inc. (DTI) filed pursuant to Sections 4 and 7 of the Natural Gas Act and the Commission's regulations to convert individually certificated transportation and storage services it provides to Doswell Limited Partnership and Virginia Power Services Energy

Corporation, Inc. to open access services under Part 284 of the Commission regulations. DTI requests the Commission's permission and approval to abandon the individually certificated services and provide Part 284 service. Because the converted service agreements under Rate Schedules FTNN and GSS differ in some material aspects as DTI's pro forma agreements, DTI submitted copies of the service agreements. DTI requests that the Commission find that the deviations from the pro forma agreements are not unjust, unreasonable or unduly discriminatory, and asks the Commission to approve the filed service agreements.

As part of its filing, DTI tendered pro forma Fifth Revised Sheet No. 1300 of the Third Revised Volume No. 1 of DTI's tariff, which lists non-conforming agreements. DTI explains that the effective date of the conversions to Part 284 service, and of the tariff sheet, cannot be known at this time because of a series of conditions precedent provided in the agreements. DTI states that it will submit an actual tariff sheet with the effective date in a filing in compliance with a Commission order approving its filing. DTI requests that the Commission act on its filing within sixty days.

DTI states that copies of this filing have been mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 26, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 01–23833 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–605–000]

Enbridge Pipelines (Midla) Inc.; Notice of Filing and Annual Charge Adjustment

September 19, 2001.

Take notice that on September 14, 2001, Enbridge Pipelines (Midla) Inc., formerly Mid Louisiana Gas Company, (Midla) filed the following tariff sheets to amend its FERC Gas Tariff, Fourth Revised Volume No. 1 to be made effective October 1, 2001.

First Revised Sheet No. 4
First Revised Sheet No. 4A

Midla states that the purpose of the filing is to reflect a $0.0001 per dekatherm decrease in Midla's rates under its Annual Charge Adjustment (ACA) clause that results from a corresponding decrease in the annual charge assessed Midla by the FERC.

Midla further states that because of confusion resulting from FERC's July 27, 2001 billing and given that its filing results in a decrease of $0.0001 in Midla's FERC approved rate, Midla believed that good cause exists and therefore requested a waiver of the requirements of 154.207 of the Commission's regulations, and any other waiver that may be required, to permit the proposed tariff sheets to be made effective on October 1, 2001.

Midla states that copies of filing have been mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 26, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 01–23830 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–604–000]

Enbridge Pipelines (KPC); Notice of Tariff Filing and Annual Charge Adjustment

September 19, 2001.

Take notice that on September 14, 2001, Enbridge Pipelines (KPC), formerly Kansas Pipeline Company (KPC) filed the following tariff sheets to amend its FERC Gas Tariff, First Revised Volume No. 1 to be made effective October 1, 2001.

First Revised Sheet No. 16
First Revised Sheet No. 22
First Revised Sheet No. 27
First Revised Sheet No. 29
First Revised Sheet No. 31

KPC states that the purpose of the filing is to reflect a $0.0001 per dekatherm decrease in KPC's rates under its Annual Charge Adjustment (''ACA'') clause that results from a corresponding decrease in the annual charge assessed KPC by the FERC.

KPC further states that because of confusion resulting from FERC's July 27, 2001 billing and given that its filing results in a decrease of $0.0001 in KPC's Commission approved rate, KPC believed that good cause exists and therefore requested a waiver of the requirements of 154.207 of the Commission's regulations, and any other waiver that may be required, to permit the proposed tariff sheets to be made effective on October 1, 2001.

KPC states that copies of the filing have been mailed to customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 26, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 01–23831 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–603–000]

Enbridge Pipelines (AlaTenn) Inc.; Notice of Tariff Filing and Annual Charge Adjustment

September 19, 2001.

Take notice that on September 14, Enbridge Pipelines (Ala Tenn) Inc., formerly Midcoast Interstate Transmission, Inc., (AlaTenn) filed the following tariff sheets to amend its FERC Gas Tariff, Third Revised Volume No. 1 to be made effective October 1, 2001.

First Revised Sheet No. 4

AlaTenn states that the purpose of the filing is to reflect a $0.0001 per dekatherm decrease in AlaTenn's rates under its Annual Charge Adjustment (ACA) clause that results from a corresponding decrease in the annual charge assessed AlaTenn by the FERC.

AlaTenn further states that because of confusion resulting from FERC's July 27, 2001 billing and given that its filing results in a decrease of $0.0001 in AlaTenn's FERC approved rate, AlaTenn believed that good cause exists and therefore requested a waiver of the requirements of Section 154.207 of the Commission's regulations, and any other waiver that may be required, to permit the proposed tariff sheets to be made effective on October 1, 2001.

AlaTenn states that copies of the filing have been mailed to customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 26, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 01–23832 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–437–000]

Northern Natural Gas Company; Notice of an Application

September 19, 2001.

Take notice that on August 29, 2001 Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP01–437–000, a request 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 agreement, all as more fully set forth in the application which is on file with the Commission, and open to public inspection. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Specifically, Northern proposes to abandon service to Williams Gas Pipeline Central, Inc. (Williams) under Rate Schedule T–54, contained in its FERC Gas Tariff, Original Volume No. 2. Northern further states that the underlying contract has not provided service for several years and has been terminated in accordance with the contract terms.

Any questions regarding this application should be directed to Keith L. Petersen, Director, Certificates and Reporting for Northern, 111 South 103rd Street, Omaha, Nebraska 68124, at (402) 398–7421.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the commission's Rules and Regulations. All such protests must be filed on or before October 10, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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 be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions ((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. 01–23834 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RT01–98–002]

PJM Interconnection, L.L.C.; Notice of Filing

September 19, 2001.

Take notice that on September 10, 2001, PJM Interconnection, L.L.C. (PJM) and Allegheny Power (Allegheny) tendered for filing with the Federal Energy Regulatory Commission (Commission) proposed amendments to the PJM Open Access Transmission Tariff, to the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. and to the PJM West Reliability Assurance Agreement PJM. Allegheny states that the proposed amendments are submitted to comply with the Commission's order in this proceeding dated July 12, 2001.

Copies of this filing have been served on all parties, as well as on all PJM Members and the state electric regulatory commissions in the PJM control area and in the PJM West Region.

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 October 1, 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. 01–23829 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–314–000, et al.]

Ameren Energy Generating Company, et al.; Electric Rate and Corporate Regulation Filings

September 19, 2001.

Take notice that the following filings have been made with the Commission:

1. Ameren Energy Generating Company

[Docket No. EG01–314–000]

Take notice that on September 17, 2001, Ameren Energy Generating Company (AEG), One Ameren Plaza, 1901 Chouteau Plaza, P.O. Box 66149, St. Louis, Missouri, 63166–6149, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of continuing exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

AEG states that it acquired the following units, as further detailed in the application: Pinckneyville, Illinois Unit No. 8 and Columbia, Missouri Unit No. 1. Both units are 36 MW gas-fired combustion turbine units, with a commercial operation date of July 28, 2001. AEG states that all of the electric energy from these facilities will be sold at wholesale.

Comment date: October 10, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Ameren Services Company

[Docket No. ER01–3057–000]

Take notice that on September 14, 2001, Ameren Services Company (ASC) tendered for filing a Transmission System Interconnection Agreement and Parallel Operating Agreement between ASC and Holland Energy, LLC. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Holland Energy, LLC pursuant to Ameren's Open Access Transmission Tariff.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. American Electric Power Services Corporation

[Docket No. ER01–3058–000]

Take notice that on September 14, 2001, American Electric Power Services Corporation (AEPSC), as agent for Appalachian Power Company, Central Power and Light Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, West Texas Utilities Company and Wheeling Power Company, submitted for filing a revised, integrated network operating agreement and network service agreement (the Agreement) between the AEP Operating Companies and Northeast Texas Electric Cooperative, Inc. (NTEC).

AEPSC requests and effective date of October 1, 2000 for the revised Agreement.

AEPSC states that a copy of the filing has been served on NTEC, Upshur Rural Electric Cooperative Corporation and the Public Utility Commission of Texas.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Doswell Limited Partnership

[Docket No. ER01–3059–000]

Take notice that on September 14, 2001, Doswell Limited Partnership (Doswell) filed with the Federal Energy Regulatory Commission (the Commission) the Second Amended and Restated Power Purchase Agreement between Doswell and Virginia Electric and Power Company, designated as Second Revised Service Agreement No. 1 under Doswell's existing market-based rate schedule (FERC Electric Tariff No. 1).

A copy of this filing was served upon Virginia Electric and Power Company.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Doswell Limited Partnership

[Docket No. ER01–3060–000]

Take notice that on September 14, 2001, Doswell Limited Partnership (Doswell) filed with the Federal Energy Regulatory Commission (the Commission) the Third Amended and Restated Power Purchase Agreement between Doswell and Virginia Electric and Power Company, designated as Original Service Agreement No. 2 under Doswell's existing market-based rate schedule (FERC Electric Tariff No. 1).

A copy of this filing was served upon Virginia Electric and Power Company.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. South Carolina Electric & Gas Company

[Docket No. ER01–3061–000]

Take notice that on September 14, 2001, South Carolina Electric & Gas Company (SCE&G) filed a Network Integration Transmission Service Agreement and a Network Operating Agreement between SCE&G Electric Transmission and SCE&G Merchant Function (Agreement), under which SCE&G Merchant Function will take transmission service pursuant to SCE&G Electric Transmission's Open Access Transmission Service Tariff in order to provide the transmission service necessary to allow SCE&G to provide power and energy to the City of Orangeburg, South Carolina (Orangeburg) pursuant to an agreement with Orangeburg under SCE&G's Negotiated Market Sales Tariff.

SCE&G has requested an effective date for this Agreement of May 1, 2001.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Virginia Electric and Power Company

[Docket No. ER01–3062–000]

Take notice that on September 14, 2001, Virginia Electric and Power Company (Dominion Virginia Power) tendered for filing Notice of Termination of Service Agreement with Coastal Electric Services Company designated as First Revised Service No. 24 under FERC Electric Tariff, Original Volume No. 4.

Dominion Virginia Power respectfully requests a waiver of the Commission's regulations to permit an effective date of October 20, 2001, as requested by the customer.

Copies of the filing were served upon El Paso Merchant Energy, L.P., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Indiana Gas & Electric Company

[Docket No. ER01–3063–000]

Take notice that on September 14, 2001, Southern Indiana Gas & Electric Company (SIGECO) tendered for filing a Notice of Cancellation of Rate Schedule FPC No. 29, which is a contract between SIGECO and Alcoa Power Generating Inc. (APGI). In conformity with Order No. 614 SIGECO also tendered a canceled rate schedule sheet.

SIGECO respectfully requests that the Commission accept its filing and allow the cancellation to become effective as of November 15, 2001.

Copies of the filing were served upon APGI and the Indiana Utility Regulatory Commission.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Hardee Power Partners Limited

[Docket No. ER01–3064–000]

Take notice that on September 14, 2001, Hardee Power Partners Limited (HPP) submitted an abbreviated rate filing in connection with amendments (Fifth Amendments) to two power sales agreements providing for the sale of electric capacity and associated energy to Seminole Electric Cooperative, Inc. (Seminole) and Tampa Electric Company (Tampa Electric), the rates under which were previously accepted by the Commission.

HPP requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 1, 2001.

HPP has served copies of the filing on Seminole, Tampa Electric and the Florida Public Service Commission.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Colton Power, L.P.

[Docket No. ER01–3068–000]

Take notice that on September 14, 2001, Colton Power, L.P. (Colton) tendered for filing with the Federal Energy Regulatory Commission (Commission), in compliance with Section 205(c) of the Federal Power Act (FPA) and Section 35.1(a) of the Commission's Regulations, the Master Power Purchase and Sale Agreement, dated April 23, 2001 between the California Department of Water Resources (CDWR) and the Applicant's predecessor, Alliance Colton LLC (Alliance-Colton)

Comment date: October 5, 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, N.E., Washington, D.C. 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. 01–23839 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–313–000, et al.]

Eagle Point Cogeneration Partnership, et al.; Electric Rate and Corporate Regulation Filings

September 18, 2001.

Take notice that the following filings have been made with the Commission:

1. Eagle Point Cogeneration Partnership

[Docket No. EG01–313–000]

Take notice that on September 14, 2001, Eagle Point Cogeneration Partnership (Eagle Point), a New Jersey general partnership with its principal place of business in Houston, Texas, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Eagle Point owns and operates an approximate 225 MW natural gas-fired, combined-cycle, independent power production facility in Westville, County of West Deptford, New Jersey (the Facility). Electric energy produced by the Facility will be sold by Eagle Point to the wholesale power market in the PJM.

Comment date: October 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Cambridge Electric Light Company

[Docket Nos. ER94–1409–005 and EL94–88–005]

Take notice that, on September 13, 2001, Cambridge Electric Light Company (Cambridge) filed an Interim Refund Report in the referenced dockets.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Company, El Paso Electric Company, Public Service Company of New Mexico, and Southern California Edison Company

[Docket No. ER00–3752–001]

Take notice that on September 14, 2001, Arizona Public Service Company, El Paso Electric Company, Public Service Company of New Mexico, and Southern California Edison Company tendered for filing the First Addendum to the Funding Agreement for the Development of a Satellite Switchyard to the ANPP High Voltage Switchyard Between Participating Interconnectors and Salt River Project Agricultural Improvement and Power District.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Illinois Power Company

[Docket Nos. ER01–1592–002, ER01–1598–002 and ER01–1706–002]

Take notice that on September 14, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) service agreement designations as required by the Commission's Order No. 614 and the Letter Order issued on August 22, 2001 in these dockets.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp

[Docket No. ER01–2292–000]

Take notice that on September 13, 2001, PacifiCorp tendered for filing with the Federal Energy Regulatory Commission (Commission) in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a request to withdraw PacifiCorp's filing under FERC Docket No. ER01–2292–000 and to terminate all future actions under this docket.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: October 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. PJM Interconnection, L.L.C.

[Docket No. ER01–3051–000]

Take notice that on September 13, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing an amendment to section 15.2 of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement). The proposed amendment clarifies that PJM Members that pay a Weighed Interest assessment shall be creditors of the defaulting PJM Member causing the assessment. Additionally, the proposal establishes a mechanism for the PJM Members to appoint PJM as their agent for collection.

PJM requests that the amendments be made effective on September 14, 2001.

Copies of this filing were served upon all PJM members, each state electric utility regulatory commission and each State Consumer Advocate in the PJM control area.

Comment date: October 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Western Resources, Inc.

[Docket No. ER01–3052–000]

Take notice that on September 13, 2001, Western Resources, Inc. (WR) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement between WR and Wisconsin Public Service Corp. (WPSC) and a Service Agreement between WR and the American Municipal Power—Ohio (AMP). WR states that the purpose of these agreements is to permit WPSC and AMP to take service under WR's Market Based Power Sales Tariff on file with the Commission.

These agreements are proposed to be effective August 13, 2001.

Copies of the filing were served upon WPSC, AMP and the Kansas Corporation Commission.

Comment date: October 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER01–3053–000]

Take notice that on September 13, 2001, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) tendered for filing its Generator Interconnection Procedures and Agreement as Attachment R to the Midwest ISO Open Access Transmission Tariff.

The Midwest ISO requests that the amendments become effective November 13, 2001.

Copies of this filing were electronically served upon Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region.

Comment date: October 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Southern Company Services, Inc.

[Docket No. ER01–3054–000]

Take notice that on September 14, 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 referred to as Southern Company), filed the following service agreements under the Open Access Transmission Tariff (Tariff) of Southern Company (FERC Electric Tariff, Fourth Revised Volume No. 5): (I) one (1) long-term firm point-to-point transmission service agreement between SCS, as agent for Southern Company, and Southern Company Generation and Energy Marketing (OASIS Requests 178070, 178071, 178072, 178073); (II) two (2) short-term firm point-to-point transmission service agreements between SCS, as agent for Southern Company, and the following entities: (i) Entergy-Koch Trading, LP and (ii) Topaz Energy Associates, LLC; and (III) two (2) non-firm point-to-point transmission service agreements between SCS, as agent for Southern Company and the following entities: (i) Entergy-Koch Trading, LP and (ii) Topaz Energy Associates, LLC.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Eagle Point Cogeneration Partnership

[Docket No. ER01–3055–000]

Take notice that on September 14, 2001, Eagle Point Cogeneration Partnership (Eagle Point), filed with the Federal Energy Regulatory Commission (Commission) an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

Eagle Point is a partnership that owns and operates a 225-MW generating plant

located in Westville, Town of West Deptford, New Jersey.

Comment date: October 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Cedar Brakes III, L.L.C.

[Docket No. ER01–3056–000]

Take notice that on September 14, 2001, Cedar Brakes III, L.L.C. (CBIII), filed with the Federal Energy Regulatory Commission (Commission) an application for approval of its initial rate schedule (FERC Electric Tariff Original Volume No. 1), and for blanket approval for market-based rates pursuant to Part 35 of the Commission's regulations.

CBIII is a limited liability company formed under the laws of Delaware. CBIII does not own any generating facilities.

Comment date: October 5, 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. 01–23840 Filed 9–24–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7064–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Reporting and Recordkeeping Requirements for Universal Waste Handlers and Destination Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Reporting and Recordkeeping Requirements for Universal Waste Handlers and Destination Facilities, ICR Number 1597.04, OMB Control Number 2050–0145, expiration date September 30, 2001. This ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1597.04 and OMB Control No. 2050–0145, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *Farmer.Sandy@epamail.epa.gov*, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1597.04. For technical questions about the ICR contact Tab Tesnau by phone at (703) 605–0636 or by E-mail at tesnau.tab@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Reporting and Recordkeeping Requirements for Universal Waste Handlers and Destination Facilities (OMB Control Number 2050–0145; ICR Number 1597.04) expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: The universal waste regulations at 40 CFR part 273 were promulgated by EPA under the authority of Subtitle C in Resource Conservation and Recovery Act (RCRA). This information collection targets the collection of information for the following reporting or recordkeeping requirements: notification, labeling and marking, storage time limitations, off-site shipments, tracking of universal waste shipments, and petitions to include other waste categories at the federal level. It is necessary for EPA to collect universal waste information to ensure that universal waste is collected and managed in a manner that is protective of human health and the environment. EPA requires, among other things, Large Quantity Handlers of Universal Waste (LQHUW) to notify the Agency of their universal waste management activities so that EPA can obtain general information on these handlers, and to facilitate enforcement of the regulations at part 273. In addition, EPA requires universal waste handlers to record the date on which they begin storing universal waste on-site to ensure that such accumulation is performed responsibly. EPA also requires certain universal waste handlers to track receipt of universal waste shipments as well as shipments sent off-site to ensure that universal waste is properly treated, recycled, and disposed. Finally, the submission of petitions in support of regulating other wastes or waste categories under part 273 helps EPA (1) to compile information on these wastes, and (2) to determine whether regulation as a universal waste is appropriate. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 27, 2001 (66 FR 16672); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information in hours per response is estimated to average 1 hour for Small Quantity Handlers of Universal Waste (SQHUW), 3 hours for Large Quantity Handlers of Universal Waste (LQHUW), and 201 hours for destination facilities. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review

instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: SQHUWs, LQHUWs, and Destination Facilities.

Estimated Number of Respondents: 129,839.

Frequency of Response: As needed.

Estimated Total Annual Hour Burden: 218,168 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $3,317.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1597.04 and OMB Control No. 2050–0145 in any correspondence.

Dated: September 13, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23914 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7064–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standards for Portland Cement Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standards for Portland Cement Plants, OMB Control Number 2060–0025, expiration date September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1051.08 and OMB Control No. 2060–0025, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by email at *auby.susan@epamail.epa.gov*, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1051.08. For technical questions about the ICR contact Gregory Fried at EPA at (202) 564–7016.

SUPPLEMENTARY INFORMATION:

Title: New Source Performance Standards for Portland Cement Plants, OMB Control No. 2060–0025; EPA ICR No. 1051.08; expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: Entities potentially affected by this action are portland cement plants with the following facilities: Kilns, clinker coolers, raw mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems. The Administrator has judged that PM emissions from portland cement plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners/operators of portland cement plants must notify EPA of construction, modification, startups, shut downs, date and results of initial performance test and excess emissions. In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 1, 2001 (66 FR 8588). No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 18 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of Portland Cement Plants.

Estimated Number of Respondents: 113.

Frequency of Response: Initial and semiannual.

Estimated Total Annual Hour Burden: 7,968 hours.

Estimated Total Annualized Capital and Operating & Maintenance Cost Burden: $986,700.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1051.08 and OMB Control No. 2060–0025 in any correspondence.

Dated: September 12, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23915 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7065–1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses, OMB Control Number 2060–0302, expiration September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1702.03 and OMB Control No. 2060–0302 to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, D.C. 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by E-mail at *Auby.Susan@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1702.03. For technical questions about the ICR contact Anthony Erb, tel: (202) 564–9259; fax: (202) 565–2957 ; or email: *erb.anthony @epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; OMB Control No.2060–0302; EPA ICR No. 1702.03; expiration September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: Section 219 (d) of the Clean Air Act (CAA), as amended in 1990, required that the EPA promulgate regulations for urban buses that: (a) operate in Metropolitan Statistical Areas (MSA) or consolidated MSA's with a 1980 population of 750,000 or more (the program could be expanded in the future to MSA's of less than 750,000, under section 219(c) of the CAA); (b) are not subject to the 1994 or later urban bus standards; and (c) have their engines replaced or rebuilt after January 1, 1995. The CAA Amendments require the subject urban buses be retrofitted to comply with an emission standard that reflects the best retrofit technology and maintenance practices reasonably achievable. Under these provisions, EPA has set requirements for pre-1994 model year urban buses that are effective after January 1, 1995, when urban bus engines are rebuilt or replaced. The program requires that the particulate emissions level of the urban bus engines be reduced to a level below the engines' original particulate level through the use of retrofit/rebuild equipment that is certified by EPA. The program will phase itself out as pre-1994 are mandatory. All the information required by this collection is needed for the implementation and the activities of various EPA programs. The information is collected by the Engine Programs Group, Certification and Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation. Specific certification information submitted by manufacturers is held as confidential. Confidentiality of proprietary information is granted in accordance with the Freedom of Information Act, EPA regulations at 40 CFR part 2, and class determinations issued by EPA's Office of General Counsel.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 8, 2001 (66 FR 23254); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 20 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Manufacturers of retrofit equipment and urban bus fleet operators.

Estimated Number of Respondents: 159.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden: 3,709.

Estimated Total Annualized Capital, O&M Cost Burden: $105,700.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1702.03 and OMB Control No. 2060–0302 in any correspondence.

Dated: September 12, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23918 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7064–9]

Agency Information Collection Activities; Submission to OMB; Comment Request; Partial Updating of TSCA Inventory Data Base, Production and Site Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Partial Updating of TSCA Inventory Data Base, Production and Site Reports (EPA ICR No. 1011.05; OMB Control No. 2070–0070). The ICR, which is abstracted below, describes the nature of the information collection and its estimated cost and burden. The **Federal Register** document required

under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on April 3, 2001 (66 FR 17704). EPA received a number of comments on this ICR during the comment period, which are addressed in the ICR.

DATES: Additional comments may be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1011.05 and OMB Control No. 2070–0070, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code: 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone on (202) 260–2740, by e-mail: *farmer.sandy@epamail.epa.gov,* or download off the Internet at http://www.epa.gov/icr/icr.htm and refer to EPA ICR No. 1011.05 and/or OMB Control No. 2070–0070.

