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WASHINGTON, DC

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

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

RESERVATIONS: 202–523–4538

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 66, No. 47
Friday, March 9, 2001

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

RIN 3064–AC33

Disclosure and Reporting of CRA-Related Agreements; Correction

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule; correction.

SUMMARY: This document makes technical corrections to the Federal Deposit Insurance Corporation's version of a final rule issued jointly by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Corporation (FDIC), and the Office of Thrift Supervision. The joint final rule was published Wednesday, January 10, 2001 (66 FR 2052), and concerned the disclosure and reporting of certain agreements related to the Community Reinvestment Act of 1977 (CRA). The FDIC's version of the joint final rule established a new Part 346 to its regulations.

EFFECTIVE DATE: April 1, 2001.

FOR FURTHER INFORMATION CONTACT: A. Ann Johnson, Counsel, Regulation and Legislation Section (202) 898–3573, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

The rule that is the subject of these corrections implements the CRA sunshine provisions of section 48 of the Federal Deposit Insurance Act and prescribes procedures for the disclosure and reporting of certain covered agreements related to the CRA. The corrections contained in this document will affect only the FDIC's version of the joint final rule.

Because these corrections are technical in nature and have no substantive impact, the FDIC finds that notice and public comment is unnecessary. Further, because the corrections are technical in nature, they are effective upon publication in the **Federal Register**.

Need for Correction

As published, the FDIC's version of the joint final rule contains technical errors, which may be misleading or confusing and are in need of correction.

Correction of Publication

Accordingly, the FDIC's version of the joint final rule published on January 10, 2001, at 66 FR 2052, is corrected as follows:

§ 346.9 [Corrected]

On page 2105, in the first column, in § 346.9(a)(1), the reference in the third line to ''§§ 346.4 or 346.5'' is corrected to refer to ''§§ 346.6 or 346.7''.

§ 346.11 [Corrected]

On page 2106, in the first column, in § 346.11(j)(2)(iv), the reference in the fifth and sixth lines to ''paragraphs (h)(2)(i) through (iii) of this section'' is corrected to refer to ''paragraphs (j)(2)(i) through (iii) of this section''.

Dated at Washington, DC, this 5th day of March, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–5804 Filed 3–8–01; 8:45 am]

BILLING CODE 6714–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 274

[Release Nos. 33–7959; IC–24886]

Technical Amendments to Instructions for Registration Form for Certain Investment Company Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This release makes technical amendments to the instructions to Form 24F–2, the form under the Investment Company Act of 1940 that prescribes the method by which certain investment companies calculate and pay registration fees on securities they issue. The revisions are intended to explain more clearly where investment company issuers should look to find the correct rate to use in calculating registration fees, and the correct interest rate applicable to late payments of registration fees.

EFFECTIVE DATE: March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Penelope W. Saltzman, Senior Counsel, Office of Regulatory Policy at (202) 942–0690, or Carolyn A. Miller, Senior Financial Analyst, Office of Financial Analysis at (202) 942–0513, Division of Investment Management, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0506.

SUPPLEMENTARY INFORMATION: Form 24F–2 is the form on which certain investment companies file an annual notice of securities sold, pursuant to rule 24f–2 under the Investment Company Act [17 CFR 270.24f–2]. Instruction C.9 specifies the rate used to calculate the registration fee, but that rate is subject to change from time to time by act of Congress through appropriations for the Commission or other laws. Although we have updated the form when rates have changed, filers with older copies of the form have made filings with incorrect fees, sometimes overpaying.[1] We are revising the instructions to Form 24F–2 to direct filers to the appropriate statutory provision and to the latest fee advisory on our web site to find the correct rate to use in calculating their securities registration fees. We also are revising the instruction that advises issuers that they must pay interest on registration fees that are not timely filed.[2] The revised instruction directs issuers where to look to find the interest rate applicable to these late payments.

Certain Findings

Under the Administrative Procedure Act (''APA''), notice of proposed

[1] The fee rate was last updated in a release issued November 4, 1998. Update of Registration Form to Reflect Fee Rate Change for Registration of Certain Investment Company Securities, Investment Company Act Release No. 23522 (Nov. 4, 1998) (63 FR 62936 (Nov. 10, 1998)). On December 21, 2000, legislation was enacted that set the fee rate at $250 per $1,000,000 offered or sold (prorated for amounts less than $1,000,000). Pub. L. 106–553, 114 Stat. 2762 (2000).

[2] *See* amended Form 24F–2, Instruction D.1 (Item 7).

rulemaking is not required when an agency, for good cause, finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [3] The amendments to the instructions in Form 24F–2 regarding the applicable fee rate and interest rate on late fees are technical changes that simply advise investment company issuers where to find the applicable rate for calculating registration fees and the interest rate applicable to late payments (neither of which is set by the Commission). The amendments are needed now because late winter and early spring is the peak time for registration of investment company securities.[4] Accordingly, we find that there is no need to publish notice of these amendments.[5]

The APA also requires publication of a rule at least 30 days before its effective date unless the agency finds otherwise for good cause.[6] For the same reasons described with respect to opportunity for notice and comment, we find there is good cause for the amendments to take effect on March 12, 2001.

List of Subjects in 17 CFR Part 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Form Amendments

For the reasons set forth in the preamble, Form 24F–2, referenced in § 274.24, Title 17, Chapter II of the Code of Federal Regulations, is amended as follows:

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 274 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78*l*, 78m, 78n, 78o(d), 80a–8, 80a–24, and 80a–29, unless otherwise noted.