SUPPLEMENTARY INFORMATION:

Title: Partial Updating of TSCA Inventory Data Base, Production and Site Reports (EPA ICR No. 1011.05; OMB Control No. 2070–0070). This is a request for extension of an existing approved collection that is currently scheduled to expire on September 30, 2001. Under 5 CFR 1320.10(e)(2), the Agency may continue to conduct or sponsor the collection of information while the submission is pending at OMB.

Abstract: Section 8(b) of TSCA requires EPA to compile and keep current a complete list of chemical substances manufactured or processed in the United States. EPA uses the Inventory of Chemical Substances in Commerce to comply with TSCA section 8(b). This inventory, commonly referred to as the TSCA Inventory, is a listing of chemical substances manufactured, imported and processed for commercial purposes in the United States. EPA updates this inventory of chemicals every four years by requiring manufacturers, processors and importers to provide production volume, plant site information and site-limited status information on about 8,900 of the more than 75,000 chemicals on the TSCA Inventory. This information allows EPA to identify what chemicals are or are not currently in commerce and to take appropriate regulatory action as necessary. EPA also uses the information for screening chemicals for risks to human health or the environment, for priority-setting efforts, and for exposure estimates.

Responses to the collection of information are mandatory. The TSCA Inventory Update Rule requires the submission of information on mostly organic chemicals produced or imported in volumes greater than 10,000 pounds per year (see 40 CFR part 710). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden Statement: The total public reporting burden for this collection of information is estimated to average about 22 hours per response. Burden means the total time, effort or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The ICR provides a detailed explanation of the information collection activity and the corresponding burden estimate, which is only briefly summarized here.

Respondents/Affected Entities: Manufacturers, processors or importers of chemical substances, mixtures or categories.

Frequency of Collection: Once every four years.

Estimated No. of Respondents: 3,000.

Estimated Total Burden on Respondents: 65,640 hours.

Estimated Total Annual Costs: $1,140,000.

Changes in Burden Estimates: The total burden associated with this ICR has increased from 34,500 hours in the previous ICR to 65,640 hours for this ICR. This adjustment in burden reflects a reassessment of the burden associated with complying with this regulation.

According to the procedures prescribed in 5 CFR 1320.12, EPA has submitted this ICR to OMB for review and approval. Any comments related to the renewal of this ICR should be submitted within 30 days of this notice, as described above.

Dated: September 13, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23919 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7064–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Emission Standards for Hazardous Air Pollutants (NESHAP) for Vinyl Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Vinyl Chloride, OMB Control Number 2060–0071, expiration date September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 0186.09 and OMB Control No. 2060–0071, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby

at EPA by phone at (202) 260–4901, by email at Auby.sausan@epamail.epa.gov, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0186.09. For technical questions about the ICR contact Gregory Fried at EPA at (202) 564–7016.

SUPPLEMENTARY INFORMATION:

Title: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Vinyl Chloride Subpart F, OMB Control Number 2060–0071, EPA ICR Number 0186.09 expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Vinyl Chloride (VC) were proposed on December 24, 1975, promulgated on October 21, 1976, and amended on June 7, 1977, September 30, 1986, September 23, 1988 and December 23, 1992. These standards apply to exhaust gases and oxychlorination vents at ethylene dichloride (EDC) plants; exhaust gases at vinyl chloride monomer (VCM) plants; and exhaust gases, reactors opening losses, manual vent valves, and stripping residuals at polyvinyl chloride (PVC) plants. The standards also apply to relief valves and fugitive emission sources at all three types of plants. In the Administrator's judgement, vinyl chloride emissions from polyvinyl chloride (PVC), ethylene dichloride (EDC), and vinyl chloride monomer (VCM) plants cause or contribute to air pollution that may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapaciting reversible illness. Vinyl chloride is a known human carcinogen which causes a rare cancer of the liver. There is no reason to believe that operators of plants affected by this NESHAP would maintain low emissions without regulations under the Clean Air Act. In order to ensure compliance with the standard, adequate record keeping and reporting is necessary. This information enables the Agency to: (1) Ensure that facilities affected continue to operate the control equipment and use proper work practices to achieve compliance; (2) notification of startup indicates to enforcement personnel when a new facility has been constructed and is thus subject to the standards; and (3) provides a means for ensuring compliance. The standards require daily measurements from the continuous monitoring system and of the reactor pressure and temperature. Establishment of a continuous monitoring program is a high priority of the Agency. The continuous monitoring system monitors VC emissions from the stack to judge compliance with the numerical limits in the standards. The parameters are used to judge the operation of the reactor so that the source and EPA will be aware of improper operation and maintenance. The standards implicitly require the initial reports required by the General Provisions of 40 CFR 61.7 and 61.9. These initial reports include application for approval of construction or modification, and notification of startup. The standards also require quarterly reporting of vinyl chloride emissions from stripping, reactor openings, and exhausts. Reports must be submitted within 10 days of each valve discharge and manual vent valve discharge. All reports are sent to the delegated State authority. In the event that there is no such delegated State authority, the reports are sent directly to the EPA Regional Office. The owner/operator must make the following one-time-only reports; application for approval of construction or modification; notification of startup; application of waiver of testing (if desired by source); and an initial report. The initial report includes a list of the equipment installed for compliance, a description of the physical and functional characteristics off each piece of equipment, a description of the methods which have been incorporated into the standard operation procedures for measuring or calculating emissions, and a statement that equipment and procedures are in place and are being used. Generally, the one-time only reports are required of all sources subject to NESHAP.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting, comments on this collection of information was published on February 1, 2001. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 52 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Manufacturers of Ethylene Dichloride, Vinyl Chloride Monomer, or Polyvinyl Chloride.

Estimated Number of Respondents: 308.

Frequency of Response: Quarterly and on occasion.

Estimated Total Annual Hour Burden: 16,159 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $1,980,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the above addresses. Please refer to EPA ICR No. 0186.09 and OMB Control No. 2060–0071 in any correspondence.

Dated: September 12, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23920 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7065–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Continuous Release Reporting Regulations (CRRR) Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Continuous Release Reporting Regulations (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 (CERCLA), OMB No. 2050–0086, expiring September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1445.05 and OMB Control No. 2050–0086, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *Farmer.Sandy@epamail.epa.gov*, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1445.05. For technical questions about the ICR contact Lynn Beasley on 703–603–9086 or E-mail address *Beasley.Lynn@epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Continuous Release Reporting Regulation (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), OMB Control No. 2050–0086, EPA ICR Number 1445.05, expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: Section 103(a) of CERCLA, as amended, requires the person in charge of a facility to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ). The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4. Section 103(f)(2) of CERCLA provides facilities relief from this per-occurrence notification requirement if the hazardous substance release at or above the RQ is continuous and stable in quantity and rate. Under the CRRR, to report such a release as a continuous release you must make an initial telephone call to the NRC, an initial written report to the EPA Region, and if the source and chemical composition of the continuous release does not change and the level of the continuous release does not significantly increase, a follow-up written report to the EPA Region one year after submission of the initial written report. If the source or chemical composition of the previously reported continuous release changes, notifying the NRC and EPA Region of a change in the source or composition of the release is required. Further, a significant increase in the level of the previously reported continuous release must be reported immediately to the NRC according to section 103(a) of CERCLA. Finally, any change in information submitted in support of a continuous release notification must be reported to the EPA Region. The continuous release of hazardous substance information collected under CERCLA section 103(f)(2) is also available to EPA program offices and other Federal agencies who use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. State and local government authorities and facilities subject to the CRRR use release information for purposes of local emergency response planning. Members of the public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 28, 2001 (66 FR 16910). One question was received through electronic mail; no additional comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 92 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop acquire, install, and use technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action are facilities that manufacture, process, or otherwise use certain specified hazardous substances.

Estimated Number of Respondents: 2,712.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 249,451.

Estimated Total Annualized Capital, O&M Cost Burden: $76,496.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1445.05 and OMB Control No. 2050–0086 in any correspondence.

Dated: September 12, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23921 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7065–3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Identification, Listing and Rulemaking Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Identification, Listing and Rulemaking Petitions, OMB Control Number 2050–0053, expiration date September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1189.09 and OMB Control No. 2050–0053, to the following addressees: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *Farmer.Sandy@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No.1189.09. For technical questions about the ICR contact James Michael, Hazardous Waste Identification Division, Office of Solid Waste at (703) 308–8610, by E-mail at Michael.James @epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Identification, Listing and Rulemaking Petitions (OMB Control No. 2050–0053; EPA ICR No.1189.09) expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR provides a discussion of all the information collection requirements associated with developing and reviewing rulemaking petitions, solid waste and boiler variances, hazardous waste exclusions, and hazardous waste listing exemptions under 40 CFR parts 260 and 261. It includes a detailed description of data items and respondent activities associated with each activity. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 3, 2001 (66 FR 17702); no comments were submitted.

Burden Statement: The annual public reporting and record keeping burden for this collection of information varies depending on the type of petition or demonstration. For example, it is estimated that the average reporting burden per respondent ranges from less than 1 hour (equipment cleaning and replacement) to 748 hours (preparation of a delisting petition). The average recordkeeping burden per respondent ranges from 63 hours (equipment cleaning and replacement) to 2 hours (delisting petition). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Business or other for Profit Institutions.

Estimated Number of Respondents: 126.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 20,802 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $886,315.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1189.09 and OMB Control No. 2050–0053 in any correspondence.

Dated: September 18, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23922 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7065–2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; NSPS for Asphalt Processing and Asphalt Roofing Manufacture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart UU: Asphalt Processing and Asphalt Roofing Manufacture; OMB Control Number 2060–0002; expiring September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 25, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 0661.07 and OMB Control No. 2060–0002, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–2740, by email at *auby.susan@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0661.07. For technical questions about the ICR contact Gregory Fried at EPA at (202) 564–7016.

SUPPLEMENTARY INFORMATION:

Title: NSPS Asphalt Processing and Asphalt Roofing Manufacture; OMB Control Number 2060–0002; EPA ICR No. 0661.07, expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR Part 60, New Source Performance Standards (NSPS), Subpart UU. The respondents of the recordkeeping and reporting requirements are asphalt processing and roofing manufacturers (SIC Codes 2911, 2951, and 2952) which commenced construction, modification, or reconstruction after November 18, 1980, or May 26, 1981 as appropriate. The control of emissions of particulate matter from asphalt processing and asphalt roof manufacturing requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Particulate matter emissions from asphalt processing and asphalt roof manufacturing are the result of materials handling, fuel combustion, and storage. These standards rely on the reduction of particulate matter emissions by pollution control devices such as electrostatic precipitators, high velocity

air filters, or afterburners. In order to ensure compliance with these standards, adequate recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act. The standards require initial notification reports with respect to construction, modification, reconstruction, startups, shutdowns, and malfunctions. The standards also require reports on initial performance tests. Under the standard, the data collected by the affected industry is retained at the facility for a minimum of two (2) years and available for inspection by the Administrator.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required by 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 1, 2001. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,509 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Asphalt Processing and Asphalt Roofing Manufacturers.

Estimated Number of Respondents: 83.

Frequency of Response: Initial start-up.

Estimated Total Annual Hour Burden: 15,089 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $3,105,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR Number 0661.07 and OMB Control Number 2060–0002, in any correspondence.

Dated: September 12, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–23923 Filed 9–24–01; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Executive Office of the President; Paperwork Reduction Act; Notice of Proposed Information Collection; Comment Request

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Submission for OMB review; Comment request.

SUMMARY: The ONDCP has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for proposes to collect information to test the awareness, attitudes and willingness of adults 18 years and older to participate in community anti-drug coalitions.

SUPPLEMENTARY INFORMATION:

I. Background

The National Youth Anti-Drug Media Campaign is a component within the ONDCP that is partnering with the Advertising Council to create a public service campaign that will generate awareness and involvement in local community anti-drug coalitions that mobilize communities to engage in drug prevention measures. To assist the development of the public service campaign, ONDCP proposes to obtain information to sample the awareness, attitudes and willingness of adults 18 years of age and older in order to participate in community anti-drug coalitions. The information will be used to establish a baseline for measuring changes in attitudes and awareness as a result of the public service campaign, and provide data for formative and qualitative evaluation activities. It will assess the public's exposure to and recall of advertising (within a donated media model), and measure change in attitudes about drug prevention and community anti-drug coalitions.

II. Special Issues for Comment

The agency has particular interest in comments on the following issues:

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; the accuracy of the agency's estimate of the burden of the proposed collection of information; methods to enhance quality, utility and clarity of the information to be collected; and, the means to minimize the burden of the collection of information on respondents, including the use of automated collection techniques.

III. For Additional Information

To request more information on the proposed projects or to obtain a copy of the information collection plans, please contact Terry Zobeck at (202) 395–5503. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Lauren Wittenberg, OMB Desk Officer, Room 10235, New Executive Office Building, Washington, DC 20503.

IV. Authority and Signature

Alan Levitt, Director for the National Youth Anti-Drug Media Campaign, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506).

Signed at Washington, DC on September 6, 2001.

Alan Levitt,

Director, National Youth Anti-Drug Media Campaign.

[FR Doc. 01–23848 Filed 9–24–01; 8:45 am]

BILLING CODE 3180–02–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 19, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that

does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 26, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0291.

Title: Interconnected Systems.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 12,405.

Estimated Time Per Response: .25 hours.

Frequency of Response: On occasion and annual reporting requirements, and recordkeeping requirement.

Total Annual Burden: 3,101 hours.

Needs and Uses: This rule section allows commercial and private land mobile radio licensees to use common point telephone interconnection with telephone service costs distributed on a non-profit cost sharing basis. Records of such arrangements must be placed in the licensee's station file and made available to participants in the sharing arrangement and the Commission upon request.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–23972 Filed 9–24–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 96–262; 94–1; DA 01–2163]

Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document provides notice of the initiation of a cost review proceeding for residential and single-line business subscriber line charge (SLC) caps. Price cap local exchange carriers are directed to file, and parties may provide comment on, cost information so the Commission can determine the appropriate SLC cap.

DATES: Cost submissions due October 17, 2001.

Comments due November 14, 2001.

Reply comments due November 28, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, Common Carrier Bureau, Competitive Pricing Division, (202) 418–1530.

SUPPLEMENTARY INFORMATION: On May 31, 2000, the Commission released an order that adopted an integrated interstate access reform and universal service proposal put forth by the members of the Coalition for Affordable Local and Long Distance Service (CALLS). *See Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long-Distance Users, Federal-State Joint Board on Universal Service,* Sixth Report and Order in CC Docket Nos. 96–262 and 94–1, Report and Order in CC Docket No. 99–249, Eleventh Report and Order in CC Docket No. 96–45, 65 FR 38684, June 21, 2000 (*CALLS Order*). In that order, the Commission raised the cap for the primary residential and single-line business subscriber line charge (SLC) to $4.35 on July 1, 2000, and to $5.00 on July 1, 2001. Further scheduled increases were also set forth over the next two years, not to begin until the July 1, 2002 annual access tariff filings, and subject to the following Commission review in regard to the primary residential and single-line business SLC:

> [W]e shall review any increases to residential and single-line business SLC caps above $5.00 to verify that any such increases are appropriate and reflect higher costs where they are to be applied. We will initiate and complete a cost review proceeding prior to any scheduled increases above this cap taking effect to determine the appropriate SLC cap. For this proceeding, the price cap [local exchange carriers (LECs)] have agreed to provide, and we will examine, forward-looking cost information associated with the provision of retail voice grade access to the public switched telephone network. We will address in that proceeding whether an increase in the SLC cap above $5.00 is warranted and, if not, whether a decrease in common line charges is warranted.

See CALLS Order, 65 FR 38684, June 21, 2000. We now initiate the proceeding described at paragraph 83 of the *CALLS Order*. We direct price cap LECs to submit the cost information described in that paragraph, and invite interested parties to comment on the cost submissions.

This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Price cap LECs shall file their cost information no later than October 17, 2001. Interested parties may file comments no later than November 14, 2001. Reply comments may be filed no later than November 28, 2001. When filing cost information and comments, please reference CC Docket Nos. 96–262 and 94–1.

An original and four copies of all cost information, comments and reply comments must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A225, Washington, DC 20554. In addition, one copy of each submission must be filed with Qualex International, the Commission's duplicating contractor, at its office at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, and one copy with the Chief, Competitive Pricing Division, 445 12th Street, SW., Room 5–A225, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–23973 Filed 9–24–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 9:13 a.m. on Friday, September 21, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate, supervisory, and receivership activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John M. Reich (Appointive), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (C)(9)(B), and (c)(10).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: September 21, 2001.

Federal Deposit Insurance Corporation

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 01–24131 Filed 9–21–01; 3:47 pm]

BILLING CODE 6714–01–M

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 October 22, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. State Bankshares, Inc., Fargo, North Dakota; to acquire 100 percent of the voting shares of State Bank of Moorhead, Moorhead, Minnesota.

Board of Governors of the Federal Reserve System, September 20, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–23946 Filed 9–24–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

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

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

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 11, 2001.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Camden National Corporation, Camden, Maine; to acquire Trust Company of Maine, Inc., Bangor, Maine, and thereby engage in trust company activities, pursuant to section 225.28(b)(5) of Regulation Y.

Board of Governors of the Federal Reserve System, September 20, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–23947 Filed 9–24–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, October 1, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

Contact Person for More Information: Michelle A. Smith, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an

electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 21, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–24079 Filed 9–21–01; 1:29 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interstate Quarantine; Delegation of Authority

Notice is hereby given that I have delegated to the Director, Centers for Disease Control and Prevention, with authority to redelegate, the authorities vested in the Surgeon General of the Public Health Service under 42 CFR part 70—Interstate Quarantine.

This delegation shall be exercised under the Department of Health and Human Service's existing delegation of authority and policy on regulations.

This delegation became effective upon date of signature. In addition, I have affirmed and ratified any actions taken by the Director, Centers for Disease Control and Prevention, or his subordinates which involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Dated: August 31, 2001.

David Satcher,

Surgeon General.

[FR Doc. 01–23881 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0393]

Agency Information Collection Activities; Proposed Collection; Comment Request; Prescription Drug Product Labeling; Medication Guide Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on regulations requiring the distribution of patient labeling, called Medication Guides, for certain products that pose a serious and significant public health concern requiring distribution of FDA-approved patient medication.

DATES: Submit written or electronic comments on the collection of information by November 26, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Karen Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Prescription Drug Product Labeling; Medication Guide Requirements (OMB Control Number 0910–0393)—Extension

FDA regulations require the distribution of patient labeling, called Medication Guides, for certain prescription human drug and biological products used primarily on an outpatient basis that pose a serious and significant public health concern requiring distribution of FDA-approved patient medication information. These Medication Guides inform patients about the most important information they should know about these products in order to use them safely and effectively. Included are information such as the drug's approved uses, contraindications, adverse drug reactions, and cautions for specific populations, with a focus on why the particular product requires a Medication Guide. These regulations are intended to improve the public health by providing information necessary for patients to use certain medication safely and effectively.

The regulations contain the following reporting requirements that are subject to the PRA. The estimates for the burden hours imposed by the following regulations are listed in table 1 of this document:

21 CFR 208.20—Applicants must submit draft Medication Guides for FDA approval according to the prescribed content and format.

21 CFR 314.70(b)(3)(ii) and 601.12(f)—Application holders must submit changes to Medication Guides to FDA for prior approval as supplements to their applications.

21 CFR 208.24(e)—Each authorized dispenser of a prescription drug product for which a Medication Guide is required, when dispensing the product to a patient or to a patient's agent, must provide a Medication Guide directly to each patient unless an exemption applies under § 208.26 (21 CFR 208.26).

Section 208.26(a)—Requests may be submitted for exemption or deferral from particular Medication Guide content or format requirements.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
208.20	8	1	8	242	1,936
314.70(b)(3)(ii) and 601.12(f)	3	1	3	24	72
208.24(e)	55,000	8.3	460,000	.0014	644
208.26(a)	1	1	1	4	4
Total					2,656

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 18, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–23885 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0205]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for FDA Approval to Market a New Drug

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 October 25, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Applications for FDA Approval to Market a New Drug—Part 314 (21 CFR Part 314) (OMB Control Number 0910–0001)—Extension

Under section 505(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(a)), a new drug may not be commercially marketed in the United States, imported, or exported from the United States, unless an approval of an application filed with FDA under section 505(b) or 505(j) of the act is effective with respect to such drug. Section 505(b) and 505(j) of the act requires a sponsor to submit to FDA a new drug application (NDA) containing, among other things, full reports of investigations that show whether or not the drug is safe and effective for use, a full list of articles used as components in the drug, a full description of manufacturing methods, samples of the drugs required, specimens of the labeling proposed to be used, and certain patent information as applicable. Under the act, it is the sponsor's responsibility to provide the information needed by FDA to make a scientific and technical determination that the product is safe and effective.

This information collection approval request is for all information requirements under part 314 that are imposed on sponsors who apply for approval of a new drug application in order to market or to continue to market a drug.

Section 314.50(a) requires that an application form (Form FDA 356h) be submitted that includes introductory information about the drug as well as a checklist of enclosures.

Section 314.50(b) requires that an index is submitted with the archival copy of the application and that it references certain sections of the application.

Section 314.50(c) requires that a summary of the application be submitted that presents a good general synopsis of all the technical sections and other information in the application.

Section 314.50(d) requires that the NDA contain the following technical sections about the new drug: Chemistry, manufacturing, and controls; nonclinical pharmacology and toxicology; human pharmacokinetics and bioavailability; microbiology; clinical data; and statistical.

Section 314.50(e) requires the applicant to submit samples of the drug if requested by FDA. In addition, the archival copy of the application must include copies of the label and all labeling for the drug.

Section 314.50(f) requires that case report forms and tabulations be submitted with the archival copy.

Section 314.50(h) requires that patent information, as described under § 314.53, be submitted with the application.

Section 314.50(i) requires that patent certification information be submitted in section 505(b)(2) of the act applications for patents claiming the drug, drug product, method of use, or method of manufacturing.

Section 314.50(j) requires that applicants that request a period of marketing exclusivity submit certain information with the application.

Section 314.50(k) requires that an archival, review, and field copy of the application be submitted.

Section 314.52 requires that notice of certification of invalidity or noninfringement of a patent to patent holders and NDA holders be sent by section 505(b)(2) of the act applicants.

Section 314.54 sets forth the content requirements for applications filed under section 505(b)(2) of the act.

Section 314.60 sets forth reporting requirements for sponsors who amend an unapproved application.

Section 314.65 states that the sponsor must notify FDA when withdrawing an unapproved application.

Sections 314.70 and 314.71 require that supplements be submitted to FDA

for certain changes to an approved application.

Section 314.72 requires sponsors to report to FDA any transfer of ownership of an application.

Section 314.80(c)(1) and (c)(2) sets forth requirements for expedited adverse drug experience postmarketing reports and followup reports, as well as for periodic adverse drug experience postmarketing reports (Form FDA 3500A). (The burden hours for § 314.80(c)(1) and (c)(2) are already approved by OMB under control numbers 0910–0230 and 0910–0291 and are not included in the hour burden estimates in table 1 of this document).

Section 314.80(i) establishes recordkeeping requirements for reports of postmarketing adverse drug experiences. (The burden hours for § 314.80(i) are already approved by OMB under control numbers 0910–0230 and 0910–0291 and are not included in the hour burden estimates in table 1 of this document).

Section 314.81(b)(1) requires that field alert reports be submitted to FDA (Form FDA 3331).