2. Form 24F–2 (referenced in § 274.24) is amended by revising Instruction C.9 and Instruction D.1 to read as follows:

Note: Form 24F–2 does not, and the amendments will not, appear in the *Code of Federal Regulations.*

Form 24F–2

Annual Notice of Securities Sold Pursuant to Rule 24f–2

* * * * *

Instructions

* * * * *

C. Computation of Registration Fee

* * * * *

9. Item 5(vii)—The Commission determines the rate for calculating the registration fee (the ''fee rate'') according to section 6(b) of the Securities Act [15 U.S.C. 77f(b)]. The registration fee is calculated by multiplying the net sales amount (Item 5(v)) by the fee rate. The fee rate is subject to change from time to time, without notice, by act of Congress through appropriations for the Commission or other laws. Issuers should determine the current fee rate before they file by referring to section 6(b) and any law or regulation affecting section 6(b). Issuers also may check the Commission's latest fee rate advisory, which is available under ''Press Releases'' on the ''News & Public Statements'' page of the Commission's Internet site at http://www.sec.gov. Unless otherwise specified by act of Congress, the fee rate in effect at the time of filing applies to all securities sold during the fiscal year, regardless of whether the fee rate changes during the year.

* * * * *

D. Computation of Interest Due If Form Is Filed Late

1. Item 7—Section 24(f) requires any issuer that pays its registration fee after the Due Date (see Instruction A.2) to pay interest to the Commission on fees that are not paid on time. The payment of interest does not preclude the Commission from bringing an action to enforce the requirements of section 24(f). Under section 11 of the Debt Collection Act (31 U.S.C. 3717(a)), the interest rate is published by the Secretary of the Treasury. The rate is computed annually and is effective on January 1 each year. In some circumstances the rate may be changed on a quarterly basis. Filers owing interest should verify the current interest rate. Filers can find the rate by looking for the ''current value of funds rate'' on the Treasury Department's Financial Management Service Internet site at *http://www.fms.treas.gov*, or by calling (202) 874–6995.

* * * * *

Dated: March 5, 2001.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5791 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–U

[3] 5 U.S.C. 553(b)(3)(B).

[4] Form 24F–2 must be filed within 90 calendar days after the end of an issuer's fiscal year. 17 CFR 270.24f–2(a). Many issuers' fiscal year coincides with the calendar year. To register securities issued in fiscal year 2000, these issuers must file Form 24F–2 by April 2, 2001 (the first business day following the 90-day period, which ends March 31, 2001).

[5] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major rule status under the Small Business Regulatory Enforcement Fairness Act. *See* 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility Act analyses, the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking); 5 U.S.C. 804(3)(C) (for purposes of Congressional review of agency rulemaking, the term ''rule'' does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[6] *See* 5 U.S.C. 553(d)(3).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, 526, and 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for 25 approved new animal drug applications (NADA's) from Merial Ltd. to Bimeda, Inc.

DATES: This rule is effective March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: Merial Ltd., 2100 Ronson Rd., Iselin, NJ 08830–3077, has informed FDA that it has transferred ownership of, and all rights and interests in, the following approved NADA's to Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322.

Accordingly, the agency is amending the regulations in 21 CFR parts 510, 520, 522, 524, 526, and 558 to reflect the change of sponsor. The agency is also amending § 510.60(c)(1) and (c)(2) to add the sponsor name and drug labeler code for Bimeda, Inc.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 526

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, 526, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for ''Bimeda, Inc.'' and in the table in paragraph (c)(2) by numerically adding an entry for ''061133'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322	061133
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
061133	Bimeda, Inc., 288 County Rd. 28, LeSueur, MN 56058–9322
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.390a [Amended]

4. Section 520.390a *Chloramphenicol tablets* is amended in paragraph (b)(2) by removing ''050604'' and by adding in its place ''061133''.

§ 520.540b [Amended]

5. Section 520.540b *Dexamethasone tablets and boluses* is amended in paragraph (b)(2) by removing ''050604'' and by adding in its place ''061133''.

§ 520.622a [Amended]

6. Section 520.622a *Diethylcarbamazine citrate tablets* is amended in paragraph (a)(3) by removing ''050604'' and by adding in its place ''061133''.

§ 520.622c [Amended]

7. Section 520.622c *Diethylcarbamazine citrate chewable tablets* is amended in paragraph (b)(4) by removing ''050604'' and by adding in its place ''061133''.

§ 520.823 [Amended]

8. Section 522.823 *Erythromycin phosphate* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''061133''.

§ 520.1484 [Amended]

9. Section 520.1484 *Neomycin sulfate soluble powder* is amended in paragraph (b) by removing ''050604, and'' and by adding '', and 061133'' after ''051259''.

§ 520.1660d [Amended]

10. Section 520.1660d *Oxytetracycline hydrochloride soluble powder* is amended in paragraph (b)(7) by removing ''050604'' and by adding in its place ''061133''.

§ 520.1696b [Amended]

11. Section 520.1696b *Penicillin G potassium in drinking water* is amended in paragraph (b) by removing ''050604, and'' and by adding '', and 061133'' after ''053501''.

§ 520.1720a [Amended]

12. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(3) by removing ''and 059130'' and by adding in its place ''059130, and 061133''.

§ 520.1720d [Amended]

13. Section 520.1720d *Phenylbutazone gel* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''061133''.

§ 520.2123a [Amended]

14. Section 520.2123a *Spectinomycin dihydrochloride pentahydrate tablets* is amended in paragraph (b), by removing ''050604'' and by adding in its place ''061133''.

§ 520.2123b [Amended]

15. Section 520.2123b *Spectinomycin dihydrochloride pentahydrate soluble powder* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''061133''.

§ 520.2260b [Amended]

16. Section 520.2260b *Sulfamethazine sustained-release boluses* is amended in paragraphs (c)(1) and (e)(1) by removing ''050604'' and by adding in its place ''061133''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

17. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.820 [Amended]

18. Section 522.820 *Erythromycin injection* is amended in paragraph (a) by removing ''050604'' and by adding its place ''061133''.

§ 522.2444b [Amended]

19. Section 522.2444b *Sodium thiopental, sodium pentobarbital for injection* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''061133''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

20. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1580b [Amended]

21. Section 524.1580b *Nitrofurazone ointment* is amended in paragraph (b) by removing ''and 051259'' and by adding in its place ''051259, and 061133''.

PART 526—INTRAMAMMARY DOSAGE FORMS

22. The authority citation for 21 CFR part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 526.820 [Amended]

23. Section 526.820 *Erythromycin* is amended in paragraph (b) by removing ''050604'' and by adding in its place ''061133''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

24. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.58 [Amended]

25. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1), in item (iii), for the entry ''Arsanilic acid 90 (0.01 pct) plus erythromycin 4.6 to 18.5'', under the ''Sponsor'' column by adding ''061133''.

26. Section 558.62 is amended by revising paragraph (a)(1), by adding paragraph (a)(3), and in the table in paragraph (c)(1) by redesignating entries (c)(1)(iii), (c)(1)(iv), and (c)(1)(v) as entries (c)(1)(iv), (c)(1)(vi), and (c)(1)(vii), respectively, and by adding new entries (c)(1)(iii) and (c)(1)(v) to read as follows:

§ 558.62 Arsanilic acid.

(a) * * *

(1) To 015565: 20, 50, and 100 percent for use as in the table in paragraph (c)(1), entry (ii), item 1; entry (ii), item 2; entry (iv); entry (vi); and entry (vii) of this section.

* * * * *

(3) To 061133: 90 grams per pound arsanilic acid and 4.6 grams per pound erythromycin equivalents as erythromycin thiocyanate for use as in paragraph (c)(1), entry (iii); 90 grams per pound arsanilic acid and 9.25 grams per pound erythromycin equivalents as erythromycin thiocyanate for use as in paragraph (c)(1), entry (v).

* * * * *

(c) * * *

(1) * * *

Arsanilic acid in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(iii)	Erythromycin 4.6	Chickens; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 days before slaughter; as sole source of organic arsenic.	012487
*	*	*	*	*
(v)	Erythromycin 9.25	Chickens; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 days before slaughter; as sole source of organic arsenic.	012487
*	*	*	*	*

* * * * *

§ 558.248 [Amended]

27. Section 558.248 *Erythromycin thiocyanate* is amended in paragraphs (a)(1) and (a)(2) by removing ''050604'' and by adding in its place ''061133'', and in the table in paragraph (d)(1), in entries (i) through (vi), under the ''Sponsor'' column by removing ''050604'' wherever it appears and by adding in its place ''061133''.

§ 558.625 [Amended]

28. Section 558.625 *Tylosin* is amended in paragraph (b)(39) by removing ''50604'' and by adding in its place ''061133''.

Dated: January 29, 2001

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01–5680 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 97P–0350]

Medical Devices; Reclassification and Codification of Home Uterine Activity Monitor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued an order in the form of a letter to GE Marquette Medical Systems, Inc., reclassifying from class III to class II (special controls) the Corometrics Model 770 Home Uterine Activity Monitoring System for use in women with a previous preterm delivery to aid in the detection of preterm labor. Accordingly, the order is being codified in the Code of Federal Regulations. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a guidance document that will serve as the special control for this device.

DATES: This rule is effective April 9, 2001. The reclassification was effective January 5, 2001.

FOR FURTHER INFORMATION CONTACT: Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION:

I. Background (Regulatory Authorities)

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), as amended by the Medical Device Amendments of 1976 (the 1976

amendments) (Public Law 94–295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629), and the Food and Drug Administration Modernization Act of 1997 (the FDAMA) (Public Law 105–115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with new section 513(f)(2) of the act, as amended by the FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of the regulations.

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of postamendments devices is governed by section 513(f)(2) of the act. This section provides that FDA may initiate the reclassification of a device classified into class III under section 513(f)(1) of the act, or the manufacturer or importer of a device may petition the Secretary of Health and Human Services (the Secretary) for the issuance of an order classifying the device in class I or class II. FDA's regulations in § 860.134 (21 CFR 860.134) set forth the procedures for the filing and review of a petition for reclassification of such class III devices. In order to change the classification of the device, it is necessary that the proposed new class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

The FDAMA added a new section 513(f)(2) to the act that addresses classification of postamendments devices. New section 513(f)(2) of the act provides that, upon receipt of a ''not substantially equivalent'' determination, a 510(k) applicant may request FDA to classify a postamendments device into class I or class II. Within 60 days from the date of such a written request, FDA must classify the device by written order. If FDA classifies the device into class I or II, the applicant has then received clearance to market the device and it can be used as a predicate device for other 510(k)'s. It is expected that this process will be used for low risk devices. This process does not apply to devices that have been classified by regulation into class III, i.e., preamendments class III devices, or class III devices for which a PMA is appropriate.

Under section 513(f)(3)(B)(i) of the act, formerly section 513(f)(2)(B)(i) of the act, the Secretary may, for good cause shown, refer a petition to a device classification panel. If a petition is referred to a panel, the panel shall make a recommendation to the Secretary respecting approval or denial of the petition. Any such recommendation shall contain: (1) A summary of the reasons for the recommendation, (2) a summary of the data upon which the recommendation is based, and (3) an identification of the risks to health (if any) presented by the device with respect to which the petition was filed.

II. Regulatory History of the Device

On August 15, 1997, FDA filed the reclassification petition submitted by GE Marquette Medical Systems, Inc., requesting reclassification of the Corometrics Model 770 Home Uterine Activity Monitoring System from class III to class II. FDA consulted with the Obstetrics and Gynecology Devices Panel (the Panel). During an open public meeting on October 7, 1997, the Panel recommended that FDA reclassify from class III to class II the Model 770 Home Uterine Activity Monitoring System for use in women with a previous preterm delivery to aid in the detection of preterm labor. The Panel also recommended patient registries, bench testing, consensus standards, and clinical validation studies as special controls.