Section 314.81(b)(2) requires that annual reports be submitted to FDA (Form FDA 2252).

Section 314.81(b)(3)(i) requires that drug advertisements and promotional labeling be submitted to FDA (Form FDA 2253).

Section 314.81(b)(3)(iii) sets forth reporting requirements for sponsors who withdraw an approved drug product from sale. (The burden hours for § 314.81(b)(3)(iii) are already approved by OMB under control number 0910–0045 and are not included in the hour burden estimates in table 1 of this document).

Section 314.90 sets forth requirements for sponsors who request waivers from FDA for compliance with §§ 314.50 through 314.81. (The information collection hour burden estimate for NDA waiver requests is included in table 1 of this document under estimates for §§ 314.50, 314.60, 314.70, and 314.71).

Section 314.93 sets forth requirements for submitting a suitability petition in accordance with 21 CFR 10.20 and 10.30. (The burden hours for § 314.93 are already approved by OMB under control number 0910–0183 and are not included in the hour burden estimates in table 1 of this document).

Section 314.94(a) and (d) requires that an abbreviated new drug application (ANDA) contain the following information: Application form; table of contents; basis for ANDA submission; conditions of use; active ingredients; route of administration, dosage form, and strength; bioequivalence; labeling; chemistry, manufacturing, and controls; samples; and patent certification.

Section 314.95 requires that notice of certification of invalidity or noninfringement of a patent to patent holders and NDA holders be sent by ANDA applicants.

Section 314.96 sets forth requirements for amendments to an unapproved ANDA.

Section 314.97 sets forth requirements for submitting supplements to an approved ANDA for changes that require FDA approval.

Section 314.98(a) sets forth postmarketing adverse drug experience reporting and recordkeeping requirements for ANDAs. (The burden hours for § 314.98(a) are already approved by OMB under control numbers 0910–0230 and 0910–0291 and are not included in the hour burden estimates in table 1 of this document).

Section 314.98(c) requires other postmarketing reports for ANDAs: Field alert reports (Form FDA 3331), annual reports (Form FDA 2252), and advertisements and promotional labeling (Form FDA 2253). (The information collection hour burden estimate for field alert reports is included in table 1 of this document under § 314.81(b)(1); the estimate for annual reports is included under § 314.81(b)(2); the estimate for advertisements and promotional labeling is included under § 314.81(b)(3)(i)).

Section 314.99(a) requires that sponsors comply with certain reporting requirements for withdrawing an unapproved ANDA and for a change in ownership of an ANDA.

Section 314.99(b) sets forth requirements for sponsors who request waivers from FDA for compliance with §§ 314.92 through 314.99. (The information collection hour burden estimate for ANDA waiver requests is included in table 1 of this document under estimates for §§ 314.94(a) and (d), 314.96, and 314.97).

Section 314.101(a) states that if FDA refuses to file an application, the applicant may request an informal conference with FDA and request that the application be filed over protest.

Section 314.107(c)(4) requires notice to FDA by ANDA or section 505(b)(2) of the act application holders of any legal action concerning patent infringement.

Section 314.107(e)(2)(iv) requires that an applicant submit a copy of the entry of the order or judgment to FDA within 10 working days of a final judgment.

Section 314.107(f) requires that ANDA or section 505(b)(2) of the act applicants notify FDA of the filing of any legal action filed within 45 days of receipt of the notice of certification. A patent owner may also notify FDA of the filing of any legal action for patent infringement. The patent owner or approved application holder who is an exclusive patent licensee must submit to FDA a waiver that waives the opportunity to file a legal action for patent infringement.

Section 314.110(a)(3) and (a)(4) states that, after receipt of an FDA approvable letter, an applicant may request an opportunity for a hearing on the question of whether there are grounds for denying approval of the application. (The burden hours for § 314.110(a)(3) and (a)(4) are included under parts 10 through 16 (21 CFR parts 10 through 16) hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.110(a)(5) states that, after receipt of an approvable letter, an applicant may notify FDA that it agrees to an extension of the review period so that it can determine whether to respond further.

Section 314.110(b) states that, after receipt of an approvable letter, an ANDA applicant may request an opportunity for a hearing on the question of whether there are grounds for denying approval of the application. (The burden hours for § 314.110(b) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.120(a)(3) states that, after receipt of a not approvable letter, an applicant may request an opportunity for a hearing on the question of whether there are grounds for denying approval of the application. (The burden hours for § 314.120(a)(3) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.120(a)(5) states that, after receipt of a not approvable letter, an applicant may notify FDA that it agrees to an extension of the review period so that it can determine whether to respond further.

Section 314.122(a) requires that an ANDA or a suitability petition that relies on a listed drug that has been voluntarily withdrawn from sale must be accompanied by a petition seeking a determination whether the drug was withdrawn for safety or effectiveness reasons. (The burden hours for § 314.122(a) are already approved by OMB under control number 0910–0183

and are not included in the hour burden estimates in table 1 of this document).

Section 314.122(d) sets forth requirements for relisting petitions for unlisted discontinued products. (The burden hours for § 314.122(d) are already approved by OMB under control number 0910–0183 and are not included in the hour burden estimates in table 1 of this document).

Section 314.126(c) sets forth requirements for a petition to waive criteria for adequate and well-controlled studies. (The burden hours for § 314.126(c) are already approved by OMB under control number 0910–0183 and are not included in the hour burden estimates in table 1 of this document).

Section 314.151(a) and (b) sets forth requirements for the withdrawal of approval of an ANDA and the applicant's opportunity for a hearing and submission of comments. (The burden hours for § 314.151(a) and (b) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.151(c) sets forth the requirements for withdrawal of approval of an ANDA and the applicant's opportunity to submit written objections and participate in a limited oral hearing. (The burden hours for § 314.151(c) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.152(b) sets forth the requirements for suspension of an ANDA when the listed drug is voluntarily withdrawn for safety and effectiveness reasons, and the applicant's opportunity to present comments and participate in a limited oral hearing. (The burden hours for § 314.152(b) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.161(b) and (e) sets forth the requirements for submitting a petition to determine whether a listed drug was voluntarily withdrawn from sale for safety or effectiveness reasons. (The burden hours for § 314.161(b) and (e) are already approved by OMB under control number 0910–0183 and are not included in the hour burden estimates in table 1 of this document).

Section 314.200(c), (d), and (e) requires that applicants or others subject to a notice of opportunity for a hearing who wish to participate in a hearing file a written notice of participation and request for a hearing as well as the studies, data, and so forth, relied on. Other interested persons may also submit comments on the notice. This section also sets forth the content and format requirements for the applicants' submission in response to notice of opportunity for hearing. (The burden hours for § 314.200(c), (d), and (e) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.200(f) states that participants in a hearing may make a motion to the presiding officer for the inclusion of certain issues in the hearing. (The burden hours for § 314.200(f) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.200(g) states that a person who responds to a proposed order from FDA denying a request for a hearing provide sufficient data, information, and analysis to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing. (The burden hours for § 314.200(g) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document.)

Section 314.420 states that an applicant may submit to FDA a drug master file in support of an application, in accordance with certain content and format requirements.

Section 314.430 states that data and information in an application are disclosable under certain conditions, unless the applicant shows that extraordinary circumstances exist. (The burden hours for § 314.430 are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.530(c) and (e) states that, if FDA withdraws approval of a drug approved under the accelerated approval procedures, the applicant has the opportunity to request a hearing and submit data and information. (The burden hours for § 314.530(c) and (e) are included under the parts 10 through 16 hearing regulations, in accordance with § 314.201, and are not included in the hour burden estimates in table 1 of this document).

Section 314.530(f) requires that an applicant first submit a petition for stay of action before requesting an order from a court for a stay of action pending review. (The burden hours for § 314.530(f) are already approved by OMB under control number 0910–0194 and are not included in the hour burden estimates in table 1 of this document).

Respondents to this collection of information are all persons who submit an application or abbreviated application or an amendment or supplement to FDA under part 314 to obtain approval of a new drug, and any person who owns an approved application or abbreviated application.

In the **Federal Register** of May 29, 2001 (66 FR 29143), the agency requested comments on the proposed collections of information. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section; [Form Number]	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
314.50(a), (b), (c), (d), (e), (f), (h), and (k)	71	1.55	110	1,666	183,260
314.50(i) and 314.94(a)(12)	97	3.4	331	2	662
314.50(j)	92	2.7	250	2	500
314.52 and 314.95	37	2	75	16	1,200
314.54	11	1	11	300	3,300
314.60	125	19.92	2,490	80	199,200
314.65	29	1.24	36	2	72
314.70 and 314.71	204	11.54	2,354	300	706,200
314.72	70	2.90	205	2	410
314.81(b)(1) [3331]	82	3.43	281	8	2,248
314.81(b)(2) [2252]	600	12.66	7,597	40	303,880

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section; [Form Number]	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
314.81(b)(3)(i) [2253]	196	2.42	475	2	950
314.94(a) and (d)	125	2.92	365	480	175,200
314.96	225	7.25	1,631	80	130,480
314.97	175	17.44	3,052	80	244,160
314.99(a)	45	8.88	400	2	800
314.101(a)	6	1	6	.50	3
314.107(c)(4), (e)(2)(iv), and (f)	34	2	71	1	71
314.110(a)(5)	50	1.66	83	.50	41.5
314.120(a)(5)	22	1.04	23	.50	11.5
314.420	462	1.1	514	61	31,354
Total					1,984,003

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 18, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–23886 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1418]

International Conference on Harmonisation; Guidance on Good Manufacturing Practice for Active Pharmaceutical Ingredients; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''Q7A Good Manufacturing Practice Guidance for Active Pharmaceutical Ingredients.'' The guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guidance describes current good manufacturing practice (CGMP) for manufacturing of active pharmaceutical ingredients (APIs). The guidance is intended to help ensure that all APIs meet the standards for quality and purity they purport or are represented to possess.

DATES: The guidance is effective September 25, 2001. Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX 888–CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. Requests and comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Edwin Rivera, Center for Drug Evaluation and Research (HFD–320), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–0095, Rivera@cder.fda.gov, or John A. Eltermann, Center for Biologics Evaluation and Research (HFM–670), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3031, Eltermann@cber.fda.gov.

Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA). The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In accordance with the agency's good guidance practices (GGPs) regulation (21 CFR 10.115), this document is being called a guidance, rather than a guideline.

To facilitate the process of making ICH guidances available to the public, the agency has changed its procedures

for publishing ICH guidances. As of April 2000, FDA no longer includes the text of ICH guidances in the **Federal Register**. Instead, the agency publishes a notice in the **Federal Register** announcing the availability of an ICH guidance. The ICH guidance is placed in the docket and can be obtained through regular agency sources (see the **ADDRESSES** section). Draft ICH guidances are left in the original ICH format. Final guidances are reformatted to conform to the GGP style before publication.

In the **Federal Register** of August 1, 2000 (65 FR 46936), FDA published a notice announcing the availability of the draft guidance entitled ''Q7A ICH Good Manufacturing Practice Guide for Active Pharmaceutical Ingredients.'' The notice gave interested persons an opportunity to submit comments by October 2, 2000.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies in November 2000.

The guidance describes CGMPs for the manufacturing of APIs. The guidance is intended to help ensure that all APIs meet the standards for quality and purity they purport or are represented to possess. The guidance is not intended to define registration or filing requirements or modify pharmacopeial requirements.

In the guidance, ''manufacturing'' includes all operations, and related controls, of receipt of materials, production, packaging, repackaging, labeling, relabeling, quality control, release, storage, and distribution of APIs. The guidance applies to the manufacture of APIs for use in human drug products, including sterile APIs up to the point immediately before the API is rendered sterile. The sterilization and aseptic processing of sterile APIs are not covered by this guidance. CGMP's described in the guidance should be applied to the API manufacturing process beginning with the use of API starting materials.

The guidance applies to APIs that are manufactured by chemical synthesis, extraction, cell culture/fermentation, recovery from natural sources, or any combination of these processes. APIs manufactured using blood or plasma as raw materials are also covered.

The guidance does not apply to vaccines, whole cells, whole blood and plasma, blood and plasma derivatives (plasma fractionation), and gene therapy APIs. The guidance does not apply to cell substrates, medical gases, bulk-packaged drug products, and manufacturing/control aspects specific to radiopharmaceuticals.

This guidance represents the agency's current thinking on CGMPs for manufacturing APIs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments on the guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either http://www.fda.gov/cder/guidance/index.htm or http://www.fda.gov/cber/publications.htm.

Dated: September 18. 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–23980 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0361]

International Conference on Harmonisation; Draft Guidance on ICH Q1D Bracketing and Matrixing Designs for Stability Testing of Drug Substances and Drug Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled ''Q1D Bracketing and Matrixing Designs for Stability Testing of Drug Substances and Drug Products.'' The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). This draft guidance is an annex to an ICH draft guidance entitled ''Q1A(R) Stability Testing of New Drug Substances and Products,'' that published in the **Federal Register** of April 21, 2000 (65 FR 21446). ICH Q1D is intended to provide guidance on the application of reduced designs (i.e., bracketing and matrixing) for stability studies conducted in accordance with the principles outlined in ICH Q1A(R).

DATES: Submit written or electronic comments on the draft guidance by November 26, 2001.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX 888–CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Chi-wan Chen, Center for Drug Evaluation and Research (HFD–830), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2001, or Andrew Shrake, Center for Biologics Evaluation and Research (HFM–345), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–402–4635.

Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to

seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA). The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In accordance with FDA's good guidance practices (GGPs) regulation (21 CFR 10.115), this document is being called a guidance, rather than a guideline.

To facilitate the process of making ICH guidances available to the public, the agency has changed its procedure for publishing ICH guidances. As of April 2000, FDA no longer includes the text of ICH guidances in the **Federal Register**. Instead, the agency publishes a notice in the **Federal Register** announcing the availability of an ICH guidance. The ICH guidance will be placed in the docket and can be obtained through regular agency sources (see the **ADDRESSES** section). Draft guidances will be left in the original ICH format. The final guidance will be reformatted to conform to the GGP style before publication.

In November 2000, the ICH Steering Committee agreed that an ICH draft guidance entitled ''Q1D Bracketing and Matrixing Designs for Stability Testing of New Drug Substances and Drug Products'' should be made available for public comment. The draft guidance is the product of the Quality Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Quality Expert Working Group.

ICH Q1A(R) notes that, if justified, the use of two types of reduced stability study designs (i.e., bracketing and matrixing) can be applied to the testing of new drug substances and products, but ICH Q1A(R) provides no further guidance on the subject. This draft guidance (ICH Q1D) describes the principles for applying bracketing or matrixing in situations where further justification is or is not important. Design factors and other considerations are presented, and potential risks of using reduced designs are discussed. Sample designs are provided as illustrations.

This draft guidance represents the agency's current thinking on reduced stability testing of new drug substances and products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance by November 26, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cder/guidance/index.htm or http://www.fda.gov/cber/publications.htm.

Dated: September 18, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–23981 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0418]

Solvay Pharmaceuticals, Inc.; Withdrawal of Approval of Two New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of two new drug applications (NDAs) held by Solvay Pharmaceuticals, Inc., 901 Sawyer Rd., Marietta, GA 30062. In 1997, the agency informed Solvay of its intention to assess the validity of data and information in all of Solvay's pending and approved applications. However, Solvay does not intend to conduct validity assessments of the two NDAs named in this notice because the products are no longer marketed. Solvay has agreed to permit FDA to withdraw approval of the applications, thereby waiving its opportunity for a hearing.

DATES: Effective September 25, 2001.

FOR FURTHER INFORMATION CONTACT: David Read, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: Recently, FDA determined that Solvay submitted untrue statements of material fact in several applications filed with the agency. These findings, along with other information submitted to the agency by Solvay, provided sufficient justification to question the reliability of data in all of Solvay's applications filed with the agency. Solvay was notified in writing of the agency's determinations and its intention to assess the validity of the data and information in all of Solvay's pending and approved applications. The agency offered Solvay the opportunity to permit FDA to withdraw approval, under § 314.150(d) (21 CFR 314.150(d)), of any application not undergoing a validity assessment.

Subsequently, in letters dated February 29, 2000, Solvay requested withdrawal under § 314.150(d) of the following NDAs held by Solvay:

NDA 16–782; Lithonate (lithium carbonate tablets USP) 300 milligrams (mg); and

NDA 16–980; Lithotabs (lithium carbonate tablets USP) 300 mg.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority

delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the NDAs listed above, and all amendments and supplements thereto, is withdrawn effective September 25, 2001. Distribution of these products in interstate commerce without an approved application is illegal and subject to regulatory action.

Dated: September 17, 2001.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 01–23979 Filed 9–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Assessment of the National Leadership Institute Program and Services

—(OMB No. 0930–0203, Revision)—The Substance Abuse and Mental Health Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) is conducting an assessment of its National Leadership Institute (NLI). The goal underlying the technical assistance and training opportunities provided through the NLI is to strengthen the competitive position of nonprofit community-based organizations (CBOs) which are essential components of local substance abuse services for the uninsured and under-insured.

Both a process and an impact assessment are being conducted. The process assessment describes the needs faced by CBOs, the types of training and technical assistance that CBOs receive through the NLI, and CBO satisfaction with services. The impact assessment focuses on specific changes made by CBOs in response to NLI recommendations, and improvements in self-rated organizational performance and several organization status measures.

The assessment design for technical assistance is a pre-post-post design that collects identical information from the TA recipient organizations at initiation of NLI contact and again after 12 and 24 months. These time frames are necessary to allow CBOs the opportunity to address NLI technical assistance recommendations and to plan and implement their changes. In addition, the assessment collects satisfaction measures from the TA recipient organization after each technical assistance event and at 12 and 24 months after the initial TA event.

The training component of NLI is also a pre-post-post design. Participants complete a brief questionnaire prior to receiving either onsite or online training, as well as immediately upon completion of the training. Training participants are also sent a 30-day follow-up questionnaire in the mail. With the introduction of online training, the 30-day follow-up may be submitted via e-mail, as well.

Most of the evaluation forms for both TA and training are undergoing minor revisions. The Organizational Self-Assessment and the 12-Month Follow-Up Organizational Self-Assessment will be revised to eliminate some of the items that were confusing to respondents and to capture some key indicators that will be more useful to TA providers and for evaluation purposes. The Activity Summary will be revised to better capture GPRA data and to better record the nature of the recommendations an agency receives from a TA provider. There will not be substantial changes to any of the TA-related satisfaction forms.

The training forms are undergoing minor revisions that include rewording and the addition and/or deletion of questions to tailor the instrument to persons who participate in NLI's online training.

This request is also to extend OMB clearance to 2005 to allow for a continued assessment of the NLI's services. NLI anticipates receiving inquiries from 80 CBOs per year over the next three years, for a total of 240 programs. NLI anticipates receiving requests for technical assistance from 70 CBOs per year over the next three years, for a total of 210 programs. Data collection burden is borne primarily by directors of the CBOs who provide initial contact information (3 minutes), pre- and post-test versions of organizational self-assessments (75 minutes each), satisfaction forms (5 minutes each for 2 types of questionnaires), and activity summaries/telephone interviews (20 minutes). Finally, an estimated 500 individuals will attend NLI onsite training events and/or complete an online training course per year, for a total of 1,500 individuals. These individuals will receive a brief questionnaire prior to the training and satisfaction questionnaires immediately after the training, as well as 30 days after the training (5 minutes each).

The chart below summarizes the estimated total three-year burden and annual average burden.

Form	Number of respondents	Responses per respondent	Hours per response	Total hours
Technical Assistance Recipients				
Initial Contact Form	240	1	.10	24
Organization Self-Assessment	210	[1] 3 (pre-TA and 12 and 24 months post)	1.25	786
Technical Assistance Event Satisfaction	210	2	.08	34

Form	Number of respondents	Responses per respondent	Hours per response	Total hours
Activity Summary	210	[2] 2 (at 12 and 24 months)	.33	139
Comprehensive NLI Satisfaction	210	1	.16	34
Training Participants (includes onsite and online trainings)				
Training Participant Information Form (pre- and post-training)	1,500	2	.08	240
Training Participant 30 day follow-up	1,500	1	.08	120
Total	1,740			1,411
Annual average	580			470

[1] Pre-TA and 12 and 24 months post.
[2] At 12 and 24 months.

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 19, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–23882 Filed 9–24–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a closed meeting of the Center for Substance Abuse Prevention (CSAP) National Advisory Council in September 2001.

The agenda of the meeting will include the review, discussion, and evaluation of individual grant applications. Therefore this meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, 10(d). If anyone needs special accommodations for persons with disabilities, please notify the contact listed below.

A roster of committee members may be obtained from Yuth Nimit, Ph.D., Executive Secretary, Rockwall II building, Suite 901, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–8455. Substantive program information may be obtained from the contact person listed below.

Committee Name: Center for Substance Abuse Prevention National Advisory Council.

Meeting Date: Monday, September 24, 2001.

Place: 5515 Security Lane, Rockwall II Building, Suite 1075, Rockville, Maryland 20857, Telephone: (301) 443–8455.

Closed: Monday, September 24, 2001, 2–3 p.m.

Contact: Yuth Nimit, Ph.D., 5515 Security Lane, Rockwall II Building, Suite 901, Rockville, Maryland 20852, Telephone: (301) 443–8455.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: September 19, 2001.

Toian Vaughn,

Executive Secretary/Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–23982 Filed 9–24–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment; Amendment of Meeting Notice

Public notice was given in the **Federal Register** on August 29, 2001, Volume 66, Number 168, page 45689 that the CSAT National Advisory Council would be meeting September 12–13, 2001 at the Bethesda Hyatt Hotel, One Bethesda Metro, Bethesda, Maryland. Due to the emergency situation in the Nation, the meeting was cancelled.

Information regarding the next meeting of the Council may be obtained from:

FOR FURTHER INFORMATION CONTACT: Cynthia Graham, 5600 Fishers Lane, RW II, Ste 618, Rockville, MD 20857, Telephone: (301) 443–8923; FAX: (301) 480–6077. E-mail: cgraham@samhsa.gov.

Dated: September 19, 2001.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–23983 Filed 9–24–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4663–N–04]

Notice of Extension of Application Due Dates for Third Round Designation of Seven Urban Empowerment Zones and Designation of Forty Renewal Communities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Extension of application due dates.

SUMMARY: This notice extends by 15 business days the application due date for the designation of seven Round III Empowerment Zones (EZs), from September 28, 2001, to October 22, 2001. This notice also extends the application due date for the designation of 40 Renewal Communities (RCs) by 15 business days, from October 12, 2001, to November 2, 2001.

APPLICATION DUE DATE FOR ROUND III EZ DESIGNATION: Completed applications (one original and 2 copies) for Round III EZ designation must be submitted no later than October 22, 2001. See below for specific procedures governing the form of application submission (*e.g.,* mailed application or hand delivery). No facsimile (FAX) applications will be accepted for consideration by HUD.

Delivered Applications. Completed applications (one original and two copies) for Round III EZ designation must be submitted no later than 5:00 p.m. eastern time, on October 22, 2001. Up until 5:00 p.m. on the deadline date, completed applications will be accepted

at the address and room number specified below.

Mailed Applications. Applications for Round III EZ designation will be considered timely if received on or before October 22, 2001.

Applications Sent by Overnight Delivery. Overnight delivery items for Round III EZ designation will be considered filed on time if received on or before October 22, 2001.