FDA considered the Panel's recommendations and tentatively agreed that the generic type of device, home uterine activity monitor, for use in women with a previous preterm delivery to aid in the detection of preterm labor, be reclassified from class III to class II. Subsequently, in the **Federal Register** of July 30, 1999 (64 FR 41435), FDA issued the Panel's recommendation for public comment.

After reviewing the data in the petition and presented before the Panel, and after considering the Panel's recommendation and the comments, FDA, based on the information set forth, issued an order to the petitioner on January 5, 2001, reclassifying the Model 770 Home Uterine Activity Monitoring System, and substantially equivalent devices of this generic type, from class III to class II.

Accordingly, as required by § 860.134(b)(6) and (b)(7) of the regulations, FDA is announcing the reclassification of the generic Home Uterine Activity Monitor from class III into class II. The special control for this device will be a guidance document entitled ''Class II Special Controls Guidance Document for Home Uterine Activity Monitors.'' The guidance document addresses labeling, patient registries, design controls, consensus standards, and pre-clinical and clinical testing. In addition, FDA is issuing the notice to codify the reclassification of the device by adding new § 884.2760.

III. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this reclassification is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory

Fairness Enforcement Act of 1996 (Public Law 104–121), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages, distributive impacts, and equity). The agency believes that this reclassification action is consistent with the regulatory philosophy and principles identified in the Executive order. In addition, this final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule action will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis pursuant to section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

V. Paperwork Reduction Act of 1995

FDA concludes that this final rule contains no information that is subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995. The special controls do not require the respondent to submit additional information to the public.

VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies 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. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for 21 CFR part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 884.2730 is added to subpart C to read as follows:

§ 884.2730 Home uterine activity monitor.

(a) *Identification.* A home uterine activity monitor (HUAM) is an electronic system for at home antepartum measurement of uterine contractions, data transmission by telephone to a clinical setting, and for receipt and display of the uterine contraction data at the clinic. The HUAM system comprises a tocotransducer, an at-home recorder, a modem, and a computer and monitor that receive, process, and display data. This device is intended for use in women with a previous preterm delivery to aid in the detection of preterm labor.

(b) *Classification.* Class II (special controls); guidance document (Class II Special Controls Guidance for Home Uterine Activity Monitors).

Dated: January 31, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5813 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[TD 8931]

RIN 1545–AW02

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2590

RIN 1210–AA77

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

45 CFR Part 146

RIN 0938–AI08

Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market

AGENCIES: Internal Revenue Service, Department of the Treasury; Pension and Welfare Benefits Administration, Department of Labor; Health Care Financing Administration, Department of Health and Human Services.

ACTION: Interim final rules; delay of effective date and conforming amendments.

SUMMARY: Consistent with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action delays for 60 days the effective date for the rules entitled ''Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market,'' published in the **Federal Register** on January 8, 2001 (66 FR 1378). This document also makes conforming amendments to reflect the delay in effective date.

DATES: The effective date of the Interim Final Rules amending 26 CFR Part 54, 29 CFR Part 2590, and 45 CFR Part 146, published in the **Federal Register** on January 8, 2001, at 66 FR 1378, is delayed for 60 days, from March 9, 2001, until May 8, 2001. The conforming amendments in this document are effective May 8, 2001.

FOR FURTHER INFORMATION CONTACT: Russ Weinheimer, Internal Revenue Service, Department of the Treasury, at (202) 622–6080; Amy J. Turner, Pension and Welfare Benefits Administration,

Department of Labor, at (202) 219–7006; or Ruth A. Bradford, Health Care Financing Administration, Department of Health and Human Services, at (410) 786–1565.

SUPPLEMENTARY INFORMATION: Consistent with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), this action delays for 60 days the effective date and, for consistency, certain applicability dates for the rules entitled ''Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market,'' published in the **Federal Register** on January 8, 2001 (66 FR 1378). These rules implement statutory provisions prohibiting discrimination based on a health factor by group health plans and issuers offering health insurance coverage in connection with a group health plan. The rules implement changes made to the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act, enacted as part of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and most of the guidance contained in these rules remains applicable for plan years beginning on or after July 1, 2001. This document also makes conforming amendments to reflect the delay in effective date.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(3)(A). Alternatively, the Departments' implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. The 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this delay would have been impractical, unnecessary, and contrary to the public interest in the orderly promulgation and implementation of regulations. Because the delay is only for 60 days, a 30-day comment period before the delay could be effective would exhaust a substantial amount of time that group health plans, health insurance issuers, and State insurance commissioner's offices could otherwise use to review their plan documents, insurance policies, and State laws for purposes of the orderly implementation of the interim regulations. In addition, it would create confusion among State agencies, employers, plan administrators, issuers, and third party administrators as to the effective date of certain provisions, impeding their compliance and enforcement efforts.

List of Subjects

26 CFR Part 54

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2590

Employee benefit plans, Employee Retirement Income Security Act, Health care, Health insurance, Reporting and recordkeeping requirements.

45 CFR Part 146

Health care, Health insurance, Reporting and recordkeeping requirements, and State regulation of health insurance.

Conforming Amendments to the Regulations

Internal Revenue Service

26 CFR Chapter I

Accordingly, the publication on January 8, 2001 of the temporary and final rules, 26 CFR Part 54, is amended as follows:

PART 54—PENSION EXCISE TAXES

Paragraph 1. The authority citation for part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 54.9802–1 [Amended]

Par. 2. Section 54.9802–1 is amended by removing the date ''March 9, 2001'' in each place it appears in paragraph (i)(1) and adding in its place ''May 8, 2001''.

§ 54.9802–1T [Amended]

Par. 3. Section 54.9802–1T is amended by:

1. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(1).

2. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(A) introductory text.

3. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: March 2, 2001.

Pamela F. Olsen,

Deputy Assistant Secretary of the Treasury.

Pension and Welfare Benefits Administration

29 CFR Chapter XXV

For the reasons set forth above, the publication on January 8, 2001 of the interim final rule, 29 CFR Part 2590, is amended as follows:

PART 2590—RULES AND REGULATIONS FOR HEALTH INSURANCE PORTABILITY AND RENEWABILITY FOR GROUP HEALTH PLANS

Paragraph 1. The authority citation for part 2590 continues to read as follows:

Authority: Secs. 107, 209, 505, 701–703, 711–713, and 731–734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171–1173, 1181–1183, and 1191–1194), as amended by HIPAA (Public Law 104–191, 110 Stat. 1936), MHPA and NMHPA (Public Law 104–204, 110 Stat. 2935), and WHCRA (Public Law 105–277, 112 Stat. 2681–436), section 101(g)(4) of HIPAA, and Secretary of Labor's Order No. 1–87, 52 FR 13139, April 21, 1987.

§ 2590.702 [Amended]

Par. 2. Section 2590.702 is amended by:

1. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in the heading to paragraph (i)(1).

2. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(1).

3. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(A) introductory text.

4. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Signed at Washington, DC this 16th day of February, 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor.

Health Care Financing Administration

45 CFR Subtitle A

For the reasons set forth above, the publication on January 8, 2001 of the interim final rule, 45 CFR part 146, is amended as follows:

PART 146—RULES AND REGULATIONS FOR HEALTH INSURANCE PORTABILITY AND RENEWABILITY FOR GROUP HEALTH PLANS

Paragraph 1. The authority citation for part 146 continues to read as follows:

Authority: Secs. 2701 through 2763, 2791 and 2792 of the Public Health Service Act, 42 U.S.C. 300gg through 300gg–63, 300gg–91, 300gg–92 as amended by HIPAA (Public Law 104–191, 110 Stat. 1936), MHPA and NMHPA (Public Law 104–204, 110 Stat. 2935), and WHCRA (Public Law 105–277, 112 Stat. 2681–436), and section 102(c)(4) of HIPAA.

§ 146.121 [Amended]

Par. 2. Section 146.121 is amended by:

1. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in the heading to paragraph (i)(1).

2. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(1).

3. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(A) introductory text.

4. Removing the date ''March 9, 2001'' and adding in its place ''May 8, 2001'' in paragraph (i)(3)(ii)(C) *Example 2* (ii).

Dated: February 20, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: March 5, 2001.

Tommy G. Thompson,

Secretary, Department of Health and Human Services.

[FR Doc. 01–5895 Filed 3–8–01; 8:45 am]

BILLING CODE 4830–01–P; 4510–29–P; 4120–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[UT–001–0022a, UT–001–0024a, UT–001–0025a, UT–001–0026a, UT–001–0027a, UT–001–0030a, UT–001–0031a; FRL–6888–9]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Revisions to the Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On December 9, 1996, the Governor of Utah submitted a request to redesignate the Ogden City ''moderate'' carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In addition, on July 8, 1998, the Governor submitted revisions to Utah's Rule R307–8 ''Oxygenated Gasoline Program.'' In this action, EPA is approving the Ogden City CO redesignation request, the maintenance plan, and the revisions to Rule R307–8.

DATES: This direct final rule is effective on May 8, 2001 without further notice, unless EPA receives adverse comments by April 9, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; and,

United States Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460.

Copies of the State documents relevant to this action are available for public inspection at: Utah Division of Air Quality, Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah 84114–4820.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; Telephone number: (303) 312–6479.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean the Environmental Protection Agency.

I. What is the Purpose of this Action?

In this action, we are approving a change in the legal designation of the Ogden City area from nonattainment for CO to attainment, we're approving the maintenance plan that is designed to keep the area in attainment for CO for the next 10 years, and we're also approving changes to the State's Rule R307–8 addressing the oxygenated fuels program.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), we designated the Ogden City area as nonattainment for CO because the area had been designated as nonattainment before November 15, 1990. We originally designated Ogden City as nonattainment for CO on March 3, 1978 (see 43 FR 8962) under the provisions of the 1977 CAA Amendments. This designation was reaffirmed by the 1990 CAA Amendments and Ogden City was classified as a ''moderate'' CO nonattainment area with a design value of less than or equal to 12.7 parts per million (ppm). *See* 56 FR 56694, November 6, 1991. Further information regarding this classification and the accompanying requirements are described in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990.'' *See* 57 FR 13498, April 16, 1992.

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

(iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and,

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before we can approve the redesignation request, we must decide that all applicable SIP elements have been fully approved. Approval of the

applicable SIP elements may occur simultaneously with final approval of the redesignation request. That's why we are also approving the revisions to Rule R307–8.

II. What is the State's Process to Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

The Utah Air Quality Control Board (UAQB) held a public hearing June 25, 1996, for the Carbon Monoxide (CO) Redesignation Request and Maintenance Plan for Ogden City. The UAQB adopted the redesignation request and maintenance plan September 4, 1996. This SIP revision became State effective November 1, 1996, and was submitted by the Governor to us on December 9, 1996.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's December 6, 1996, submittal became complete on June 6, 1997.

For the Rule R307–8 revisions, UAQB held public hearings on March 16, 1998, and March 24, 1998. The UAQB adopted these changes on April 21, 1998, and they became State effective on April 22, 1998.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's July 8, 1998, submittal became complete on January 8, 1999.

III. EPA's Evaluation of the Redesignation Request and Maintenance Plan

EPA has reviewed the State's redesignation request and maintenance plan and believes that approval of the request is warranted, consistent with the requirements of CAA section 107(d)(3)(E). The following are descriptions of how the section 107(d)(3)(E) requirements are being addressed.

(a). Redesignation Criterion: The Area Must Have Attained The Carbon Monoxide (CO) NAAQS.