Electronic Submission of Application Information

Information submitted electronically for Round III EZ designation using the RC/EZ On-Line Application System must be submitted not later than 5:00 PM, Eastern Time on October 22, 2001. This is done by hitting the ''Submit'' button at each appropriate location in the software. The system will not be available after the deadline.

APPLICATION DUE DATE FOR RC DESIGNATION: Completed applications (one original and 2 copies) for RC designation must be submitted no later than November 2, 2001. See below for specific procedures governing the form of application submission (e.g., mailed application or hand delivery). No facsimile (FAX) applications will be accepted for consideration by HUD.

Delivered Applications. Complete applications (one original and two copies) for RC designation must be received no later than 5:00 PM eastern time, on November 2, 2001. Up until 5:00 PM on the deadline date, completed applications will be accepted at the address and room number specified below.

Mailed Applications. Applications for RC designation will be considered timely if received on or before November 2, 2001.

Applications Sent by Overnight Delivery. Overnight delivery items for RC designation will be considered filed on time if received on or before November 2, 2001.

Electronic Submission of Application Information

Information submitted electronically for RC designation using the RC/EZ On-line Application System must be submitted not later than 5:00 PM, Eastern Time on November 2, 2001. This is done by hitting the ''Submit'' button at the appropriate location in the software. The system will not be available after the deadline.

ADDRESSES: Address for submitting all applications. Completed paper applications (one original and two copies) for either Round III EZ designation or RC designation must be submitted to: Department of Housing and Urban Development, Office of Community Planning and Development, c/o Processing and Control Unit, Room 7255, 451 7th Street, SW, Washington, DC 20410, by mail or hand delivery.

For Round III EZ Application and Other Materials. For a copy of the EZ Round III Application Guidebook, which includes the Nomination Forms and the EZ Round III rule at 24 CFR part 598 (which also implemented EZ Round II), please call the Community Connections Information Clearinghouse at (800) 998–9999. Round III publications are also available on the HUD web site at: *http://www.hud.gov/offices/cpd/ezec.* Requests for application materials should be made immediately to insure sufficient time for application preparation. Hearing- or speech-impaired persons should use the Federal Information Relay Service telephone number, (800) 877–8339, to obtain application materials.

The Round III EZ designation publications consist of:

- The Notice Inviting Applications for Round III EZ designation published on July 19, 2001 (66 FR 37878);
- Urban Application Guide for Empowerment Zones Round III (Application Guide and Nomination forms);
- The Round II and Round III Rule at 24 CFR part 598;
- Tax Incentive Guide for Businesses in Renewal Communities, Empowerment Zones and Enterprise Communities; and
- Federal Programs Guide.

For RC Application and Other Materials. For a copy of all RC publications, including the Application Guide, Nomination Forms, and the interim rule (24 CFR part 599, published July 9, 2001, 66 FR 35850), please call the Community Connections Information Clearinghouse at (800) 998–9999. The RC publications are also available from HUD's web site at: *http://www.hud.gov/offices/cpd/ezec.* Requests for application materials should be made immediately to allow sufficient time for application preparation. Hearing- or speech-impaired persons should use the Federal Information Relay Service telephone number, (800) 877–8339, to obtain application materials.

The Renewal Community publications consist of:

- The Notice Inviting Applications for RC designation published on August 7, 2001 (66 FR 41432);
- The Renewal Communities Interim Rule (24 CFR part 599);
- Renewal Communities Application Guide, 2001 (RC Application Guide); and
- Tax Incentive Guide for Businesses in the Renewal Communities, Empowerment Zones, and Enterprise Communities.

FOR FURTHER INFORMATION CONTACT: For technical questions relating to Round III EZ designation, contact Lisa Hill, Empowerment Zone/Enterprise Community Initiative; for technical questions relating to RC designation, contact John Haines, Renewal Community Initiative; both with the Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7130, Washington, DC 20410, (202) 708–6339. Hearing- or speech-impaired individuals may call (800) 877–8339 (the Federal Information Relay Service—TTY).

SUPPLEMENTARY INFORMATION: The Community Renewal Tax Relief Act of 2000 (CRTR Act) authorizes HUD to designate up to 40 Renewal Communities within which special tax incentives would be available. The CRTR Act also authorizes the designation of nine Round III Empowerment Zones (EZs). Seven of the Round III EZs are to be designated in urban areas by the Secretary of HUD. The remaining two Round III EZs are to be designated in rural areas by the Secretary of Agriculture.

On July 19, 2001, at 66 FR 37878, HUD published a Notice Inviting Applications for Round III EZ designation, with an application due date of September 28, 2001. A Notice Inviting Applications for RC designation was published on August 7, 2001 (66 FR 41432), with an application due date of October 26, 2001. Because of the widespread disruptions resulting from recent tragic events, HUD in this Notice is extending by 15 business days the application due dates for both the Round III EZ designations, to October 22, 2001, and the RC designations, to November 2, 2001.

While these extended due dates are available to all communities applying for RC or Round III EZ designations, many applicants may still be able to keep their schedules in meeting the original due dates and, to the extent feasible, HUD encourages them to do so.

Dated: September 19, 2001.

Roy A. Bernardi,

Assistant Secretary for Community Planning and Development

[FR Doc. 01–23845 Filed 9–24–01; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Request for nominations for the Invasive Species Advisory Committee.

SUMMARY: Pursuant to Executive Order 13112, the U.S. Department of the Interior, on behalf of the interdepartmental National Invasive Species Council, proposes to appoint new members to the Invasive Species Advisory Committee (ISAC). The Secretary of the Interior, acting as administrative lead, is requesting nominations for qualified persons to serve as members of the ISAC.

DATES: November 9, 2001.

ADDRESSES: Nominations should be sent to Lori Williams, Executive Director, National Invasive Species Council, 1951 Constitution Ave, NW, Room 320, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Kelsey Passé, Program Analyst, at (202) 208–6336, fax (202) 208–1526 or e-mail *Kelsey__Passe@ios.doi.gov.*

SUPPLEMENTARY INFORMATION

Advisory Committee Scope and Objectives

The purpose and role of the ISAC is to provide advice to the Invasive Species Council (Council), as authorized by Executive Order 13112, on a broad array of issues including preventing the introduction of invasive species, providing for their control, and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is Co-chaired by the Secretaries of the Interior, Agriculture, and Commerce. The duty of the Council is to provide national leadership regarding invasive species issues. Pursuant to the Executive Order, the Council developed a National Invasive Species Management Plan. The Plan is available on the web at *www.invasivespecies.gov*. The Council is responsible for effective implementation of the Plan. The Council coordinates Federal agency activities concerning invasive species; prepares, revises and issues the National Invasive Species Management Plan; encourages planning and action at local, tribal, State, regional and ecosystem-based levels; develops recommendations for international cooperation in addressing invasive species; facilitates the development of a coordinated network to document, evaluate, and monitor impacts from invasive species; and facilitates establishment of an information-sharing system on invasive species that utilizes, to the greatest extent practicable, the Internet.

The role of ISAC is to maintain an intensive and regular dialogue regarding the aforementioned issues. The ISAC provides advice in cooperation with stakeholders and existing organizations addressing invasive species. The ISAC meets up to four (4) times per year.

Terms for current members of the ISAC expire at the end of 2001. Current members of the ISAC are eligible for reappointment. The Secretary of the Interior will appoint members to the ISAC in consultation with the Secretaries of Agriculture and Commerce. The Secretary of Interior actively solicits new nominees to the ISAC. Members of the ISAC should be knowledgeable in and represent one or more of the following communities of interests: weed science; fisheries science; rangeland management; forest science; entomology; nematology; plant pathology; veterinary medicine; the broad range of farming or agricultural practices; biodiversity issues; applicable laws and regulations relevant to invasive species policy; risk assessment; biological control of invasive species; public health/epidemiology; industry activities, structure, and international trade; environmental education; ecosystem monitoring; natural resource database design and integration; internet-based management of conservation issues.

Members should also have practical experience in one or more of the following areas: representing sectors of the national economy that are significantly threatened by biological invasions (*e.g.* agriculture, fisheries, public utilities, recreational users, tourism, etc.); representing sectors of the national economy whose routine operations may pose risks of new or expanded biological invasions (*e.g.* shipping, forestry, horticulture, aquaculture, pet trade, etc.); developing natural resource management plans on regional or ecosystem-level scales; addressing invasive species issues, including prevention, control and monitoring, in multiple ecosystems and on multiple scales; integrating science and the human dimension in order to create effective solutions to complex conservation issues including education, outreach, and public relations experts; coordinating diverse groups of stakeholders to resolve complex environmental issues and conflicts; and complying with NEPA and other federal requirements for public involvement in major conservation plans. Members will be selected in order to achieve a balanced representation of viewpoints, so to effectively address invasive species issues under consideration. No member may serve on the ISAC for more than three (3) consecutive terms of two years. Reappointment terms will be staggered within stakeholder groups (2 or 3 years) to minimize turnover.

Members of the ISAC and its subcommittees serve without pay. However, while away from their homes or regular places of business in the performance of services of the ISAC, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by section 5703 of Title 5, United States Code.

Submitting Nominations

Nominations should be typed and should include the following:

1. A brief summary of no more than two (2) pages explaining the nominee's suitability to serve on the ISAC.
2. A resume or curriculum vitae.
3. Three (3) letters of reference.

Current members of the ISAC need only to submit a letter of support from the organization they are representing to be reconsidered for the next ISAC.

Nominations should be sent no later than forty-five days after the **Federal Register** notice, to Lori Williams, National Invasive Species Council, 1951 Constitution Ave, NW, Room 320, Washington, DC, 20240.

To ensure that recommendations of the ISAC take into account the needs of the diverse groups served, the Department of the Interior is actively soliciting nominations of qualified minorities, women, persons with disabilities and members of low income populations.

Dated: September 14, 2001.

James Tate, Jr.,

Science Advisor to the Secretary of the Interior.

[FR Doc. 01–23907 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit; Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as*

amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–047984

Applicant: Philadelphia Zoological Garden, Philadelphia, PA.

The applicant requests a permit to import a female captive-bred giant otter (*Pteronura brasiliensis*) from the Brasilia Zoo, Brazil, for the purpose of enhancing the propagation of the species.

PRT–048151

Applicant: Michael Follett, Dallas, TX.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The applications were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–047054

Applicant: Douglas E. Snell, Brandywine, MD.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada for personal use.

PRT–048095

Applicant: Clayton L. Green, Jr., Lawton, OK.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Southern Beaufort Sea polar bear population in Canada for personal use.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: September 14, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Office of Management Authority.

[FR Doc. 01–23929 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Supplement and Amendment to the Sonoran Pronghorn Recovery Plan—Recovery Criteria and Estimates of Time for Recovery Actions—for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a Draft Supplement and Amendment to the 1998 Final Sonoran pronghorn (*Antilocapra americana sonoriensis*) Recovery Plan. The species is currently known to occur on federal lands in Maricopa, Pima, and Yuma counties in southwestern Arizona. The Service solicits review and comment from the public on this Draft Supplement and Amendment.

DATES: Comments on the Draft Supplement and Amendment to the 1998 Final Sonoran Pronghorn Recovery Plan must be received on or before November 26, 2001 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the Draft Supplement and Amendment to the 1998 Final Sonoran Pronghorn Recovery Plan may obtain a copy by accessing the Service's Arizona Ecological Service Field Office internet web page at *Arizonaes.fws.gov* or contacting John Morgart, Cabeza Prieta National Wildlife Refuge, U.S. Fish and Wildlife Service, 1611 North Second Avenue, Ajo, Arizona, 85321 (520/387–4989 Direct; 520/387–6483 Refuge Office; 520/387–5359 Fax; john_morgart@fws.gov e-mail). Written comments and materials regarding the supplement and amendment to the plan should be addressed to the Refuge Manager, Don Tiller, at this same address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Morgart (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant species to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service prepares recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

In a recent court decision (Civil Action No. 99–927 [ESH]), the judge ruled that the 1998 Final Sonoran Pronghorn Recovery Plan ''* * * fails to establish (1) objective measurable criteria which, when met, would result in a determination that the pronghorn may be removed from the list of endangered species or, if such criteria are not practicable, an explanation of that conclusion and (2) estimates of the time required to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal where practicable, or, if such estimates are not practicable, an explanation of that conclusion.'' The Court has ordered the Service to reconsider these portions of the 1998 Final Sonoran Pronghorn Recovery Plan. Deadline for completion of this task is November 30, 2001.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and

comment be provided during recovery plan development. Public review and comment is also sought for this supplement and amendment to an existing recovery plan. The Service will consider all information presented during a public comment period prior to approval of the supplement and amendment to the 1998 Final Sonoran Pronghorn Recovery Plan. The Service and other Federal agencies will also take these comments into account in the course of implementing recovery activities.

The Draft Supplement and Amendment to the 1998 Final Sonoran Pronghorn Recovery Plan updates selected biological sections of the Recovery Plan, addresses the five listing factors mandated by Section 4(a)(1) of the Endangered Species Act of 1973, reassesses recovery criteria presented in the Final Recovery Plan, and where practicable, provides estimates of time necessary to carry out measures needed to effect recovery of Sonoran pronghorn as articulated in the Final Recovery Plan. The Draft Supplement and Amendment to the 1998 Final Recovery Plan was developed by the Service in coordination with an appointed Recovery Team that includes a group of scientists and agency biologists with expertise in the ecology of the Sonoran pronghorn. The Draft Supplement and Amendment to the Recovery Plan has undergone peer review by scientists, conservation biologists, range experts, and others experienced in reviewing recovery plans. This Draft Supplement and Amendment to the Recovery Plan incorporates their comments where applicable.

Public Comments Solicited

We solicit written comments on the Draft Supplement and Amendment to the 1998 Final Sonoran Pronghorn Recovery Plan. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 13, 2001.

Geoffrey L. Haskett,

Acting Regional Director.

[FR Doc. 01–23825 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Issuance of Permit for Marine Mammals

On June 15, 2001, a notice was published in the **Federal Register** (66 FR 32635), that an application had been filed with the Fish and Wildlife Service by James A. Cummings for a permit (PRT–043611) to import one polar bear (Ursus maritimus), taken from the Lancaster Sound population, Canada for personal use.

Notice is hereby given that on August 28, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On June 14, 2001 a notice was published in the **Federal Register** (66 FR 32371), that an application had been filed with the Fish and Wildlife Service by Brian Olson for a permit (PRT–043984) to import one polar bear (*Ursus maritimus*) trophy taken from the Norwegian Bay population, Canada for personal use.

Notice is hereby given that on August 30, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358–2104 or fax (703) 358–2281.

Dated: September 14, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–23930 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Bureau of Indian Affairs (BIA) has submitted for renewal the information collection for the Housing Assistance Application (1076–0084) to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act. This program and the process of obtaining benefits are codified at 25 CFR Part 256. On May 10, 2001, the BIA published a notice in the **Federal Register** requesting comments on the proposed information collection. The comment period ended on July 10, 2001. The BIA received no comments from the public in response to the notice.

DATES: Submit comments on or before October 25, 2001.

ADDRESSES: Your comments and suggestions on the requirements should be made directly to the Office of Information and Regulatory Affairs, Attn: Desk Officer for Department of the Interior, Office of Management and Budget; 725 17th Street, NW, Washington, D.C. 20503. Please provide a copy of your comments to June Henkel, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, MS–4660–MIB, Washington, D.C., 20240. Telephone: (202) 208–3667.

FOR FURTHER INFORMATION CONTACT: Copies of the renewal of collection of information and related self-explanatory form may be obtained by contacting June Henkel, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW, MS–4660–MIB, Washington, D.C. 20240. E-mail: *JuneHenkel@bia.gov.* Fax: (202) 208–2648. Telephone: (202) 208–3667. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Abstract

The information is needed to establish whether an applicant is eligible to receive services under the HIP and to establish the priority order in which eligible applicants may receive services under the program. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on May 10, 2001 (66 FR 23948). OMB is required to respond to this request between 30–60 days after publication of this notice in the **Federal Register**. For maximum consideration, your comments should be submitted to OMB within 30 days of publication.

II. Request for Comments

We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper performance of the functions of the BIA, including whether the information will have practical utility;
2. The accuracy of the BIA's estimate of the burden of the information collection, including the validity of the methodology and assumptions used;
3. The quality, utility and clarity of the information to be collected; and,
4. How to minimize the burden of the information collection on those who are to respond, including the use of appropriate automated electronic, mechanical or other forms of information technology.

III. Data

Title of the Collection of Information: Department of the Interior, Bureau of Indian Affairs, Housing Assistance Application.

OMB Number: 1076–0084.

Affected Entities: Individual members of Indian tribes who are living on or near a tribal service area, as defined by law or defined by the tribe and approved by the BIA.

Frequency of Response: Annually or less frequently, depending on length of waiting list, funding availability and dynamics of service population.

Estimated Number of Annual Responses: 3,500.

Estimated Time per Application: ½ hour.

Estimated Total Annual Burden Hours: 1,750 hours.

Dated: August 3, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–23877 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Rate Adjustment, Colorado River Irrigation Project

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Proposed Irrigation Operation and Maintenance Rate Adjustment.

SUMMARY: The Bureau of Indian Affairs (BIA) proposes to adjust the excess water rates assessed to customers of the Colorado River Irrigation Project for the 2001 irrigation season and subsequent years. We request your comments on the proposed rate adjustment.

DATES: Interested parties may submit comments on the proposed rate adjustment. Comments must be submitted on or before November 26, 2001.

ADDRESSES: All comments concerning the proposed rate adjustment must be in writing and addressed to: Director, Office of Trust Responsibilities, Attn.: Irrigation and Power, MS–3061–MIB, Code 210, 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jeff Hikins, Bureau of Indian Affairs, Colorado River Agency, Rt. 1, Box 9–C, Parker, AZ 85334. Phone Number: (520) 669–7111.

SUPPLEMENTARY INFORMATION:

Where Can Information on the Regulatory and Legal Citations in This Notice Be Obtained?

You can contact the Colorado River Irrigation Project office at the location stated above or you can use the internet site for the Government Printing Office at *http://www.gpo.gov.*

What Is the Purpose of This Notice?

This notice is to notify you that we propose to adjust the irrigation assessment rates for one of our irrigation projects. We are publishing the notice in accordance with the BIA's regulations governing its operation and maintenance of irrigation projects, specifically, sections 171.1(e) and 171.1(f) of part 171, subchapter H, chapter I of title 25 of the Code of Federal Regulations. These sections provide for the fixing and announcing of the rates for annual operation and maintenance assessments and related information for BIA irrigation projects.

What Authorizes Us To Issue This Notice?

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301; the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs in accordance with part 209 of the Department of the Interior's Departmental Manual, Chapter 8.1A and a memorandum dated January 25, 1994, from the Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

How Do We Calculate Our Irrigation Rate?

We calculate the assessment rate in accordance with section 171(f), subchapter H, chapter I of title 25 of the Code of Federal Regulations by estimating the cost of normal operation and maintenance at our irrigation project for which you receive service. Normal operation and maintenance means the expenses we incur to provide direct support or benefit for the irrigation project's activities for administration, operation, maintenance, and rehabilitation. These costs are then applied as stated in the rate table in this notice.

What Kinds of Expenses Are Included in Determining Our Estimated Cost of Normal Operation and Maintenance?

We include the following expenses:

(a) Personnel salary and benefits for the project engineer/manager and project employees under their management control;

(b) Materials and supplies;

(c) Major and minor vehicle and equipment repairs;

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement;

(e) Capitalization expenses;

(f) Acquisition expenses;

(g) Maintenance of a reserve fund available for contingencies or emergency expenses for, and insuring, reliable operation of the irrigation system; and

(h) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project.

When Should You Pay Your Irrigation Assessment?

We will mail you a bill for your irrigation assessment. You should pay your bill no later than the due date stated on the bill. The due date is normally based on locally established payment requirements at each of our projects.

What Information Must You Provide Us for Billing Purposes?

We must obtain certain information from you to ensure we can properly process, bill for, and collect monies owed the United States. At a minimum, this information is:

(a) Full legal name of person or entity responsible for paying the bill;

(b) Adequate and correct address for mailing or hand delivering our bill; and

(c) The taxpayer identification number or social security number of the person or entity responsible for paying the bill.

Why Are We Collecting This Information?

We need to collect enough information to properly bill the responsible party and service the account. We are also required to collect

the taxpayer identification number or social security number under the authority of, and as prescribed, in the Debt Collection Improvement Act of 1996, Public Law 104–134.

What Can Happen if You Do Not Provide the Information We Require for Billing Purposes?

We can refuse to provide you service as prescribed in section 171.17(a), subchapter H, chapter I of title 25 of the Code of Federal Regulations.

What Can Happen if You Don't Pay Your Bill by the Due Date and Could This Affect Your Water Delivery?

If you do not pay your bill by the due date, you will receive a past due notice no less than 30 days after the due date. We have the right to refuse water delivery to any of your irrigated project land that the bill is past due. We can continue to refuse water delivery until you pay your bill or make payment arrangements that we agree to. Your bill will have additional information concerning your rights. Our authority to demand payment of your past due bill is the Code of Federal Regulations, Title 31, Part 901.2, ''Demand for payment.''

Are There Any Additional Charges if You Are Late Paying Your Bill?

Yes. We will use the value of funds to the United States Treasury to calculate the interest you will be assessed beginning 30 days after the due date on your bill. Also, you will be charged an administrative fee of $12.50 for each time we try to collect your past due bill; and, should your bill become over 90 days past due, you will be assessed a penalty charge of 6 percent per year and it will accrue from the date your bill initially became past due. Our authority to assess interest, penalties, and administration fees on past due bills is prescribed in the Code of Federal Regulations, Title 31, part 901.9, ''Interest penalties, and administration costs.''

What Else Can Happen to Your Past Due Bill?

If you do not pay your bill or make payment arrangements that we agree to, we are required to forwarded your past due bill to the United States Treasury (Treasury) for further action. We must forward your bill to Treasury no later than 180 days after the original due date of your irrigation assessment bill. The requirement for us to do this is in Code of Federal Regulations, Title 31, part 901.1, ''Aggressive agency collection activity.''

What Irrigation Assessments or Charges Are Proposed for Adjustment by This Notice?

The excess water assessment rates for the 2001 irrigation season and subsequent years is proposed to be decreased retroactively to July 1, 2001, for the current irrigation season. A review of the excess water collections indicates the rate can be reduced to better reflect the financial needs of the project. The first 0.5 acre-foot of excess water above the basic per acre allotment of 5.0 acre-feet of water per acre is proposed to be reduced to $7.40 per acre assessed. The assessment for additional excess water over the initial 0.5 acre-foot per acre is unchanged at $17.00 per acre-foot per acre. Consultations with the project water users and the Colorado River Indian Tribes (Tribes) have resulted in the proposed rate adjustment. We are not proposing to adjust the basic assessment charge which includes up to 5.0 acre-feet per acre at this time.

The following table illustrates the proposed rate adjustment:

Water delivered per acre	Present 2001 irrigation season	Proposed 2001 irrigation season
Up to 5.0 acre-feet	$37.00	Unchanged
5.0 to 5.5 acre-feet	17.00	$7.40
Above 5.5 acre-feet	17.00	Unchanged

Consultation and Coordination With Tribal Governments (Executive Order 13175)

The proposed rate adjustment was developed in consultation between the irrigators, the BIA and the Tribal Irrigation Committee (Committee). The Committee was established by the Tribes and maintains a membership appointed by the Tribal Council. During the March 2001, committee meeting, a budget subcommittee was appointed and tasked to specifically review the excess water rate and make recommendations to the Committee for proposed adjustments. The subcommittee developed a method and rate which would maintain an excess water rate consistent with the previously developed budget. The proposed rate was reviewed and approved by the Committee during their May 2001 meeting. On June 19, 2001, a meeting was held between the Tribes and the BIA. During the meeting the Tribes were informed of the proposed rate adjustment and the impacts associated with this adjustment. The Tribes agreed to the proposed adjustment to the excess water rate and a verifying letter was sent to the Tribes on July 3, 2001.

Throughout the process of reviewing the excess water rate the BIA has relied upon input and consultation with the Tribes through their Irrigation Committee and Water Resource Program activity, to develop an equitable rate for farmers, maximize water conservation and maintain sufficient funds for operation and maintenance of the project.

Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

This is a notice for a rate adjustment at a BIA owned and operated irrigation project. This rate adjustment will have no significant adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustment be implemented.

Regulatory Planning and Review (Executive Order 12866)

This rate adjustment is not a significant regulatory action and does not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is ''a rule of particular applicability relating to rates.'' 5 U.S.C. Section 601(2).

Unfunded Mandates Act of 1995

This rate adjustment imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Takings (Executive Order 12630)

The Department has determined that this rate adjustment does not have significant ''takings'' implications. The rate adjustment does not deprive the public, state, or local governments of rights or property.

Federalism (Executive Order 13132)

The Department has determined that this rate adjustment does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

This rate adjustment does not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076–0141 and expires November 30, 2002.

National Environmental Policy Act

The Department has determined that this rate adjustment does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Dated: September 4, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–23931 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-State compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact for the Coushatta Tribe of Louisiana and the State of Louisiana, which was executed on July 20, 2001.

DATES: This action is effective September 25, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4066.

Dated: September 4, 2001.

Neal McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–23969 Filed 9–24–01; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–090–01–9922–EK]

Supplemental Rule Restricting Recreational and Sport Shooting To Protect Human Health and Safety in the Vicinity of the BLM Lands in Potter County, TX

AGENCY: Bureau of Land Management, Department of the Interior, Amarillo Field Office, Amarillo, Texas.

ACTION: Public Lands Restrictions.

SUMMARY: In accordance with Title 43, Code of Federal Regulations Section 8365.1–6, the State Director may establish supplementary rules in order to provide for the protection of persons, property and public lands and resources. Failure to comply with this supplementary rule will be punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months. The environmental effects of the proposed rule have been analyzed separately by Environmental Assessment 090–2001–002.

DATES: The supplemental rule will take effect with the publication of this Notice.

SUPPLEMENTARY INFORMATION: This supplemental rule was proposed to create a safer environment for the public utilizing the area in and around the public lands in Potter County, Texas. Uncontrolled shooting on the subject public lands in Potter County, Texas, creates a public health and safety hazard by firing solid projectile firearms, that have a long range, into and about a populated rural area. Portions of the area of concern receive heavy use by ranchers, oil and gas development personnel and BLM employees. This supplemental rule will prohibit the firing of any firearm. On those public lands administered by the BLM in Potter County, Texas, (Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, and 48 in Block 5 of G. M. Survey; Sections 1, 3 and 4 in Block 4 of G.M. Survey; Sections 19, 21, 27, 29 and 35 of Block 21–W of G.C.&S.F.R.R. Survey) it is prohibited to fire any handgun, shotgun or rifle. Archery hunting (bow and arrow) will be allowed pursuant to State of Texas, Parks and Wildlife regulations. By prohibiting all gunfire a safer environment on both public and private lands will be created. During a thirty-day comment period on the proposal of this rule, no suggestions or comments were received. This rule only affects public lands administered by BLM. This special rule is in addition to existing rules and regulations previously established under Title 43 Code of Federal Regulations as well as other Federal laws applicable to the use of public lands.

FOR FURTHER INFORMATION CONTACT: Paul Tanner, Natural Resource Specialist, BLM Amarillo Field Office, 801 S. Fillmore Street, Suite 500, Amarillo, Texas 79101–3545, telephone (806) 324–2641.

Dated: August 13, 2001.

M. J. Chavez,

State Director.

[FR Doc. 01–23883 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[INT–FES–01–29]

Keechelus Dam Safety of Dams Modification, Yakima Project, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability for the Keechelus Dam Safety of Dams Modification, Yakima Project, Washington, Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a final environmental impact statement (FEIS) examining the impacts of structural and nonstructural alternatives to correct safety deficiencies identified at Keechelus Dam.

The impacts of four alternatives that would correct safety deficiencies at Keechelus Dam, as well as the No Action Alternative are evaluated in this FEIS. The alternatives include: Modify Existing Dam (Preferred Alternative); Replace Existing Dam on New Alignment; Dam Breach; and Permanent Reservoir Restriction. The No Action Alternative is considered to be continued operation at the interim restriction to 2510 feet (7 feet below full pool), implemented in November 1998 to protect public safety. The impacts of the other alternatives were compared to the No Action Alternative.

The preferred alternative of modifying the dam would provide for the safe operation of Keechelus Dam and also maintain benefits from Keechelus Lake that include meeting existing contractual commitments for storage space for irrigators within the Yakima Project and controlling seasonal downstream flooding.

The FEIS includes all comment letters received on the DEIS and Reclamation's responses to those comments, as well as a summary of the comments from the public hearings. It also includes minor revisions and additions to the analysis as a result of review comments.

A Record of Decision (ROD) will be completed no sooner than 30 days after the publication of the Environmental Protection Agency's Notice of Availability of the FEIS in the **Federal Register**. The ROD will state the alternative that will be implemented and will discuss all factors leading to the decision. It is scheduled for issuance in October 2001. However, consultations under section 7 of the Endangered Species Act with the United States Fish and Wildlife Service and National Marine Fisheries Service are continuing and the ROD will not be signed until they are completed.

ADDRESSES: Copies of the FEIS are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW, Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center, Building 67, Room 167, Denver, Colorado 80225.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, Washington 98901.

Libraries

Carpenter Memorial Library, 302 N Pennsylvania Ave., Cle Elum, WA 98922; (509) 674–2313.

Central Washington University Library, 700 E 8th Ave., Ellensburg WA 98926; (509) 963–1777.

Ellensburg Public Library, 209 N Ruby, Ellensburg WA 98926; (509) 962–7250.

Yakima Valley Regional Library, 102 N 3rd St, Yakima WA 98901; (509) 452–8541.

University of Washington Campus, Suzzallo Library, Government Publications Division, Seattle WA 98195; (206) 543–1937.

Internet

The FEIS is also available on the Internet at: *http://www.pn.usbr.gov/.*

FOR FURTHER INFORMATION CONTACT: Mr. Dave Kaumheimer at (509) 575–5848, extension 232. Those wishing to obtain a copy of the FEIS in the form of a printed document or on compact disk (CD–ROM with reader included) or a Summary of the FEIS may contact Mr. Kaumheimer.

SUPPLEMENTARY INFORMATION: Keechelus Dam was completed in 1917 as part of Reclamation's Yakima Project, storing Yakima River water in central Washington for irrigation of part of 443,400 acres of prime farmland and for flood control. Recent investigations have shown that the wooden railroad trestle, used to deliver earth material and rocks while constructing the dam, has deteriorated, forming vertical paths where earthen materials within the dam can move, leaving voids in the dam. Examination of the seepage problems indicates the material is internally unstable and is subject to failure, with an associated potential for loss of life and property downstream. Because of the deficiencies identified, Keechelus Lake has been operated at a restricted pool elevation 7 feet below the normal full pool elevation of 2517 feet since November 1998, with increased monitoring and surveillance at the dam. This was identified as the No Action Alternative in the FEIS, and elevation 2510 was used in comparing impacts of the other alternatives.

The Safety of Dams Act of 1978 (Public Law 95–578) and amendments of 1984 (Public Law 98–404) authorize the Secretary of the Interior to analyze existing Reclamation dams for changes in the state-of-the-art criteria and additional hydrologic and seismic data developed since the dams were constructed. For dams where a safety concern exists, the Secretary is authorized to modify the structure to ensure its continued safety. Section 3 of the Safety of Dams Act states that construction authorized by the Act shall be for dam safety and not for specific purposes of providing additional conservation storage capacity or developing benefits over and above those provided by the original dams and reservoirs.

The major issue identified during the review of the DEIS was that fish passage is not provided as part of any of the alternatives. Reclamation indicated during scoping that this was outside the scope of the project which is to correct safety deficiencies in order to protect life and property. In addition, neither authority or funding for fish passage is provided under the Safety of Dams Act. None of the alternatives preclude addition of fish passage in the future and this will be pursued under a separate planning action. An appendix discussing fish passage concerns has been added to the FEIS.

Dated: August 30, 2001.

Kenneth R. Pedde,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 01–23887 Filed 9–24–01; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–739 (Review)]

Clad Steel Plate From Japan

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on clad steel plate from Japan.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on clad steel plate from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's rules of practice and procedure, part 201, subpart A through E (19 CFR part 201), and part 207, subpart A, D, E, and F (19 CFR part 207).

EFFECTIVE DATES: September 4, 2001.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of

Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's ADD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2001, the Commission determined that the domestic interested party group response to its notice of institution (66 FR 29829, June 1, 2001) was adequate and the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on October 1, 2001, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written Submissions.

As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before October 4, 2001, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by October 4, 2001. However, should Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: September 20, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–23978 Filed 9–24–01; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

[2] The Commission has found the response submitted by Bethlehem Likens Plate to be individually adequate. Comments from other interested parties will not be accepted (see 19 CAR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy codified at 28 CFR 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622, 42 U.S.C. 9622, notice is hereby given that on September 7, 2001, a proposed consent decree in *United States* v. *Dayton Power & Light Co., et al.,* No. C–3–98–451, was lodged with the United States District Court for the Southern District of Ohio. The proposed consent decree would settle the United States' claims against five Settling Defendants under CERCLA 107, 42 U.S.C. 9607, for the recovery of response costs incurred or to be incurred by the United States in connection with the Sanitary Landfill (IWD) Superfund Site (''Site'') in Moraine, Ohio. The proposed consent decree would also resolve the United States' claim under CERCLA Section 104(e), 42 U.S.C. 9604(e), for civil penalties against defendant Lee E. Snyder. Each of the Settling Defendants is an owner and/or operator of the Site, which was operated as a licensed landfill from 1971 to 1980. The U.S. Environmental Protection Agency (''EPA'') incurred costs of approximately $1.2 million in responding to the release or threatened release of hazardous substances at the Site.

Under the terms of the consent decree, the Settling Defendants agree to pay a total of $110,000 ($45,000 for the claim under CERCLA Section 104(e), and $65,000 for the claims under CERCLA Section 107) with thirty (30) days of entry of the consent decree. In consideration for these payments, the Settling Defendants will receive a covenant not to sue for Site response costs and for the CERCLA Section 104(e) violations alleged in the United States' complaint. The Settling Defendants will also receive contribution protection for Site response costs.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to United States v. Dayton Power & Light Co., et al., Civil Action No. C–3–98–451; D.J. Ref. No. 90–11–2–1113A.

The consent decree may be examined at the Office of the United States Attorney, 602 Federal Building, 200 West 2nd Street, Dayton, Ohio 45402, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $5.50 (22 pages at 25 cents per page reproduction cost).

William Brighton,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–23951 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to The Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Harsco Corporation,* No. 01–166 (E.D. Ky) was lodged on August 29, 2001, with the United States District Court for the Eastern District of Kentucky. The consent decree settles claims for civil penalties and injunctive relief against Harsco Corporation (''Harsco'') pursuant to Section 113(b) of the Clean Air Act (''the Act''), 42 U.S.C. 7413(b), based on violations of Kentucky's State Implementation Plan promulgated under the Act. 401 KAR 63:010(3)(1), (2). The consent decree requires Harsco to construct a partial enclosure with spraying equipment to control dust emissions from its slag recycling operations. The consent decree also requires Harsco to pay a civil penalty of $175,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Dep0artment of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Harsco Corporation,* DOJ Ref.# 90–5–2–1–2115/1.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Kentucky, 110 West Vine Street, Suite 400 Lexington, Kentucky (859) 233–2661 and the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, S.W. Atlanta, Georgia 30303. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044–7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of $9.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–23952 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that a proposed Consent Decree between the Surfrider Foundation and the United States Section of the International Boundary and Water Commission was lodged with the United States District Court for the Southern District of California on September 12, 2001. The proposed Consent Decree concerns alleged violations of Section 402 of the Clean Water Act, 33 U.S.C. 1342, at the South Bay International Wastewater Treatment Plant, located at 2415 Dairy Mart Road, San Diego County, San Diego, California. The proposed Consent Decree would require the performance of certain environmental studies and evaluations relating to discharges of wastewater from the Plant.

The United States Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to S. Randall Humm, Trial Attorney, United States Department of Justice, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026–3986, with copies provided to William A. Wilcox, Jr., International Boundary and Water Commission, Office of the Staff Counsel, 4171 No. Mesa Street; Suite C–310, El Paso, TX 79902, and should reference *Surfrider Foundation* v. *Ramirez*, No. 99–CV–2441–BTM–JFS (S.D. Cal.); consolidated with *California* v. *Ramirez*, No. 01–CV–0270–BTM–JFS (S.D. Cal.).

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of California, 4290 Edward J. Schwartz Federal Building, 880 Front Street, San Diego, California.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 01–23950 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biotechnology Research and Development Corporation (''BRDC'')

Notice is hereby given that, on August 1, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Biotechnology Research and Development Corporation (''BRDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cargill Dow LLC, Minnetonka, MN has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BRDC intends to file additional written notification disclosing all changes in membership.

On April 13, 1988, BRDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 12, 1988 (53 FR 16919).

The last notification was filed with the Department on November 27, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 29, 2001 (66 FR 17201).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23960 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on August 20, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adlink Technologies, Chungho City, Taipei, TAIWAN; and Integrated Production and Test Engineering, Genk, BELGIUM have been added as parties to this venture. Also, A&T Engineering, Mystic, CT; ATEME, Velizy, FRANCE; BittWare Research

Systems, Concord, NH; Boulder Instruments, Longmont, CO; and Pentair Electronic Packaging, Warwick, RI have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notification disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on May 17, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 27, 2001 (66 FR 39204).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23954 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—GE Corporate Research and Development: Bulk Gallium Nitride & Homoepitaxial Device Manufacturing

Notice is hereby given that, on June 27, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), GE Corporate Research & Development: Bulk Gallium Nitride & Homoepitaxial Device Manufacturing has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sanders, formerly a division of Lockheed Martin Corporation, Nashua, NH has been acquired by BAE Systems North America, Rockville, MD and is now known as BAE Information and Electronic Systems Integration, Inc.

No other changes have been made in either the membership or planned activity of the group research project.

On August 6, 1999, General Electric Corporate Research and Development: Bulk Gallium Nitride and Homoepitaxial Device Manufacturing filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 2, 1999 (64 FR 67589).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23961 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Management Service Providers Association, Inc.

Notice is hereby given that on August 16, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Management Service Providers Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Integris, Billerica, MA; ISManaged, Inc., Plano, TX; Kinetica Pty.Ltd., Pymble, NSW, AUSTRALIA; Loudcloud, Sunnyvale, CA; Motorola, Mansfield, MA; Netvein, Inc., Menlo Park, CA; NextNOC, Inc., Irving, TX; NOXENT, Brossard, Quebec, CANADA; RedKlay Web Solutions, Athens, AL; and Telecom Italia Lab, Torino, ITALY have been added as parties to this venture. Also, Manage.Com, San Jose, CA; InsynQ, Inc., Takoma, WA; iSharp, Inc., Redwood City, CA; ManageIT, Houston, TX; UP 7/24, San Diego, CA; Servail, Fairfax, VA; and Tivoli Systems, Inc., Austin, TX have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Management Service Providers Association, Inc. intends to file additional written notification disclosing all changes in membership.

On October 20, 2000, Management Service Providers Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 24, 2000 (65 FR 70613).

The last notification was filed with the Department on May 15, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 19, 2001 (66 FR 37708).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23957 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Mobile Wireless Internet Forum

Notice is hereby given that, on August 16, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Mobile Wireless Internet Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ArrayComm, San Jose, CA; Brand Communications, Huntingdon, Cambridgeshire, UNITED KINGDOM; inOvate Communication Group, San Ramon, CA; NetMotion Wireless, Seattle, WA; and Skytel Communications, Jackson, MS have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Mobile Wireless Internet Forum intends to file additional written notification disclosing all changes in membership.

On May 25, 2000, Mobile Wireless Internet Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 11, 2000 (65 FR 49264).

The last notification was filed with the Department on June 13, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 27, 2001 (66 FR 39204).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23958 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on August 22, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Center for Manufacturing Sciences, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Industrial Technology Center, Winnipeg, Manitoba, CANADA; PricewaterhouseCoopers AUTOFACTS, Detroit, MI; and SeeBeyond Technology Corporation, Redwood City, CA have been added as parties to this venture.

Also, Focused Research, Inc., Santa Clara, CA; Gougeon Brothers, Inc., Bay City, MI; H.R. Krueger Machine Tool, Inc., Farmington, MI; Kingsbury Corporation, Keene, NH, MAPAL, Inc., Piscataway, NJ; OMNEX Engineering & Management, Ann Arbor, MI; Six Sigma Qualtec, Tempe, AZ; Texas Instruments, Inc., Dallas, TX; and Winco, Inc., LeCenter, MN have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and National Center for Manufacturing Sciences, Inc. intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, National Center for Manufacturing Sciences, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987 (52 FR 8375).

The last notification was filed with the Department on May 15, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23956 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on July 25, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''Act''), Portland Cement Association (''PCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Slag Cement Association, Wayne, PA has been added as an Affiliate Member of this venture; Dacota Cement, Rapid City, SD is now known as GCC Dacotah; and Holderbank Engineering Canada Ltd., Mississauga, Ontario, CANADA is now known as Holcim Group Support (Canada) Ltd. Also, Loesche GmbH, Dusseldorf, GERMANY has transferred its membership to its subsidiary, Loesche America, Inc., Miami, FL.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intend to file additional written notification disclosing all changes in membership.

On January 7, 1985, PCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on April 18, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 23, 2001 (66 FR 28548).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23953 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; The SNP Consortium Ltd.

Notice is hereby given that, on March 23, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The SNP Consortium (''TSC'') filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature of objective of the venture. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, two parties to this venture, Glaxo Wellcome Inc., Research Triangle Park, NC, and SmithKline Beecham Corporation, Philadelphia, PA have merged their membership into a single membership held by Glaxo Wellcome, Inc., Research Triangle Park, NC. In addition, another party to this venture, Amersham Pharmacia Biotech Inc., Piscataway, NJ, has become a voting member in this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TSC intends to file additional written notification disclosing all changes in membership.

On April 20, 1999, TSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published, a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 7, 1999 (64 FR 54645).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23955 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute: Naturally Aspirated Tier III

Notice is hereby given that, on August 6, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute: Naturally Aspirated Tier III has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified

circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Caterpillar, Inc., Peoria, IL; Denso Corporation, Kariya-City, JAPAN; European Engine Alliance, Maidenhead, Berks, UNITED KINGDOM; Kubota Corporation, Sakai-City, JAPAN; Lombardini S.R.L., Via Cav. A. Lombardini, ITALY; Robert Bosch GmbH, Gerlingen-Schillerhöhe, GERMANY; and Yanmar Diesel Engine Co., Ltd., Maibara Sakata, JAPAN. The nature and objectives of the venture are to develop emissions reduction technology for nonroad, naturally-aspirated diesel engines, <75 kW only, as well as to demonstrate compliance with regulated emissions standards. The emission goals will simultaneously address the proposed United States Environmental Protection Agency (US EPA) Tier 3 emissions standards and anticipated European and Japanese emissions regulations. The Naturally Aspirated Tier III Program will try to achieve the emission goals with the fuel economy, CO_2 and specific engine power comparable to US EPA Tier 2 compliant naturally-aspirated engines. The emissions are to be achieved over test cycles, including, but not limited to, the ISO 8178 C1, ISO 8178 D2, and ISO 8178 G2 steady-state cycles.

Membership in this research group remains open, and the participants intend to file additional written notifications disclosing all changes in membership or planned activities.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–23959 Filed 9–24–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 30, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King on (202) 693–4129 or E-Mail: *King-Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: Stuart Shapiro, OMB Desk Officer for OSHA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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.

Type of Review: Extension of a currently approved collection.

Agency: Occupational Safety and Health Administration (OSHA).

Title: Cranes and Derricks Standard for Construction: Recording Tests for Toxic Gases and Oxygen-Deficient Atmospheres in Enclosed Spaces.

OMB Number: 1218–0054.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Type of Response: Recordkeeping and Third-party disclosure.

Frequency: On occasion.

Number of Respondents: 50.

Number of Annual Responses: 2,900.

Estimated Time Per Response: 2 minutes.

Total Burden Hours: 97.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $9,000.

Description: 29 CFR 1926.550(a)(11) requires that oxygen and toxic gas test be conducted whenever internal combustion engines of construction cranes or derricks exhaust into enclosed workspaces.

Type of Review: Extension of a currently approved collection.

Agency: Occupational Safety and Health Administration (OSHA).

Title: Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits.

OMB Number: 1218–0093.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Type of Response: Third-party disclosure.

Frequency: On occasion.

Number of Respondents: 140,325.

Number of Annual Responses: 140,325.

Estimated Time Per Response: 2 minutes to post an emergency phone number and 5 minutes to post floor load limits.

Total Burden Hours: 5,726.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: 29 CFR 1926.50(f) requires employers to post emergency telephone numbers at the worksite if the 911 emergency telephone service is not available. 29 CFR 1926.250(a)(2) requires that employers post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on a grade.

Type of Review: Extension of a currently approved collection.

Agency: Occupational Safety and Health Administration (OSHA).

Title: Cranes and Derricks Standards for Construction: Notification of Operational Specification and Hand Signals.

OMB Number: 1218–0115.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal government.

Type of Response: Recordkeeping and third-party disclosure.

Frequency: On occasion.

Number of Respondents: 67,751.

Number of Annual Responses: 67,773.

Estimated Time Per Response: 5 minutes.

Total Burden Hours: 5,416.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $431,158.

Description: 29 CFR 1926.550 (a)(1), (a)(2), (a)(4), and (a)(16) require employers to provide notification of specified operating characteristics pertaining to cranes and derricks using documentation, posting or revising maintenance-instruction plates, tags or decals, and to notify employees of hand signals used to communicate with equipment operations by posting and illustration applicable signals at the

worksite in order to prevent injury to workers.

Type of Review: Extension of a currently approved collection.

Agency: Occupational Safety and Health Administration (OSHA).

Title: Cranes and Derricks Standard for Construction: Posting Weight and Load Capacity of Personnel Platforms.

OMB Number: 1218–0151.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Type of Response: Third-party disclosure.

Frequency: On occasion.

Number of Respondents: 2,750.

Number of Annual Responses: 2,750.

Estimated Time Per Response: 5 minutes.

Total Burden Hours: 229.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: 29 CFR 1926.550(g)(4)(ii)(I) requires employers to post conspicuously with a plate or other permanent marking the weight and related-load capacity or maximum intended load of each platform used to raise and lower employees to a worksite using a crane or derrick. This requirement helps employers to avoid exceeding the lifting capacity and prevents crane or derrick collapses thus avoiding serious injuring or death to employees.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. 01–23879 Filed 9–24–01; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 18, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail: *King-Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register.**

The OMB 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.

Agency: Employment and Training Administration (ETA).

Type of Review: New collection.