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. As described in 40 CFR 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. Attainment of the CO standard is not a momentary phenomenon based on short-term data. Instead, we consider an area to be in attainment if each of the CO ambient air quality monitors in the area doesn't have more than one exceedance of the CO standard over a one-year period. 40 CFR 50.8 and 40 CFR part 50, appendix C. If any monitor in the area's CO monitoring network records more than one exceedance of the CO standard during a one-year calendar period, then the area is in violation of the CO NAAQS. In addition, our interpretation of the CAA and EPA national policy[1] has been that an area seeking redesignation to attainment must show attainment of the CO NAAQS for at least a continuous two-year calendar period. In addition, the area must continue to show attainment through the date that we promulgate the redesignation in the **Federal Register**.

Utah's CO redesignation request for the Ogden City area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in section IX.C.8.c of the State's maintenance plan, ambient air quality monitoring data for calendar years 1991 through 1996 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Ogden City nonattainment area. Due to a lease cancellation, the State was unable to collect monitoring data for the 1993/1994 winter season. However, EPA finds this lack of data for the 1993/1994 winter season to be unimportant because monitoring data show the area had no exceedances of the CO standard from the fall of 1994 forward.

All of the data discussed above were collected and analyzed as required by EPA (see 40 CFR 50.8 and 40 CFR part 50, appendix C) and have been archived by the State in our Aerometric Information and Retrieval System (AIRS) national database. Further information on CO monitoring is presented in section IX.C.8.c of the maintenance plan and in the State's Technical Support Document (TSD). We have evaluated the ambient air quality data and have determined that the Ogden City area has not violated the CO standard and continues to demonstrate attainment. Therefore, the Ogden City area has met the first component for redesignation: demonstration of attainment of the CO NAAQS. We note too that the State of Utah has also committed, in section IX.C.8.c (5) of the maintenance plan, to continue the operation of the CO monitoring site in compliance with all applicable federal regulations and guidelines.

(b). Redesignation Criterion: The Area Must Have Met All Applicable Requirements Under Section 110 And Part D Of The CAA.

To be redesignated to attainment, section 107(d)(3)(E)(v) requires that an area must meet all applicable requirements under section 110 and part D of the CAA. We interpret section 107(d)(3)(E)(v) to mean that for a redesignation to be approved by us, the State must meet all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. In our evaluation of a redesignation request, we don't need to consider other requirements of the CAA that became due after the date of the submission of a complete redesignation request.

1. CAA Section 110 Requirements

On August 15, 1984, we approved revisions to Utah's SIP as meeting the requirements of section 110(a)(2) of the CAA (see 45 FR 32575). Although section 110 of the CAA was amended in 1990, most of the changes were not substantial. Thus, we have determined that the SIP revisions approved in 1984 continue to satisfy the requirements of section 110(a)(2). For further detail, please see 45 FR 32575. In addition, we have analyzed the SIP elements that we are approving as part of this action and we have determined they comply with the relevant requirements of section 110(a)(2).

2. Part D Requirements

The Ogden City area was originally designated as nonattainment for CO on

[1] Refer to EPA's September 4, 1992, John Calcagni policy memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment.''

March 3, 1978 (see 43 FR 8962). On September 20, 1982, the Governor submitted to EPA revisions to the SIP, however, EPA could only partially approve this submittal as deficiencies were noted in the transportation control plan and there was a lack of legislative authority to adopt and enforce an I/M program. After rectifying these deficiencies, the Governor submitted a SIP revision on February 6, 1984, that was approved by EPA on August 15, 1984 (see 49 FR 32575). The 1984 SIP element's emission control plan was based on emission reductions from the Federal Motor Vehicle Control Program (FMVCP), Automobile Inspection and Maintenance Program (I/M), and transportation improvements. The anticipated date for attaining the 8-hour CO NAAQS was December 31, 1987.

Through a letter dated May 26, 1988, we notified the Governor of Utah that the Ogden City area did not attain the CO NAAQS by the end of 1987. This letter stated that Utah was to address deficiencies in the SIP and that the State would also have to address requirements in our forthcoming post-1987 policy for carbon monoxide.

EPA did not finalize its post-1987 policy for carbon monoxide because the Clean Air Act (CAA) was amended on November 15, 1990. Under section 186 of the CAA, Ogden City was designated nonattainment for CO, was classified as ''moderate'' with a design value of less than 12.7 parts per million (ppm), and was required to attain the CO NAAQS by December 31, 1995. See 56 FR 56694, November 6, 1991. Based on ambient air quality monitoring data, as described further in section III(a) above, the Ogden City area attained the CO NAAQS in 1992.

Before the Ogden City CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether the area is classified or nonclassifiable for CO.

The relevant Subpart 1 requirements are contained in sections 172(c) and 176. Our General Preamble (see 57 FR 13498, April 16, 1992) provides EPA's interpretations of the CAA requirements for moderate CO areas with design values of less than 12.7 ppm.

Under section 172(b), the applicable section 172(c) requirements, as determined by the Administrator, were due November 15, 1992, for the Ogden City nonattainment area. As the Ogden City CO redesignation request and maintenance plan were not submitted by the Governor until well after November 15, 1992 (actually, December 9, 1996), the General Preamble (see 57 FR 13529) provides that the applicable requirements of CAA section 172 were 172(c)(3) (emissions inventory), 172(c)(5) (new source review permitting program), and 172(c)(7) (the section 110(a)(2) air quality monitoring requirements). We interpret the requirements of sections 172(c)(1) (reasonable available control measures—RACM), 172(c)(2) (reasonable further progress—RFP), 172(c)(6) (other measures), and 172(c)(9) (contingency measures) as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See EPA's September 4, 1992, John Calcagni memorandum entitled, ''Procedures for Processing Requests to Redesignate Areas to Attainment'', and the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13564, April 16, 1992). Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4) (identification of certain emissions increases) and 172(c)(8) (equivalent techniques). Thus, these provisions are also not relevant to this redesignation request.