Title: Resource Justification Model (RJM).

OMB Number: 1205–ONEW.

Affected Public: State, Local, or tribal Government.

Frequency: Annually.

Type of Response: Reporting.

Number of Respondents: 53.

Cite/reference	Number of respondents	Average time per response (hours)	Estimated burden hours
RJM 1 ser	53	41	2,173
RJM 2 ser	53	30	1,590
RJM 3 ser	53	6	318
RJM 4 ser	53	12	636
RJM 5 ser	53	12	636
RJM 6 ser	53	7	371
Narrative	53	11	583
Performance and Capital Improvement Request	53	114	6,042
Total	424		12,349

Total Annualized Capital/Startup Costs: $500,000.

Total Annual Costs (operating/maintaining systems or purchasing services): $375,000.

Description: The Secretary of Labor has legal responsibility under the Social Security Act (SSA) Title III, Section 303(a)(1) for providing state agencies the necessary cost of proper and efficient administration of state unemployment insurance (UI) laws. Accordingly, the Secretary must establish a means of measuring state agencies' ''proper and efficient administration'' of UI programs. The RJM would replace the current methodologies for budget formulation and grant allocation to the states for UI programs.

Ira Mills,

Departmental Clearance Officer.

[FR Doc. 01–23880 Filed 9–24–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Solicitation for Grant Applications (SGA); Young Offender Initiative: Reentry Grant Program; Demonstration Grant Program

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice of extension of closing date.

SUMMARY: The Employment and Training Administration is extending the closing date of the availability to fund demonstration grants to provide services aimed at youth who are or have been under criminal justice supervision or involved in gangs.

FOR FURTHER INFORMATION CONTACT: B. Jai Johnson, Grants Management Specialist, Division of Federal Assistance, Fax (202) 693–2879.

Date Extension

In the **Federal Register** at 66 FR 30754 (June 7, 2001) column changes the ''Dates'' caption to read:

DATES: ''The closing date for receipt of the application is Tuesday, October 23, 2001 at 4:00 p.m. (Eastern Time) at the address listed.''

Signed at Washington, DC., this 19th day of September, 2001.

Laura Cesario,

Grant Officer.

[FR Doc. 01–23968 Filed 9–24–01; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–113]

U.S. Centennial of Flight Commission

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting Location Change.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a change of location for the meeting of the U.S. Centennial of Flight Commission, Notice Number 01–110.

DATES: Thursday, October 4, 2001, 1 pm to 5 pm.

Previously Announced Location: National Aeronautics and Space Administration, Room 9H40, Program Review Center (PRC), 300 E Street, SW, Washington, DC.

Change in the Meeting: The meeting will now be held at the Smithsonian National Air and Space Museum, 7th and Independence Avenue, SW., Director's Conference Room, 3rd Floor, Washington, DC 20560. Attendees must check in at the Information Desk to be cleared to the 3rd floor.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Farmarco, Code IW, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1903.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–23977 Filed 9–24–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Submission for OMB Review

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** on page 38326 in the Monday, July 23, 2001 [Vol. 66, No. 141] issue and one comment was received. NSF is forwarding the proposed renewal submission to OMB for clearance simultaneously with the publication of this second notice.

DATES: Written comments should be received by October 25, 2001, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Industrial Research and Development.

OMB Control No.: 3145–0027.

Expiration Date of Approval: December 31, 2001.

1. Abstract

The proposed continuing information collection involves the estimation of the expenditures on research and development performed within the United States by industrial firms. A mail survey, the Survey of industrial Research and Development, has been conducted annually since 1953. Industry accounts for over 70 percent of total U.S. R&D each year and since its inception, the survey has provided continuity of statistics on R&D expenditures by major industry groups and by source of funds. The survey is the industrial component of the NSF statistical programs that seeks to ''* * * to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal government.'' as mandated in the National Science Foundation Act of 1950. Statistics from the survey are published in NSF's annual publication series Research and Development in Industry. The proposed collection will continue the survey for three years.

2. Expected Respondents

The survey will be mailed to a statistical sample of approximately 24,200 companies to collect information on the amount and sources of funds for and character of R&D performed and contracted out by industrial firms, and information on sales and employment of the firms themselves.

3. Burden on the Public

To minimize burden, over 90-percent of the companies selected for the Survey of Industrial Research and Development are asked to respond to the Form RD–1A, the abbreviated version of the basic survey questionnaire, Form RD–1. Further, only companies with five paid employees or more are asked to participate in the survey and extensive use is made of the descriptive codes and information on the establishment list that is the source of the survey sample to avoid sampling firms in industries that traditionally do not perform R&D. NSF, with input from the Bureau of the Census, the collection and compiling agent for the survey, estimates that the average annual reporting and record keeping burden on each Form RD–1A respondent will be 1 hour and on Form RD–1 respondents will be 18 hours. The annual burden is estimated at 51,400 hours, calculated as follows:

RD–1A respondents: 22,600 respondents × 1 response × 1 burden hour = 22,600 hours/year.

RD–1 respondents: 1,600 respondents × 1 response × 18 burden hours = 28,800 hours/year.

All respondents: 51,400 burden hours hours/year during CY 2002, 2003, and 2004.

Dated: September 18, 2001.

Suzanne H. Plimpton,

NSF Reports Clearance Officer.

[FR Doc. 01–23893 Filed 9–24–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of submission, new, revision, or extension:* New.

2. *The title of the information collection:* 10 CFR part 63—Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* One time.

5. *Who will be required or asked to report:* The State of Nevada, local governments, or Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of the potential high-level waste geologic repository site, or wishing to participate in a license application review for the potential geologic repository.

6. *An estimate of the number of responses:* 9

7. *The estimated number of annual respondents:* 3

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and one hour per response for statements of representative authority. The total burden for all responses is estimated to be 363 hours annually.

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Applicable.

10. *Abstract:* 10 CFR part 63 requires the State of Nevada, local governments, or Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of the potential repository site, or wish to participate in a license application review for the potential repository. Representatives of the State of Nevada, local governments, or Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the State, local governments, and Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.

A copy of the supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance packages are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by October 25, 2001:

Byron Allen, Office of Information and Regulatory Affairs (3150–), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 20th day of September, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–23928 Filed 9–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Energy Corporation McGuire Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating Licenses and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of operating authority under Facility Operating Licenses Nos. NPF–9 and NPF–17 for McGuire Nuclear Station, Unit Nos. 1 and 2, (McGuire) currently held by Duke Energy Corporation (DEC), which is the owner of McGuire. DEC would continue to own McGuire. The transfer of authority to operate McGuire would be to a new limited liability company, Duke Energy Nuclear, LLC (DEN LLC). DEN LLC will be a subsidiary of DEC, as a result of a corporate restructuring of DEC. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer. If authorized to operate the facility, DEN LLC will also become a general licensee for the Independent Spent Fuel Storage Installation at McGuire, pursuant to 10 CFR 72.210. The facility is located in Mecklenburg County, North Carolina.

According to an application for approval filed by DEC, DEC's ownership of McGuire would be unchanged and DEC would continue to be responsible for the costs associated with operating and maintaining McGuire and for decommissioning funding assurance. DEN LLC would become a licensee, authorized to operate the units. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendments would replace references to DEC in the licenses as the operator of McGuire with references to DEN LLC.

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

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

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

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

By October 15, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Lisa F. Vaughn, Legal Department, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov);* and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by October 25, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated July 10, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site (*http://www.nrc.gov/ADAMS/index.html*) If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 19th day of September 2001.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Acting Section Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–23926 Filed 9–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, 50–287, and 72–004]

Duke Energy Corporation, Oconee Nuclear Station, Unit Nos. 1, 2 and 3, Oconee Independent Spent Fuel Storage Installation; Notice of Consideration of Approval of Transfer of Operating Authority Under Renewed Facility Operating Licenses and Materials License and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and 72.50 approving the transfer of operating authority under Renewed Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55 for Oconee Nuclear Station, Unit Nos. 1, 2 and 3 (Oconee), and Materials License No. SNM–2503 for the Oconee Independent Spent Fuel Storage Installation (ISFSI), currently held by Duke Energy Corporation (DEC), which is the owner of the facilities. DEC would continue to own Oconee and the ISFSI. The transfer of authority to operate Oconee and the ISFSI would be to a new limited liability company, Duke Energy Nuclear, LLC (DEN LLC). DEN LLC will be a subsidiary of DEC, as a result of a corporate restructuring of DEC. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer. If authorized to operate Oconee, DEN LLC, will also become a general ISFSI licensee pursuant to 10 CFR 72.210. Oconee and the ISFSI are located in Oconee County, South Carolina.

According to an application for approval filed by DEC, DEC's ownership of Oconee and the ISFSI would be unchanged and DEC would continue to be responsible for the costs associated with operating and maintaining Oconee and the ISFSI and for decommissioning funding assurance. DEN LLC would become a licensee, authorized to operate Oconee and the ISFSI. No physical changes to Oconee or the ISFSI or operational changes are being proposed in the application.

The proposed amendments would replace references to DEC in the licenses as the operator of Oconee and the ISFSI with references to DEN LLC.

Pursuant to 10 CFR 50.80 and 72.50, no license, or any right thereunder, or any part, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The

Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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

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

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

By October 15, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Lisa F. Vaughn, Legal Department, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by October 25, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated July 10, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site (http://www.nrc.gov/ADAMS/index.html). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 19th day of September 2001.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Acting Section Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–23927 Filed 9–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation, North Carolina Electric Membership Corporation, Saluda River Electric Cooperative, Inc., North Carolina Municipal Power Agency No. 1, Piedmont Municipal Power Agency, Catawba Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating Licenses and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of operating authority under Facility Operating Licenses Nos. NPF–35 and NPF–52 for Catawba Nuclear Station, Unit Nos. 1 and 2 (Catawba). The Facility Operating License for Catawba Unit 1 is currently held by Duke Energy Corporation (DEC), as a 25% owner and the exclusive licensed operator, and by the North Carolina Electric Membership Corporation and the Saluda River Electric Cooperative, Inc. as co-owners. The Facility Operating License for Catawba Unit 2 is currently held by DEC as the exclusive licensed operator, and by North Carolina Municipal Power Agency No. 1 and the Piedmont Municipal Power Agency as the co-owners. The transfer of authority to operate Catawba Unit Nos. 1 and 2 would be to a new limited liability company, Duke Energy Nuclear, LLC (DEN LLC). DEN LLC will be a subsidiary of DEC, as a result of a corporate restructuring of DEC. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer. The facility is located in York County, South Carolina.

According to an application for approval filed by DEC, the proposed transfers do not involve any change in ownership of the nuclear units. DEC will retain its current 25% ownership interest in Catawba Unit 1. The ownership shares of the Catawba Units not held by DEC will be unaffected by

the DEC restructuring and change in operator. No physical changes to the facility or operational changes are being proposed in the application.

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

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

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

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

By October 15, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Lisa F. Vaughn, Legal Department, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov);* and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by October 25, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated July 10, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site *(http://www.nrc.gov/ADAMS/index.html).* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 19th day of September 2001.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Acting Section Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–23925 Filed 9–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of September 24, October 1, 8, 15, 22, 29, 2001.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 24, 2001

Friday, September 28, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

9:30 a.m. Briefing on Decommissioning Activities and Status (Public Meeting) (Contact: John Buckley, 301–415–6607)

Week of October 1, 2001—Tentative

Thursday, October 4, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

Week of October 8, 2001—Tentative

There are no meetings scheduled for the Week of October 8, 2001.

Week of October 15, 2001—Tentative

Thursday, October 18, 2001

9:00 a.m. Meeting with NRC Stakeholders—Progress of Regulatory Reform (Public Meeting) (Location—Two White Flint North Auditorium)

Week of October 22, 2001—Tentative

There are no meetings scheduled for the Week of October 22, 2001.

Week of October 29, 2001—Tentative

There are no meetings scheduled for the Week of October 29, 2001.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

ADDITIONAL INFORMATION: By a vote of 4–0 on September 19, the Commission

determined pursuant to U.S.C.; 552b(e) and § 9.107(a) of the Commission's rules that ''Briefing on Threat Environmental Assessment (Closed—Ex. 1)'' be held on September 20, and on less than one week's notice to the public. This meeting was originally scheduled for September 28.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: September 20, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–24044 Filed 9–21–01; 11:40 am]

BILLING CODE 7590–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 10:30 a.m., Monday, October 1, 2001; 8:30 a.m., Tuesday, October 2, 2001.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: October 1 (Closed); October 2 (Open).

MATTERS TO BE CONSIDERED:

Monday, October 1—10:30 a.m. (Closed)

1. Financial Performance.
2. Update on Workforce Planning and Development.
3. Notes to the Financial Statements.
4. Personnel Matters and Compensation Issues.

Tuesday, October 2—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, September 10–11, 2001.
2. Remarks of the Postmaster General and CEO.
3. Board of Governors Calendar Year 2002 Meeting Schedule.
4. Office of the Governors Fiscal Year 2002 Budget.
5. Fiscal Year 2002 Annual Performance Plan—Government Performance and Results Act.
6. Borrowing Resolution.
7. Capital Investments.
   a. Wide Area Barcode Reader Replacement.
   b. Mail Evaluation, Readability & Lookup Instrument (MERLIN)—Phase 2.
   c. Point of Service (POS) ONE—Stage 3.
8. Tentative Agenda for the November 5–6–7, 2001, meeting in Washington, DC.

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. 01–24077 Filed 9–21–01; 1:17 pm]

BILLING CODE 7710–12–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

DATE OF MEETING: September 10, 2001.

STATUS: Closed.

PREVIOUS ANNOUNCEMENT: 66 FR 45066, August 27, 2001.

ADDITIONS:

1. Extension of Experimental Ride Along Case.
2. Filing of Experimental Case for Delivery Confirmation.

At its meeting on September 10, 2001, the Board of Governors of the United States Postal Service voted unanimously to add these items to the agenda of its closed meeting and that no earlier announcement was possible. The General Counsel of the United States Postal Service certified that in her opinion discussion of this term could be properly closed to public observation.

CONTACT PERSON FOR MORE INFORMATION: David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC.

David G. Hunter,

Secretary.

[FR Doc. 01–24078 Filed 9–21–01; 1:17 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be published Monday, September 24, 2001.

STATUS: Open Meeting.

PLACE: 450 Fifth Street, NW., Washington, DC

TIME AND DATE OF PREVIOUSLY ANNOUNCED MEETING: September 25, 2001 at 1 p.m.

CHANGE IN THE MEETING: Additional Items.

The following items have been added to the open meeting scheduled for Tuesday, September 25, 2001, in Room 1C30, the William O. Douglas Room, at 1 p.m.:

(1) The Commission will consider extending the comment period for the Concept Release on the Effects of Decimal Trading in Subpennies. The Concept Release, which was published in the **Federal Register** on July 24, 2001, solicited the views of a wide range of commenters concerning the impact of subpenny price increments for quotations, orders, and trading stocks in a decimals environment. The original deadline for submitting public comment established by the Concept Release is September 24, 2001. Following the market disruption caused by the attacks of September 11, 2001, we have received requests to extend the original deadline.

For further information, please contact Kevin Campion, Special Counsel, Division of Market Regulations at (202) 942–0744.

(2) The Commission will consider extending the deadline for the Exchanges and the National Association of Securities Dealers, Inc. (collectively the ''Participants'') to submit rule filings concerning the implementation of decimal pricing in equity securities and options pursuant to section 11A(a)(3)(B) of the Securities Exchange Act of 1934. The Commission's Order of May 22, 2001 required the Participants to submit rule filings to establish the minimum price variation in each market for quoting equity securities and options by November 5, 2001, we believe that it may be necessary and appropriate to extend the original deadline. Such an extension would give the Participants adequate time to thoroughly analyze the important investor protection and market integrity issues that need to be addressed in order to preserve the benefits of decimalization. Extending the deadline would also allow the Commission to fully consider the comments submitted in response to the Concept Release on the Effects of Decimal Trading in Subpennies.

For further information, please contact Alton Harvey, Office Head, Office of MarketWatch, Division of Market Regulation at (202) 942–4167 or Kevin Campion, Special Counsel, Division of Market Regulation at (202) 942–0744.

Commissioner Hunt, as duty officer, determined that Commission business required the above change and that no earlier thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: September 21, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–24050 Filed 9–21–01; 12:14 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44810; File No. SR–Amex–2001–73]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Amending Exchange Rule 220 Relating to Floor Broker Acceptance of Orders at the Specialist's Post

September 18, 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 September 6, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 Exchange proposes to amend Exchange Rule 220 to allow floor brokers to accept orders over telephones at or near the specialist's post.

The text of the proposed rule change appears below. New text is in italics; deletions are in brackets.

Section 6. Floor Wires

Rule 220 Communications to and on the Floor

No member shall establish or maintain any telephonic or electronic communication between the Floor and any other location, or between locations on the Floor, without the prior written approval of the Exchange.

Commentary

.01 With the approval of the Exchange, a member or member organization may establish and maintain a telephone line which permits a non-member located off the Floor to communicate with such member or member organization on the Floor. *Except as provided in Commentary .03 below,* [T]the Exchange will not approve the use of a portable telephone or other portable communication device on the Floor which would permit direct voice communication between members and non-members.

.02 No change.

.03 With the approval of the Exchange, floor brokers may use wireless telephone devices to receive off-floor orders from any source (i.e., members, broker-dealers, non-broker-dealers, or public customers) at the specialist's post where the security is traded. The following requirements and conditions shall apply to the floor broker's use of telephone services at the specialist's post:

(1) *Only those quotations that have been publicly disseminated pursuant to SEC Rule 11Ac1–1 may be provided over telephones at or near the specialist's post.*

(2) *Floor Brokers may only receive orders over the telephone lines at the specialist post or the wireless telephone device during outgoing telephone calls initiated by the floor brokers.*

(3) *Only those floor brokers properly qualified in accordance with applicable rules and regulations may accept orders from public customers pursuant to this Commentary.*

.04 [.03] No change.

.05 [.04] No change.

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 Exchange 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 Exchange 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

Exchange rules and policies currently prohibit floor brokers from taking orders from off-floor at the specialist's post and require off-floor orders to be received at the floor broker's booth. The Exchange believes that this prohibition, at times, impacts the fast and efficient routing and execution of orders at the Exchange. Therefore, the Exchange is now proposing to amend Exchange Rule 220 regarding communications to and on the floor to allow floor brokers to use telephones at or near the specialist's post or Exchange-provided wireless telephone devices to receive off-floor orders from any source (*i.e.,* members, broker-dealers, non-broker-dealers or public customers). However, such orders would only be permitted to be received during outgoing conversations initiated by the floor broker. The Exchange notes that the wireless telephone devices currently in use by the Exchange would need to be reconfigured to allow outgoing phone calls to be made. Members and their employees would continue to be prohibited from using personal wireless voice communication devices on the trading floor.

In addition, the following requirements and conditions would apply to the floor brokers' use of telephone services at or near the specialist's post: (i) only those quotations that have been publicly disseminated pursuant to SEC Rule 11Ac1–1 may be provided over telephones at or near the specialist's post; (ii) floor brokers may only receive orders over the telephones during outgoing telephone calls that they have initiated; and (iii) only those floor brokers properly qualified in accordance with applicable rules and regulations may accept orders from public customers.[3] The Exchange's policy regarding the use of time clocks at the specialist post would also be amended to allow floor brokers receiving orders over the telephone at or near a specialist post to use the time clock to stamp such order.

The Exchange intends to police compliance with the conditions applicable to use of telephones by floor

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For example, floor brokers accepting orders from public customers are required to be qualified pursuant to Exchange Rule 341. Any floor broker accepting an order from a public customer is required to be Series 7 qualified and registered with the Exchange by a member organization approved to conduct non-member customer business.

brokers for the receipt of orders at the specialist's post through oversight and review of complaints from members at the trading posts as well as observations of floor officials and Exchange personnel.

The Exchange believes that the use of the telephones by floor brokers to receive off-floor orders would provide more efficient order routing and execution, increase the speed of execution, and satisfy member and non-member customers in an increasingly competitive environment.

(2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [4] in general and furthers the objectives of Section 6(b)(5) [5] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange also believes that the proposed rule change is consistent with Section 6(c)(3)(B) of the Act.[6] Under this Section, it is the Exchange's responsibility to prescribe standards for training, experience and competence for persons associated with Exchange members and member organizations. The Exchange believes that this proposed rule change will establish an additional mechanism for the administration of the education program, which will enable registered persons to satisfy their continuing education obligations.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and subparagraph (f)(6) of Rule 19b–4 [8] thereunder because it does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate; and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to filing. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–2001–73 and should be submitted by October 16, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23835 Filed 9–24–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(c)(3)(B).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44811; File No SR–NYSE–2001–31]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Amending Exchange Rule 387 To Apply to Member or Member Organizations

September 18, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 proposed amendment to NYSE Rule 387 (''COD Orders'') would clarify the Rule's application to all ''member[s]'' and ''member organization[s].''

The text of the proposed rule change is available at the Office of the Secretary, the NYSE, and at the Commission.

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 Exchange 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 Exchange 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, Proposed Rule Change

(1) Purpose

Currently, NYSE Rule 387 enumerates the procedures for transactions

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

conducted on a COD (''Collection on Delivery'') or POD (''Payment on Delivery'') basis and specifies requirements for the confirmation, affirmation and book entry settlement of all depository eligible transactions.

NYSE Rule 387, in its present form, refers to ''member'' and ''member organization'' only once in the same paragraph (NYSE Rule 387(a)(1)) and thereafter omits reference to ''member'' throughout the other paragraphs of the Rule. The proposed amendment to NYSE Rule 387 would clarify the Rule's application to all ''member[s]'' and ''Member organization[s].'' Specifically, the amendments insert ''member'' in paragraphs: detailing overall applicability of the Rule (NYSE Rule 387(a)); requiring confirmation (NYSE Rule 387(a)(3)); and affirmation (NYSE Rule 387(a)(4)) of COD/POD transactions.

(2) Statutory Basis

The Exchange believes the basis for the proposed rule change is the requirement under Section 6(b)(5) of the Act [3] that the rules of the Exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling and facilitating transactions in securities.

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 the 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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the commission will:

A. by order approve such proposed rule change; or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

[3] 15 U.S.C. 78f(b)(5).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–2001–31 and should be submitted by October 16, 2001.

For the Commission, by the Division of the Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23836 Filed 9–24–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34–44812; File No. SR–PCX–2001–28)

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Pacific Exchange, Inc. Relating to the Composition of the Nominating Committee

September 18, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2001, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change, and amended such proposed rule change on September 6, 2001,[3] as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to clarify its interpretation of the PCX Constitution to eliminate the restriction that only public Governors may serve on the Nominating Committee.

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 Exchange 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 Exchange has prepared summaries, set forth in the sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 16, 2000, the Commission approved the Exchange's Constitutional change that required at least one public representative serve on the Nominating Committee (''Committee'') and permitted the service of Governors on the Committee.[4] That filing stated that the Exchange interpreted the rule proposal to mean that the only Governors permitted on the Committee were public Governors. Upon further consideration and review, the PCX has determined that this interpretation is too narrow.