Section 176 of the CAA contains requirements related to conformity. Although EPA's regulations (see 40 CFR 51.396) require that states adopt transportation conformity provisions in their SIPs for areas designated nonattainment or subject to an EPA-approved maintenance plan, we have decided that a transportation conformity SIP is not an applicable requirement for purposes of evaluating a redesignation request under section 107(d) of the CAA. This decision is reflected in EPA's 1996 approval of the Boston carbon monoxide redesignation. (See 61 FR 2918, January 30, 1996.)

The applicable requirements of CAA section 172 are discussed below.

A. Section 172(c)(3)—Emissions Inventory

Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of all actual emissions from all sources in the Ogden City nonattainment area. As stated below for CAA section 187(a)(1), the Governor submitted a 1990 base year emissions inventory for Ogden City on July 11, 1994. We approved this 1990 base year CO emissions inventory on June 29, 1995 (see 60 FR 33745).

B. Section 172(c)(5) New Source Review (NSR)

The CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified stationary major sources and a general offset rule. The State of Utah has a fully-approved NSR program (60 FR 22277, May 5, 1995) that meets the requirements of CAA section 172(c)(5). The State also has a fully approved Prevention of Significant Deterioration (PSD) program (56 FR 29436, June 27, 1991) that will apply after the redesignation to attainment is approved by us.

C. Section 172(c)(7)—Compliance With CAA Section 110(a)(2): Air Quality Monitoring Requirements

According to our interpretations presented in the General Preamble (57 FR 13498), CO nonattainment areas are to meet the ''applicable'' air quality monitoring requirements of section 110(a)(2) of the CAA as explicitly set forth in sections 172(b) and (c) of the CAA. With respect to this requirement, the State indicates in section IX.C.8.c of the maintenance plan (''Carbon Monoxide Monitoring''), that ambient CO monitoring data have been properly collected and uploaded to EPA's Aerometric Information and Retrieval System (AIRS) for the Ogden City area. Air quality data through 1996 are included in section IX.C.8.c of the maintenance plan and in the State's TSD. We recently polled the AIRS database and verified that the State has also uploaded additional ambient CO data through 1999. The data in AIRS indicate that the Ogden City area has shown, and continues to show, attainment of the CO NAAQS. Information concerning CO monitoring in Utah is included in the Monitoring Network Review (MNR) prepared by the State and submitted to EPA. Our personnel have concurred with Utah's annual network reviews and have agreed that the Ogden City network remains adequate. Finally, in section IX.C.8.c(5) of the maintenance plan, the State commits to the continued operation of the existing CO monitor, according to all applicable Federal regulations and guidelines, even after the Ogden City area is redesignated to attainment for CO.

The new CAAA of 1990 requirements for moderate CO areas, such as Ogden City, required that the SIP be revised to include a 1990 base year emissions inventory (CAA section 187(a)(1)), corrections to existing motor vehicle

inspection and maintenance (I/M) programs (CAA section 187(a)(4)), periodic emission inventories (CAA section 187(a)(5)), and the implementation of an oxygenated fuels program (CAA section 211(m)(1)). How the State met these requirements and our approvals, are described as follows:

D. Section 187(a)(1)—1990 Base Year Emissions Inventory

The Governor submitted a 1990 base year emissions inventory for Ogden City on July 11, 1994. We approved this 1990 base year CO emissions inventory on June 29, 1995 (see 60 FR 33745).

E. Section 187(a)(4)—Corrections to the Ogden City Basic I/M Program

On November 13, 1993, the Governor submitted revisions to the Utah basic I/M program portion of its SIP which included the program in Ogden City. We approved these basic I/M program revisions on July 17, 1997 (see 62 FR 38213).

F. Section 187(a)(5)—Periodic Emissions Inventories

As the Governor did not submit a complete redesignation request and maintenance plan before September 30, 1995, a periodic emission inventory (for calendar year 1993) was required for Ogden City. On November 12, 1997, the Governor submitted a SIP revision for a 1993 periodic emission inventory for Ogden City. We approved this revision on April 14, 1998 (see 63 FR 18122).

G. Section 211(m)—Oxygenated Gasoline Program

Section 211(m) of the CAA required an oxygenated gasoline program in the Ogden City nonattainment area and surrounding Consolidated Metropolitan Statistical Area (CMSA). On May 19, 1994, the Governor submitted Utah's Oxygenated Gasoline Program, contained in Rule R307–8, effective December 16, 1993. We approved this SIP revision on November 8, 1994 (see 59 FR 55585). We are approving revisions to the Oxygenated Gasoline Program as part of this action. See section V below.

(c). Redesignation Criterion: The Area Must Have A Fully Approved SIP Under Section 110(k) Of The CAA.

Section 107(d)(3)(E)(ii) of the CAA states that for an area to be redesignated to attainment, it must be determined that the Administrator has fully approved the applicable implementation plan for the area under section 110(k).

As noted above, EPA previously approved (or sufficiently explained otherwise) SIP revisions based on the pre-1990 CAA as well as SIP revisions required under the 1990 amendments to the CAA. In this action, we are approving revisions to Rule R307–8 ''Oxygenated Gasoline Program'' and the State's commitment to maintain an adequate monitoring network (contained in section IX.C.8.c of the maintenance plan.) Thus, we have fully approved the Ogden City CO SIP under section 110(k) of the CAA.

(d). Redesignation Criterion: The Area Must Show That The Improvement In Air Quality Is Due To Permanent And Enforceable Emissions Reductions

Section 107(d)(3)(E)(iii) of the CAA provides that for an area to be redesignated to attainment, the Administrator must determine that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan, implementation of applicable Federal air pollutant control regulations, and other permanent and enforceable reductions.