The composition of the Committee is governed by Article III, Sections 4(a) and 4(b) of the PCX Constitution. Section 4(a) provides: ''At each annual meeting there shall be elected by the membership, by ballot, for a term of one

[3] In Amendment No. 1, the PCX clarified its interpretation of Article III, Sections 4(a) and 4(b) of the PCX Constitution to eliminate the restriction that only public Governors may serve on the Nominating Committee. *See* letter from Cindy L. Sink, Senior Attorney, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulations, SEC, dated September 5, 2001 (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 43576 (November 16, 2000), 65 FR 71185 (November 29, 2000) (Order approving File No. SR–PCX–00–09).

year, a Nominating Committee of nine persons, one of whom shall be nominated as Chair and one of whom shall be nominated as Vice Chair who are eligible for election in accordance with Section 4(b) of this Article III, none of whom shall be an officer of the Exchange. The Nominating Committee shall assume duties as provided in Section 4(d) of this Article III.'' Section 4(b) provides: ''The nine members of the Nominating Committee eligible to be elected at each annual meeting shall be as follows: At least one Committee member shall be a representative of the public. At least seven Committee members shall be members or office members or office allied members, Equity Trading Permit Holders, Equity ASAP Holders or Allied Persons of an ETP firm or an Equity ASAP Holder.'' Therefore, eligible PCX governors are not restricted from serving on the Committee. The Constitution also permits a public Governor to serve as a representative of the public.

Permitting Governors to serve on the Committee is consistent with the PCX Constitutional language, and the basic composition is not affected. There must always be at least one public representative on the Committee, and there may be up to two. The Exchange maintains the flexibility it needs to meet its obligation to have a fair representation of Exchange members. Therefore, the Exchange submits this clarification to its interpretation of Article III, Section 4(b) of the PCX Constitution to eliminate the restriction that only public Governors may serve on the Committee.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5) [6] in particular, in that it is designed to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Exchange also believes that the proposed rule change, as amended, furthers the objectives of Section 6(b)(3) of the Act,[7] in that it is designed to assure a fair representation of Exchange members in the selection of the Exchange's Governors.

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 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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change, as amended, has become effective pursuant to Section 19(b)(3)(A)(i) of the Act [8] and subparagraph (f)(1) of Rule 19b–4 thereunder [9] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of such proposed rule change, 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 futherance 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, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–2001–28 and should be submitted by October 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23837 Filed 9–24–01; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(3).

[8] 15 U.S.C. 78s(b)(3)(A)(i).

[9] 17 CFR 240.19–4(f)(1).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44809; File No. SR–Phlx–2001–38]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change, and Amendment No. 1 Thereto, by the Philadelphia Stock Exchange, Inc., Relating to the Definition of a Controlled Account

September 18, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 12, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On August 16, 2001, the Exchange filed Amendment No. 1 to the proposal.[3] The Commission is publishing this notice, as amended, 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 Phlx proposes to amend the definition of controlled accounts under Phlx Rule 1014(g)(i) and Option Floor Procedure Advice (''Advice'') B–6 to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Richard S. Rudolph, Counsel, Phlx, to Nancy J. Sanow, Senior Special Counsel, Division of Market Regulation, Commission, dated August 15, 2001 (''Amendment No. 1''). In Amendment No. 1, the Exchange clarified why the proposal is properly filed in response to the Order Instituting Public Administrative Proceeding Pursuant to Section 19(h)(1) of the Securities Exchange Act Release No. 43268 (September 11, 2000) and Administrative Proceeding File 3–10282 (the ''Order''). The Exchange explained that in accordance with Section IV.B.j of the Order, the proposal would codify a market maker practice pertaining to the allocation of orders. Specifically, the proposal is intended to codify the practice whereby the term ''controlled account,'' as used in Phlx Rule 1014, has been interpreted to yield the priority of non-member broker-dealer orders to customer orders, and treat non-member broker dealer orders on par with specialists, Registered Options Traders and other ''firm proprietary'' accounts.

include non-member broker-dealers. The Exchange also proposes to make a corresponding amendment to the portion of Phlx Rule 1014(g)(i) and Advice B–6 that currently requires order tickets to have the ''yield'' field circled.

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 statutory 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 Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements. The text of the proposed rule change is available at the Office of the Secretary, the Phlx, and at the Commission.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend Phlx Rule 1014(g)(i) to expand the definition of the term ''controlled account'' to include non-member broker-dealers. Currently, a controlled account is defined as any account controlled by or under common control with a member broker-dealer. This includes specialist, Registered Options Trader (''ROT'') and other ''firm proprietary'' accounts (if for the account of a member broker-dealer). Under the current rule, all other accounts, including non-member broker-dealer accounts, are customer accounts. Thus, the yielding requirements of this rule currently do not apply to non-member broker-dealer accounts, with the result that ROTs must yield priority to these accounts to the same extent as they must yield to ''true'' customers.

Specifically, with respect to yielding requirements, the rule currently provides that orders of controlled accounts are required to yield priority to customer orders when competing at the same price. Specialists, however, are not subject to the yielding requirements placed upon controlled accounts. Orders of controlled accounts must yield priority to customer orders, except that ROTs closing in-person are not required to yield priority to orders of customer accounts.

The rule further provides that orders of controlled accounts are not required to yield priority to other controlled account orders, except that when both an order of a ROT closing in-person and some other order of a controlled account are established in the crowd at the same price, and then a customer order is established at that price, the order of the controlled account must yield to the customer order while the order of a ROT closing in-person does not have to so yield.

This means that, in most circumstances, an order of a non-member broker-dealer at a given price takes priority over a same-priced order of a ROT, and is on parity with a public customer order. The effect of the proposed rule change is to require a non-member broker-dealer order to yield priority to a public customer order, and to eliminate the requirements that a ROT yields priority to a non-member broker-dealer. For instance, under the current rule, where a non-member broker-dealer bids for 100 contracts at the same time as a ROT bids for 100 contracts at the same price, the non-member broker-dealer has priority over the ROT and is entitled to the entire execution of an incoming sell order for 100 contracts at that price. Under the proposal, the ROT and the non-member broker-dealer would each be entitled to 50 contracts. Thus, non-member broker-dealer orders would no longer be treated like customer orders for parity/priority purposes and the yielding requirements of this Rule.

A further result of the proposal is that non-member broker-dealers would be required to yield to customer accounts. Thus, the proposal creates an advantage for customer accounts, which would receive more preferential treatment in order execution under Phlx Rule 1014 than non-member broker-dealer accounts. Specifically, customers would no longer share parity status with non-member broker-dealers, such that, depending upon the specific circumstances, customers would be more likely to receive more prompt and full executions. For instance, currently, where both a customer and a non-member broker-dealer order bid for 100 contracts at the same time and at the same price, the customer and the non-member broker-dealer would each be entitled to 50 contracts of an incoming order to sell 100 contracts. Under the proposal, the customer's bid would have priority over the non-member broker-dealer and would receive the entire execution of an incoming sell order for 100 contracts at that price. Thus, ''true'' customers, the intended beneficiaries of priority rule in general, would benefit.

The Exchange believes that changing the status of non-member broker-dealers for purposes of controlled account definition is consistent with many other instances in Exchange rules where non-member broker-dealers are not treated like customers. For instance, non-member broker-dealers are not treated like customers for purposes of the minimum guarantees of Phlx Rules 1015 and 1033; thus, a non-member broker-dealer order must be identified (marked and announced) as ''BD'' and would not be entitled to the ten-up (or larger) minimum guarantee.[4] Non-member broker-dealer orders are also not treated like customers for purposes of Phlx Rule 1080—accessing the AUTOM and AUTO—Z systems.[5] Access to systems such as AUTOM has long been limited to members representing orders of true customers. Non-member broker-dealers are also not treated like customers for purposes of Exchange fees, which are generally waived for customer options transactions, but not for broker-dealer orders.[6] Thus, the Exchange believes it is also appropriate to consider non-member broker-dealers as controlled accounts for purposes of parity/priority rules.[7]

As a consequence of re-defining the term ''controlled account,'' the Exchange proposed to change an order ticket marking requirements to reflect actual custom and usage. Phlx Rule 1014(g)(i) (and the corollary provision in Advice B–6) would no longer require

[4] *See* Securities Exchange Act Release No. 44145 (April 2, 2001), 66 FR 18662 (April 10, 2001) (Notice of, and order granting partial accelerated temporary approval to, File No. SR–Phlx-2001–37 for a Sixty-Day Pilot Program Relating to the Application of the Quote Rule to Options Trading). The notice and order adopted new Phlx Rule 1082 and amended various other Exchange rules and advices (including Phlx Rules 1015 and 1033 as well as Advices A–11 and F–7) to conform with Rule 11Ac1–1 under the Act. Under the proposal the Exchange proposed to remove the ten-up guarantee, and replace the guarantee with new rules that provide for differing firm quote requirements for customer orders and broker-dealer orders, as permitted by Rule 11Ac1–1(d) of the Act, the amended Quote Rule. Subsequently, that portion of the proposal was approved on a permanent basis. *See* Securities Exchange Act Release No. 44383 (June 1, 2001), 66 FR 30959 (June 8, 2001).

[5] AUTOM is the Exchange's electronic order routing and delivery system for option orders. AUTO–X is the automatic execution feature of AUTOM, which provides customers with automatic executions of eligible option orders at displayed markets. Securities Exchange Act Release No. 38792 (June 30, 1997), 62 FR 36602 (July 8, 1997) (Order approving File No. SR–Phlx–97–24 adopting an AUTOM Rule).

[6] *See* Securities Exchange Act Release No. 43558 (Nov. 14, 2000) 65 FR 69984 (Nov. 21, 2000) (Notice of File No. SR–Phlz–00–85 relating to equity transaction charges for broker-dealers and firms).

[7] Pursuant to Section 11(a) under the Act, a member broker-dealer, if entering an order from on the floor of the Exchange for its own account in reliance upon the exception for ''G'' order contained in Section 11(a)(1)(G) may, notwithstanding the operation of the Phlx yield requirements, be required to yield to non-member broker-dealers.

that market maker order tickets have the ''yield'' field circled, because the tickets used for orders by ROTs and other exchanges' market makers (due to the processing needs of clearing firms), do not have such a category, as do customer order tickets. This change merely corresponds to expanding the definition of controlled account to include non-member broker-dealers, such as market makers from other exchanges. Other controlled accounts would still be required to circle the yield field. Currently, specialists and ROTs market making in person are not required to circle the yield field; the requirement would not change.

Broker-dealers are not treated the same as members for all purposes under the Exchange's rules. Certain functions and entitlements are unique to membership status. For example, only members may transact business on the Exchange trading floor.[8] Nevertheless, the proposal would generally place non-member broker-dealers at parity with member broker-dealers for purposes of Phlx Rule 1014(g), except that certain yielding provisions differ with respect to ROTs and specialists, as explained above, due to their unique market making obligations, which non-member broker-dealers do not have. Therefore, the Exchange does not believe that the proposal is unfairly discriminatory against non-member broker-dealers. Parity with certain other broker-dealers is fair and consistent with other exchange rules, as described above.

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] in particular, in that it is designed to perfect the mechanisms of a free and open market and the national market system, protect investors and the public interest, and promote just and equitable principles of trade by equalizing all broker-dealers in terms of how their orders are treated in Exchange rules, regardless of whether they are members of the Exchange, as well as by providing a benefit to customer accounts in terms of execution priority. The Exchange also believes that the proposal is consistent with the provisions in Section 6(b)(5) [11] that provides that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[8] *See* Phlx Rules 104 and 109 regarding the role of members.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the 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 person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-2001–38 and should be submitted on or before October 16, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–23906 Filed 9–24–01; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3365]

State of California

Butte County and the contiguous counties of Colusa, Glenn, Plumas, Sutter, Tehama and Yuba in the State of California constitute a disaster area as a result of damages caused by severe wildfires that occurred on September 6, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 19, 2001 and for economic injury until the close of business on June 18, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	6.750
Homeowners Without Credit Available Elsewhere	3.375
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.125
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 336505 and for economic damage is 9M7500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 18, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–23884 Filed 9–24–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

Inspector General

[Public Notice 3789]

State Department Performance Review Board Members (Office of Inspector General)

In accordance with section 4314 (c)(4) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Office of Inspector General of the Department of State has appointed the following individuals to its Performance Review Board register.

William E. Todd, Executive Director, Office of the Executive Director, Office of the Chief Financial Officer, Department of State
Thomas D. Roslewicz, Deputy Inspector General for Audits, Department of Health and Human Services
Sanders Gersen, Deputy Assistant Inspector General for Audits, Office of Personnel Management

Dated: September 18, 2001.

Clark Kent Ervin,

Inspector General, U.S. Department of State.

[FR Doc. 01–23908 Filed 9–24–01; 8:45 am]

BILLING CODE 4710–42–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

African Growth and Opportunity Act Implementation Subcommittee of the Trade Policy Staff Committee; Public Comments on Annual Review of Country Eligibility for Benefits Under the African Growth and Opportunity Act, Title I of the Trade and Development Act of 2000

ACTION: Notice and request for comments.

SUMMARY: The African Growth and Opportunity Act Implementation Subcommittee of the Trade Policy Staff Committee (the ''Subcommittee'') is requesting written public comments for the annual review of the eligibility of sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (AGOA). This notice identifies the eligibility criteria that must be considered under the AGOA, lists the sub-Saharan African countries that are currently eligible for AGOA, and the sub-Saharan African countries that are currently ineligible for the AGOA. The Subcommittee will consider any such comments in developing recommendations on country eligibility for the President. Comments received related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the Trade Act of 1974, as amended.

DATES: The deadline for comments is October 10, 2001.

FOR FURTHER INFORMATION CONTACT: Office of African Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Room 501, Washington, DC 20508. Telephone (202) 395–9514.

SUPPLEMENTARY INFORMATION: The AGOA amends Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (the ''Trade Act'') to authorize the President to designate sub-Saharan African countries as eligible for duty-free tariff treatment for certain products under the Generalized System of Preferences program. The AGOA also provides preferential treatment for certain textile and apparel articles of beneficiary sub-Saharan African countries that meet certain statutory requirements intended to prevent unlawful transshipment of such articles.

The President may designate a country as a beneficiary sub-Saharan African country if he determines that the country meets the eligibility criteria set forth in: (1) Section 104 of the AGOA; and (2) section 502 of the Trade Act. To date, 35 countries have been designated as beneficiary sub-Saharan African countries. These countries, as well as the 14 currently ineligible countries, are listed below. Section 506A of the Trade Act provides that the President shall monitor, review, and report to Congress annually on the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country. The President's determinations are to be included in an annual report submitted to Congress.

The Subcommittee is seeking public comments in connection with the annual review of the eligibility of sub-Saharan African countries for the AGOA's benefits. The Subcommittee will consider any such comments in developing recommendations on country eligibility for the President. Comments related to the child labor criteria may also be considered by the Secretary of Labor in making the findings required under section 504 of the Trade Act.

Beneficiary Sub-Saharan African Countries

The following have been designated as beneficiary sub-Saharan African countries:

Republic of Benin
Republic of Botswana
Republic of Cameroon
Republic of Cape Verde
Central African Republic
Republic of Chad
Republic of the Congo
Republic of Djibouti
State of Eritrea
Ethiopia
Gabonese Republic
Republic of Ghana
Republic of Guinea .
Republic of Guinea-Bissau
Republic of Kenya
Kingdom of Lesotho
Republic of Madagascar
Republic of Malawi
Republic of Mali
Islamic Republic of Mauritania
Republic of Mauritius
Republic of Mozambique
Republic of Namibia
Republic of Niger
Federal Republic of Nigeria
Republic of Rwanda
Democratic Republic of São Tomè and Principe
Republic of Senegal
Republic of Seychelles
Republic of Sierra Leone
Republic of South Africa
Kingdom of Swaziland
United Republic of Tanzania
Republic of Uganda
Republic of Zambia

Non-Beneficiary Sub-Saharan African Countries

The following have not been designated as beneficiary sub-Saharan African countries:

Republic of Angola
Burkina Faso
Republic of Burundi
Democratic Republic of Congo
Federal Islamic Republic of the Comoros
Republic of Côte d'Ivoire
Republic of Equatorial Guinea
Republic of The Gambia
Republic of Liberia
Somalia
Republic of Togo
Republic of Sudan
Republic Zimbabwe

Submission of Written Comments

Interested parties are invited to submit comments regarding the continued eligibility of countries and the potential designation as beneficiaries of countries currently not eligible for AGOA benefits. All

submissions must include an original and twenty (20) copies, in English. All submissions should clearly identify on the cover page of the submission the country or countries discussed within the submission and include the name of the person and/or organization submitting the written comments. Comments must be submitted by October 10, 2001, to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 1724 F Street NW., Washington, DC 20508.

Public versions of all documents relating to this review will be available for inspection by appointment in the USTR public reading room (for appointments call (202) 395–6186). Submissions that are granted ''business confidential'' status and other information submitted in confidence will not be available for public inspection. Submissions that include Business Confidential information are subject to the requirements of 15 CFR 2003.6. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. If a document contains such business confidential information, an original and twenty (20) copies of the business confidential versions of the document along with an original and twenty (20) copies of a public version must be submitted. The document that contains business confidential information should be clearly marked ''business confidential'' at the top of each page. The public version should also be clearly marked at the top of each page (either ''public version'' of ''non-confidential'').

Carmen Suro-Bredie,

Chair, Trade Policy Staff Committee.

[FR Doc. 01–23909 Filed 9–24–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Agreements Filed; Weekly Receipts

Aviation Proceedings, Agreements filed during week ending September 7, 2001. The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–10600.

Date Filed: September 7, 2001.

Parties: Members of the International Air Transport Association.

Subject: PTC1 0193 dated 21 August 2001; TC1 Areawide Resolutions, r1–r4; PTC1 0195 dated 21 August 2001; TC1 Longhaul (except between USA and Chile) Resolutions, r5–r52; Minutes—PTC1 0198 dated 31 August 2001; Tables—PTC1 Fares 0065 dated 24 August 2001; TC1 Longhaul (except between USA and Chile) Specified Fares Tables; Intended effective date: 1 January 2002.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–23818 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD17–01–004]

Application for Recertification of Cook Inlet Regional Citizen's Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of Availability; request for comments.

SUMMARY: The Coast Guard announces the availability of and seeks comments on the application for recertification submitted by the Cook Inlet Regional Citizen's Advisory Council (CIRCAC) for September 1, 2001 through August 31, 2002. Under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, the Coast Guard may certify, on an annual basis, an alternative voluntary advisory group in lieu of a Regional Citizen's Advisory Council for Cook Inlet.

DATES: Comments must reach the Seventeenth Coast Guard District on or before October 25, 2001.

ADDRESSES: You may mail your comments to the Seventeenth Coast Guard District (mor), PO Box 25517, Juneau, AK, 99802–5517. You may also deliver them to the Juneau Federal Building, room 753, 709 W 9th St, Juneau, AK between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

The Seventeenth Coast Guard District maintains the public docket for this recertification process. Comments regarding recertification will become part of this docket and will be available for inspection or copying at the Juneau Federal Building, room 753, 709 W 9th St.

A copy of the application is also available for inspection at the Cook Inlet Regional Citizen's Advisory Council Offices at 910 Highland Avenue, Kenai, AK 99611–8033 between the hours of 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (907) 283–7222 in Kenai, Alaska.

FOR FURTHER INFORMATION CONTACT: For questions on viewing or submitting material to the docket contact LT Michael Patterson, Seventeenth Coast Guard District (mor), (907) 463–2807.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written data, views, or arguments. It solicits comments from interested groups including oil terminal facility owners and operators, owners and operators of crude oil tankers calling at terminal facilities, Alaska Native Tribes, fishing, aquacultural, recreational and environmental citizens groups, concerning the recertification application of CIRCAC. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD17–01–04) and the specific section of this document to which each comment applies, and give the reason for each comment. 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 acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (m), Seventeenth Coast Guard District, PO Box 25517, Juneau, AK, 99802–5517. The request should include reasons why a hearing would be beneficial. If there is sufficient evidence to determine that oral presentations will aid this recertification process, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard published guidelines on December 31, 1992 (57 FR 626000), to assist groups seeking recertification under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the Act). The Coast Guard issued a policy statement on July 7, 1993 (58 FR 36505), to clarify the factors that the Coast Guard would be considering in making its determination as to whether advisory groups should be certified in accordance with the Act; and the procedures which the Coast Guard would follow in meeting its certification responsibilities under the Act. Most

recently, on December 28, 2000 (65 FR 82451) the Coast Guard published a proposal and request for comments to streamline the RCAC certification process. The comments received on that proposal are under review prior to implementing changes to the certification process.

The Coast Guard has received an application for recertification of CIRCAC, the currently certified advisory group for the Cook Inlet region. In accordance with the review and certification process contained in the policy statement, the Coast Guard announces the availability of that application.

At the conclusion of the comment period, the Coast Guard will review all application materials and comments received and will take one of the following actions:

(a) Recertify the advisory group under 33 U.S.C. 2732(o).

(b) Issue a conditional recertification for a period of 90 days, with a statement of any discrepancies, which must be corrected to qualify for recertification for the remainder of the year.

(c) Deny recertification of the advisory group if the Coast Guard finds that the group is not broadly representative of the interests and communities in the area or is not adequately fostering the goals and purposes of 33 U.S.C. 2732.

The Coast Guard will notify CIRCAC by letter of the action taken on its application. A notice will be published in the **Federal Register** to advise the public of the Coast Guard's determination.

Dated: September 6, 2001.

T.J. Barrett,

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

[FR Doc. 01–23823 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The National Park Service (NPS) and Federal Aviation Administration (FAA) in accordance with the National Parks Air Tour Management Act of 2000, established the National Parks Overflights Advisory Group (NPOAG). The NPOAG was formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. This notice informs the public of the desire to expand the advisory group and delineates the nomination procedures.

FOR FURTHER INFORMATION CONTACT: Howard Nesbitt, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, telephone: (202) 493–4981, or Marvin Jensen, Soundscapes Office, National Park Service, 1201 Oak Ridge Drive, Suite 200, Ft. Collins, Colorado 80525, telephone: (970) 225–3563. Persons interested in serving on the advisory group should contact Mr. Nesbitt or Mr. Jensen on or before October 16, 2001.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181. The Act required the establishment of the advisory group within 1 year after its enactment. The advisory group is comprised of a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator and the Director (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group. The Administrator's representative will serve the first term, which will terminate at the end of the calendar year following the year in which the advisory group is established.

The advisory group provides ''advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title [the Act] and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.''

Members of the advisory group may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government service.

An initial assignment was made to the group of seven members representing aviation, environmental and Native American cultural interests. At the first meeting of the group, on August 28, 2001, the group decided that the addition of three new members would achieve a better balance of interests representing the group. The additional members would represent fixed wing air tour operators, environmental interests and Native American cultural interests.

Public Participation in the Advisory Group

The FAA and NPS invite members of the public from the desired areas, who are interested in serving on the advisory group, to contact the person listed under **FOR FURTHER INFORMATION CONTACT.** Requests to participate should be made in writing and postmarked on or before October 16, 2001. The request should indicate whether or not they are a member or an official of a particular interest group. The request should also state whether they are proposing to represent fixed wing air tours, environmental, or Native American cultural interests and what expertise they would bring to either of these interest areas while serving on the group. Those individuals or groups previously submitting nominations need not resubmit. The term of service of advisory group members will be three years.

Issued in Washington, DC on September 19, 2001.

Nicholas A. Sabatini,

Director, Flight Standards Service.

[FR Doc. 01–23945 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2001–10649]

Agency Information Collection Activities; Request for Comments; Clearance of a New Information Collection; Customer Satisfaction Surveys

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection that involves generic customer satisfaction surveys. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 26, 2001.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493–2251; or submit electronically at *http://dmses.dot.gov/submit.* All comments should include the docket number in this notice's heading. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Marshall, 202–366–9393, Corporate Management, Federal Highway Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590. Office hours are from 7:30 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Customer Satisfaction Surveys.

OMB Control No: 2125-New.

Background: Executive Order 12862, ''Setting Customer Service Standards'' requires that Federal agencies provide the highest quality service to our customers by identifying them and determining what they think about our services and products. The surveys covered in this request for a generic clearance will provide the FHWA a means to gather this data directly from our customers. The information obtained from the surveys will be used to assist in evaluating service delivery and processes. The responses to the surveys will be voluntary and will not involve information that is required by regulations. There will be no direct costs to the respondents other than their time. The FHWA plans to provide an electronic means for responding to the majority of the surveys via the World Wide Web.

Respondents: State and local governments, highway industry organizations, general public.

Frequency: Generally, annually.

Estimated Total Annual Burden Hours: The burden hours per response will vary with each survey; however, we estimate an average burden of 20 minutes for each survey. We estimate that FHWA will survey an average of 15,000 respondents annually. Therefore, the total annual estimate is 5,000 burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202–512–1661. Internet users may reach the **Federal Register's** home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: September 19, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01–23932 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Lahaina, Kaanapali & Pacific Railroad

[Docket Number FRA–2001–10516]

The Lahaina, Kaanapali & Pacific Railroad (LKP) requests a waiver of compliance with certain provisions of the 49 CFR part 230, *Inspection and Maintenance Standards for Steam Locomotives.* The specific part of the regulations for which waiver is sought is CFR 230.25, which requires that the maximum allowable stress per square inch (psi) of the net cross sectional area of fire box and combustion chamber stays shall be 7,500 psi. LKP seeks this waiver to allow the stay bolt stress to be increased to 12,600 psi, which meets the requirements of the 1983 ASME code, for two steam locomotives named Anaka and Myrtle. The railroad feels that their method of attachment (welding) provides greater strength than threaded attachment of the stays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2001–10516) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, 400 Seventh Street, S.W., Washington, DC. 20590–0001. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, DC on September 19, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–23934 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2001–9486]

Trinity Industries, Incorporated; Public Hearing

On July 11, 2001, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (66 FR 36363) announcing Trinity Industries Incorporated (TII) request to obtain a permanent waiver of compliance from certain provisions of Railroad Safety Appliance Standards, 49 CFR part 231, for a new design, 100-Ton Seven Unit Articulated Intermodal Ramp Car (Ramp Car). Relief is requested from the requirements provided in title 49 CFR part 231 as follows:

49 CFR 231.18—*Cars of special construction*, which states: ''Cars of construction not covered specifically in the foregoing sections in this part, relative to handholds, sill steps, ladders, hand brakes and running boards may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill steps, ladders, hand brakes, and running boards as are required for cars of the nearest approximate type.'' The nearest approximate type of car for this new design Ramp Car is described in 49 CFR 231.6—Flat cars. Specifically, TII is seeking relief of four (4) requirements described below:

Hand Brakes Location: 49 CFR 231.6 (a)(3)(ii) requires that ''the brake shaft shall be located on the end of car to the left of center, or on side of car not more than 36 inches from right-hand end thereof.''

Sill Steps Location: 49 CFR 231.1(d)(3)(i) requires that ''one near each end of each side of car, so that there shall be not more than 18 inches from end of car to center of tread of sill step.''

Side Handholds Location: 49 CFR 231.6(c)(3)(i) requires that ''horizontal, one on face of each side sill near each end. Clearance of outer end of handhold shall be not more than 12 inches from end of car.''

End Handholds Location: 49 CFR 231.6(d)(3)(i) requires that ''horizontal, one near each side of each end of car on face of end sill. Clearance of outer end of handhold shall be not more than 16 inches from side of car.''

Due to the uniqueness of the car design, special construction considerations, operation, and comments received by FRA concerning this waiver petition, FRA has determined that a public hearing is necessary before a final decision is made on this petition. Accordingly, a public hearing is hearby set for 1:30 p.m. on October 18, 2001, in Conference Room #1 on the seventh floor, at the FRA Headquarters Building, 1120 Vermont Avene, N.W., Washington, D.C. 20005. Interested parties are invited to present oral statements at this hearing. The hearing will be informal and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25) by a representative designated by the FRA. The FRA representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding this waiver petition, without cross-examination. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given an opportunity to do so in the same order in which initial statements were made.

Issued in Washington, DC on September 19, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–23933 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Union Pacific Railroad Company

[Docket Number FRA–2001–10235]

Union Pacific Railroad Company (UP), a Class I railroad, requests a waiver of compliance with certain provisions of 49 CFR part 214, *Railroad Workplace Safety.* The specific sections of the rule for which waiver is sought are 49 CFR 214.329, *Train approach warning provided by watchmen/ lookouts*, and 49 CFR 214.337, *On-track safety procedures for lone workers.*

UP requests relief that will permit the use of a system described by UP as the automatic train approach warning system (TAWS). UP proposes that roadway work groups be permitted to substitute TAWS for watchmen/ lookouts as the method of train approach warning when fouling a track within equipped interlockings and controlled points. UP also proposes that lone workers be permitted to use TAWS as a method of train approach warning within the limits of those interlockings and controlled points without a requirement to establish working limits.

On December 16, 1996, the FRA published a final rule amending 49 CFR part 214 with the addition to it of the Roadway Worker Protection Standards, which became effective on January 15, 1997. The regulation mandates clearly defined methods of protection against moving trains and railroad equipment for railroad employees who perform certain maintenance and inspection duties on and near railroad tracks. UP previously filed a petition for waiver of certain provisions of that rule to permit the use of TAWS in place of watchmen/ lookouts (Docket Number FRA 2000–7912). On December 13, 2000, UP withdrew this petition.

In its new petition, Docket Number 2001–10235, UP states that TAWS will exceed the minimum requirements for warning roadway workers of the approach of trains and will be used at selected control points on the railroad. UP also states that this system will be an integral part of the signal and train control system which includes, incorporating the same level of reliability and principles of a fail-safe design.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. If any interested party desires an opportunity for oral comment, he or she should notify FRA, in writing, before the end of the comment period and specify the basis for his or her request. All communications concerning these proceedings should identify the appropriate docket number (Docket Number FRA–2001–10235) and must be submitted to the DOT Docket Management Facility, Room PL–401 (Plaza level) 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business

hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket, including UP's detailed waiver request, are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, DC on September 19, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–23935 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–10668]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LADY J.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before October 25, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10668. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: LADY J. *Owner:* John E. Wilkins, Jr. and Connie J. Wilkins.

(2) Size, capacity and tonnage of vessel. *According to the applicant: Size:* 37 feet; *Capacity:* 8 passengers; *Tonnage:* 8 tons.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* ''The vessel will be used for Chapter 4's Disabled American Veteran outreach and R & R program. * * * This program is operated in Southeast Alaska because there is no road system. There is no other vessel that operates in this area that helps the Disabled Veterans.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1984. *Place of construction:* Taiwan. ''Rebuilding took place at: Juneau Marine and De Harts Marine, Juneau, AK''.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''The Disabled Veterans Outreach program is a non-profit operation that gives veterans and there family's information on veteran affairs program offered by the government and recreational opportunities that they other wise could not afford. We are the only vessel in this area that makes this possible. There will be no impact on commercial vessels in this area.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''I can see no impact on U.S. shipyards because of our outreach program because we are not involved with any shipyards.''

Dated: September 20, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–23894 Filed 9–24–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2001–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, Department of Transportation

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 2001 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2001 RCAF (Unadjusted) is 1.078. The fourth quarter 2001 RCAF (Adjusted) is 0.581. The fourth quarter 2001 RCAF–5 is 0.556.

EFFECTIVE DATE: October 1, 2001.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DA.2.DA LEGAL, Suite 405, 1925 K Street, NW., Washington, DC 20423–0001, telephone (202) 293–7776. [Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act.

Decided: September 19, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–23962 Filed 9–24–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Annual Report of Concentrate Manufacturers and Usual Customary Business Records—Volatile Fruit-Flavor Concentrate Plants.

DATES: Written comments should be received on or before November 26, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Crone, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Annual Report of Concentrate Manufacturers and Usual and Customary Business Records—Volatile Fruit-Flavor Concentrate Plants.

OMB Number: 1512–0098.

Form Number: ATF F 5520.2.

Abstract: Manufacturers of volatile fruit-flavor concentrate must provide reports as necessary to insure the protection of the revenue. The report accounts for all concentrates manufactured, removed, or treated so as to be unfit for beverage use. The information is required to verify that alcohol is not being diverted thereby jeopardizing tax revenues. Records and reports will be retained by the proprietor for 3 years from the date they were prepared, or 3 years from the date of the last entry, whichever is later.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 91.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 30.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 17, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–23888 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Consignment of Tobacco Products and Cigarette Papers and Tubes Export Shipments.

DATES: Written comments should be received on or before November 26, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Thomas Crone, Chief, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Title: Consignment of Tobacco Products and Cigarette Papers and Tubes Export Shipments.

OMB Number: 1512–0531.

Recordkeeping Requirement ID Number: ATF REC 5210/1.

Abstract: Tobacco products have historically been a major source of excise tax revenues for the Federal Government. In order to safeguard these taxes, members of the regulated tobacco industry are required to maintain a system of records designed to establish accountability over the tobacco products manufactured. The recordkeeping requirement for this information collection is 2 years.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 314.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 21,195.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 17, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–23889 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: List of Data (A) and List of Data (B)

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form ''List of Data (A) and List of Data (B).''

DATES: Written comments should be received on or before November 26, 2001.

ADDRESSES: Direct all written comments to Financial Management Service, 3700 East West Highway, Program Branch, Room 144, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Dorothy Martin, Surety Bond Branch, 3700 East West Highway, Room 608A, Hyattsville, MD 20782, (202) 874–6775.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: List of Data (A) and List of Data (B).

OMB Number: 1510–0047.

Form Number: TFS 2211.

Abstract: This information is collected from insurance companies to assist Treasury Department in determining acceptability of the companies applying for a Certificate of Authority to write or reinsure Federal surety bonds.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 30.

Estimated Time Per Respondent: 18 hours.

Estimated Total Annual Burden Hours: 540.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: September 19, 2001.

Judith R. Tillman,

Assistant Commissioner, Financial Operations.

[FR Doc. 01–23895 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Schedule of Excess Risks

AGENCY: Financial Management Service, Fiscal Service; Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form ''Schedule of Excess Risks.''

DATES: Written comments should be received on or before November 26, 2001.

ADDRESSES: Direct all written comments to Financial Management Service, 3700 East West Highway, Programs Branch, Room 144, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Dorothy Martin, Surety Bond Branch, 3700 East West Highway, Room 608A, Hyattsville, MD 20782, (202) 874–6775.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Schedule of Excess Risks.

OMB Number: 1510–0004.

Form Number: FMS 285–A.

Abstract: This information is collected to assist the Treasury Department in determining whether a certified or applicant company is solvent and able to carry out is contracts, and whether the company is in compliance with Treasury excess risk regulations for writing Federal surety bonds.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,308.

Estimated Time Per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 7,140.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget 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 operations, maintenance and purchase of services to provide information.

Dated: September 19, 2001.

Judith R. Tillman,

Assistant Commissioner, Financial Operations.

[FR Doc. 01–23896 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Assignment Form

AGENCY: Financial Management Service, Fiscal Service Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form ''Assignment Form.''

DATES: Written comments should be received on or before November 26, 2001.

ADDRESSES: Direct all written comments to Financial Management Service, 3700 East West Highway, Programs Branch, Room 144, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Wanda Rogers, Financial Accounting and Services Division, 3700 East West Highway, Room 620D, Hyattsville, MD, (202) 874–8380.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Assignment Form.

OMB Number: 1510–0035.

Form Number: None.

Abstract: This form is used when an awardholder wants to assign or transfer all or part of his/her award to another person. When this occurs, the awardholder forfeits all future rights to the portion assigned.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 150.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 75.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: September 19, 2001.

Judith R. Tillman,

Assistance Commissioner, Financial Operations.

[FR Doc. 01–23897 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Application for Payment of a Deceased Depositor's Postal Savings Account

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the form ''Application for Payment of a Deceased Depositor's Postal Savings Account.''

DATES: Written comments should be received on or before November 26, 2001.

ADDRESSES: Direct all written comments to Financial Management Service, 3700 East West Highway, Programs Branch, Room 144, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Wanda Rogers, Financial Accounting and Services Division, 3700 East West Highway, Room 620D, Hyattsville, MD 20782, (202) 874–8380.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Application for Payment of a Deceased Depositor's Postal Savings Account.

OMB Number: 1510–0027.

Form Number: POD 1681.

Abstract: This form is used when an application is submitted for payment of a deceased Postal Savings depositor's account. Information furnished on the form is used to determine if the applicant is entitled to the proceeds of the account.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 25.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology;

and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: September 19, 2001.

Judith R. Tillman,

Assistant Commissioner, Financial Operations.

[FR Doc. 01–23898 Filed 9–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0105]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine if a claimant's accidental injury was the result of the claimant's misconduct.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 26, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0105'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501 '' 3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Witness to Accident, VA Form Letter 21–806.

OMB Control Number: 2900–0105.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to gather information to support veterans' claims for disability benefits based on disability(ies) which is/are the result of an accident. The information given by a witness to the accident is used as a source to gather specific data regarding the accident and to obtain from the witness opinions as well as facts based on his or her knowledge and beliefs regarding the accident. Benefits may be paid if a disability is incurred in the line of duty and is not the result of the veteran's own willful misconduct.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,400 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 13,200.

Dated: September 10, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–23890 Filed 9–24–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
September 25, 2001

Part II

Department of Labor

Bureau of International Labor Affairs

Request for Information on Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor; Notice

DEPARTMENT OF LABOR

Bureau of International Labor Affairs

Request for Information on Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor

AGENCY: The Bureau of International Labor Affairs, Labor.

ACTION: Request for information on efforts by certain countries to eliminate the worst forms of child labor.

SUMMARY: This notice is a request for information for use in Department of Labor research regarding the implementation of international commitments to eliminate the worst forms of child labor by countries seeking benefits under the Generalized System of Preferences (GSP), and/or eligibility for additional benefits provided for in the Caribbean Basin Trade Partnership Act (CBTPA) or the African Growth and Development Act (AGOA). The recently passed Trade and Development Act of 2000 (TDA) establishes a new eligibility criterion, concerning efforts to eliminate the worst forms of child labor, for receipt of these trade benefits. The TDA requires the Secretary of Labor to make findings with respect to beneficiary countries' implementation of their international commitments to eliminate the worst forms of child labor.

DATES: Submitters of information are requested to provide two (2) copies of their written submission to the International Child Labor Program at the address below by 5 p.m., October 25, 2001.

ADDRESSES: Written submissions should be addressed to Chris Camillo at the International Child Labor Program, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5307, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Chris Camillo, International Child Labor Program, Bureau of International Labor Affairs at (202) 693–4839; fax (202) 693–4830. The Department of Labor's reports on international child labor can be accessed on the Internet at *http://www.dol.gov/dol/ilab/public/programs/iclp/* or can be obtained from the International Child Labor Program.

SUPPLEMENTARY INFORMATION: The Trade and Development Act of 2000 (Pub. L. 106–200), signed into law on May 18, 2000, establishes a new eligibility criterion concerning efforts to eliminate the worst forms of child labor for receipt of trade benefits under the GSP, CBTPA, and AGOA programs. The TDA amends the GSP reporting requirements of the Trade Act of 1974 (Section 504) (19 U.S.C. 2464) to require that the annual report include ''findings by the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor.''

Title II of the TDA includes as a criteria for receiving benefits under the CBTPA ''whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.'' The TDA Conference Report (Joint Explanatory Statement of the Committee of Conference, 106th Cong. 2d. sess. (2000)) indicates that ''the conferees intend that the GSP standard, including the provision with respect to implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits'' (provided for in the AGOA.)

Scope of Report

Countries presently eligible under the GSP are: Albania, Angola, Antigua and Barbuda, Argentina, Armenia, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, the Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Latvia, Lebanon, Lesotho, Lithuania, Macedonia (former Yugoslav Republic of), Madagascar, Malawi, Mali, Mauritania, Mauritius, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Romania, Russia, Rwanda, Saint Kitts-Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Slovakia, Solomon Islands, Somalia, South Africa, Sri Lanka, Suriname, Swaziland, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Uruguay, Uzbekistan, Vanuatu, Venezuela, Republic of Yemen, Zambia, and Zimbabwe.

Countries potentially eligible for additional benefits under the AGOA are: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Republic of the Congo, Cote d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

Countries potentially eligible for additional benefits under the CBTPA are: Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Cayman Islands, Montserrat, Netherlands Antilles, Saint Kitts-Nevis, Turks and Caicos and the British Virgin Islands.

Information Sought

The Department invites written information relevant to the findings to be made by the Department of Labor under the TDA from all interested parties. Information provided through public submission will be considered by the Department of Labor in preparing its findings. Materials submitted should be confined to the specific topic of the study. In particular, the Department's Bureau of International Labor Affairs is seeking written submissions on the following topics as stipulated in the TDA Conference Report:

1. Whether the country has adequate laws and regulations proscribing the worst forms of child labor;
2. Whether the country has adequate laws and regulations for the implementation and enforcement of such measures;
3. Whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor;
4. Whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and assist in the removal of children engaged in the worst forms of child labor;
5. Whether the country has a comprehensive policy for the elimination of the worst forms of child labor;

6. Whether the country is making continual progress toward eliminating the worst forms of child labor.

Information relating to the nature and extent of child labor in the country is also sought.

Definition of ''Worst Forms of Child Labor''

As stated in the TDA Conference Report, use of the term ''Worst Forms of Child Labor'' in the TDA follows International Labor Organization (ILO) Convention No. 182, which defines child as all persons under the age of 18, and the worst forms of child labor as comprising all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; or any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The TDA Conference Report noted that the phrase, * * * work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children * * * is to be defined as in Article II of Recommendation No. 190, which accompanies ILO Convention No. 182. This includes work that exposes children to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment or tools, or work under circumstances which involve the manual handling or transport of heavy loads; work in an unhealthy environment that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as for long hours, during the night or under conditions where children are unreasonably confined to the premises of the employer.

The TDA Conference Report further indicated that the phrase, * * * work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children * * * be interpreted in a manner consistent with the intent of Article 4 of ILO Convention No. 182, which states that such work shall be determined by national laws or regulations or by the competent authority in the country involved.

This notice is a general solicitation of comments from the public.

Signed at Washington, DC this 19th day of September, 2001.

Jorge Perez-Lopez,

Associate Deputy Under Secretary for International Labor Affairs.

[FR Doc. 01–23878 Filed 9–24–01; 8:45 am]

BILLING CODE 4510–28–P

Federal Register

Tuesday,
September 25, 2001

Part III

The President

Presidential Determination No. 01–29 of September 23, 2001—Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

Federal Register
Vol. 66, No. 186
Tuesday, September 25, 2001

Presidential Documents

Title 3—

The President

Presidential Determination No. 01–29 of September 23, 2001

Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

Memorandum for the Secretary of Transportation

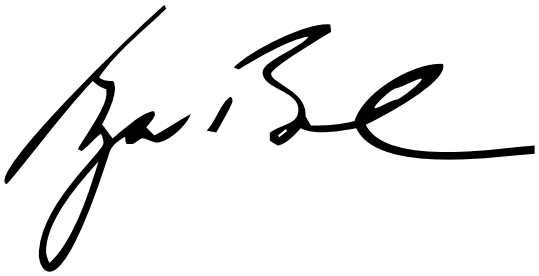
By virtue of the authority vested in me by 49 U.S.C. 44302, *et seq.*, I hereby:

(1) determine that continuation of U.S.-flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States;

(2) approve provision by the Secretary of Transportation of insurance to U.S.-flag air carriers against loss or damage arising out of any risk from the operation of an aircraft, and/or reimbursement of insurance cost increases, in the manner and to the extent provided in Chapter 443 of 49 U.S.C., whenever he determines that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States; and

(3) delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(b), to extend this determination for additional 60-day periods, when he finds that the continued operation of aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(2), and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, September 23, 2001

[FR Doc. 01–24179
Filed 9–24–01; 12:01 pm]
Billing code 4910–62–P

Federal Register

Tuesday,
September 25, 2001

Part IV

The President

Executive Order 13224—Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism

Notice of September 24, 2001—Continuation of Emergency With Respect to UNITA

Federal Register
Vol. 66, No. 186
Tuesday, September 25, 2001

Presidential Documents

Title 3—

The President

Executive Order 13224 of September 23, 2001

Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term ''terrorism'' means an activity that—

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106–387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on

any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

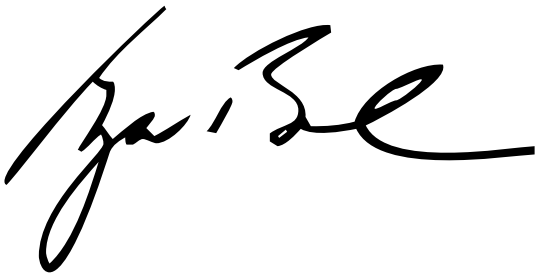
Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
September 23, 2001.

Billing code 3195–01–P

ANNEX

Al Qaida/Islamic Army

Abu Sayyaf Group

Armed Islamic Group (GIA)

Harakat ul-Mujahidin (HUM)

Al-Jihad (Egyptian Islamic Jihad)

Islamic Movement of Uzbekistan (IMU)

Asbat al-Ansar

Salafist Group for Call and Combat (GSPC)

Libyan Islamic Fighting Group

Al-Itihaad al-Islamiya (AIAI)

Islamic Army of Aden

Usama bin Laden

Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)

Sayf al-Adl

Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (aka, Abu Abdallah)

Ayman al-Zawahiri

Thirwat Salah Shihata

Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)

Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidamat/Al Kifah

Wafa Humanitarian Organization

Al Rashid Trust

Mamoun Darkazanli Import-Export Company

[FR Doc. 01–24205

Filed 9–24–01; 1:05 pm]

Billing code 4810–25–C

Presidential Documents

Notice of September 24, 2001

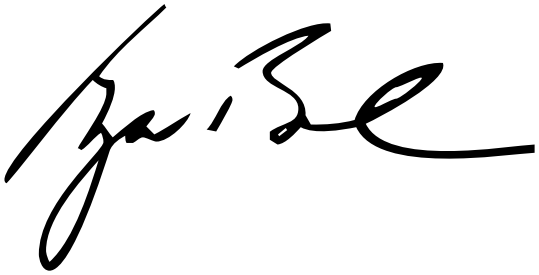
Continuation of Emergency With Respect to UNITA

In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared by President Clinton on September 26, 1993, by Executive Order 12865, to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union for the Total Independence of Angola (UNITA). The order prohibits the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, of arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA.

President Clinton took additional measures with respect to the national emergency declared in Executive Order 12865 by issuing Executive Orders 13069 and 13098 on December 12, 1997, and August 18, 1998, respectively. Those orders close all UNITA offices in the United States, block all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibit the importation of certain diamonds exported from Angola, and impose additional sanctions with respect to the provision of mining and transportation equipment and services.

Because of our continuing international obligations and the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 2001. Therefore, I am continuing the national emergency with respect to UNITA.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
September 24, 2001.

[FR Doc. 01–24206
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H.R. 2926/P.L. 107–42

Air Transportation Safety and System Stabilization Act (Sept. 22, 2001; 115 Stat. 230)

Last List September 24, 2001

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