The CO emissions reductions for Ogden City, that are further described in sections IX.C.8.d ''Verification of Air Quality Improvements'' of the December 9, 1996, Ogden City maintenance plan, were achieved primarily through the Federal Motor Vehicle Control Program (FMVCP), and a Basic motor vehicle Inspection and Maintenance (I/M) program with improvements.

In general, the FMVCP provisions require vehicle manufacturers to meet more stringent vehicle emission limitations for new vehicles in future years. These emission limitations are phased in (as a percentage of new vehicles manufactured) over a period of years. As new, lower emitting vehicles replace older, higher emitting vehicles (''fleet turnover''), emission reductions are realized for a particular area such as Ogden City. For example, EPA promulgated lower hydrocarbon (HC) and CO exhaust emission standards in 1991, known as Tier I standards for new motor vehicles (light-duty vehicles and light-duty trucks) in response to the 1990 CAA amendments. These Tier I emissions standards were phased in with 40% of the 1994 model year fleet, 80% of the 1995 model year fleet, and 100% of the 1996 model year fleet.

As stated in section IX.C.8.d of the maintenance plan, significant additional emission reductions were realized from Ogden City's basic I/M program. Utah's rule UACR R307–2–34 incorporates by reference Section X, part E of the Utah State Implementation Plan (Vehicle Inspection and Maintenance Program, Weber County) which contains a full description of the requirements for Ogden City's I/M program. We note that further improvements to the Ogden City area's basic I/M program were implemented in July, 1994, to meet the requirements of EPA's November 5, 1992 (57 FR 52950) I/M rule and were approved by us into the SIP on July 17, 1997 (62 FR 38213).

We have evaluated the various State and Federal control measures, the original 1990 base year emission inventory (see 60 FR 33745, June 29, 1995), and the 1993 attainment year emission inventory (see 63 FR 18122, April 14, 1998), and have concluded that the improvement in air quality in the Ogden City nonattainment area has resulted from emission reductions that are permanent and enforceable.

(e). Redesignation Criterion: The Area Must Have A Fully Approved Maintenance Plan Under CAA Section 175A

Section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation. In addition, we issued further maintenance plan interpretations in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498, April 16, 1992), ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental'' (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992. In this **Federal Register** action, EPA is approving the

maintenance plan for the Ogden City nonattainment area because we have determined, as detailed below, that the State's maintenance plan submittal meets the requirements of section 175A and is consistent with the documents referenced above. Our analysis of the pertinent maintenance plan requirements, with reference to the Governor's December 9, 1996, submittal, is provided as follows:

1. Emissions Inventories—Attainment Year and Projections

EPA's interpretations of the CAA section 175A maintenance plan requirements are generally provided in the General Preamble and the September 4, 1992, policy memorandum referenced above. Under our interpretations, areas seeking to redesignate to attainment for CO may demonstrate future maintenance of the CO NAAQS either by showing that future CO emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Ogden City area, the State selected the emissions inventory approach for demonstrating maintenance of the CO NAAQS.

The maintenance plan that the Governor submitted on December 9, 1996, included comprehensive inventories of CO emissions for the Ogden City area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. The State selected 1992 as the year from which to develop the attainment year inventory and included interim-year projections out to 2007. More detailed descriptions of the 1992 attainment year inventory and the projected inventories are documented in the maintenance plan, sections IX.C.8.e and IX.C.8.f., and in the State's TSD. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1992 attainment year and the interim projected years are provided in Table III.—1 below.

TABLE III.–1—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR OGDEN CITY

	1992	1997	2000	2003	2007
Point Sources	N/D**	N/D	N/D	N/D	N/D
Area Sources	5.96	6.34	6.62	6.81	7.07
Non-Road Mobile Sources	0.93	1.09	1.13	1.18	1.24
On-Road Mobile Sources	63.93	46.52	42.26	37.67	36.71
Total	70.82	53.95	50.01	45.66	45.02

NOTE: N/D** = Negative Declaration; no point sources equal to or greater than 100 TPY.

2. Demonstration of Maintenance—Projected Inventories

As noted above, total CO emissions were projected by the State year-by-year from 1993 through 2007. These projected inventories were prepared in accordance with EPA guidance (further information is provided in section IX.C.8.f of the maintenance plan). EPA notes, however, that CAA section 175A(a) requires that the maintenance demonstration ''... provide for the maintenance of the national primary ambient air quality standard for such air pollutant in the area concerned for at least 10 years after the redesignation.'' Therefore, based on this CAA provision, the maintenance demonstration now needs to project emissions to at least 2010, not just 2007. To address this issue, EPA consulted with the State to identify the specific materials that were provided at the Ogden City CO redesignation public hearing and which were subsequently adopted by the Utah Air Quality Board (UAQB). In a letter dated February 19, 1998, from Ursula Trueman, Director, Utah Division of Air Quality, to Richard Long, Director, Air Program, EPA Region VIII, the State provided an excerpt from the Ogden City CO redesignation Technical Support Document (TSD) that provided additional projected CO daily emissions for all years from 1993 through 2017. As indicated in the State's February 19, 1998, letter, these additional projected CO emissions were part of the TSD that was provided with the public hearing for the Ogden City CO redesignation and that was also adopted, along with the redesignation request and maintenance plan, by the UAQB. The projected inventories show that CO emissions are not estimated to exceed the 1992 attainment level during the time period 1993 through 2010 and, therefore, the Ogden City area has satisfactorily demonstrated maintenance. EPA has also extracted daily projected CO emissions for 2011 in the event that publication of this action in the **Federal Register** is delayed until early 2001. The additional projected CO daily emissions for 2008, 2009, 2010, and 2011 are provided in the Table III.—2 below:

TABLE III.–2—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR OGDEN CITY

	1992	2008	2009	2010	2011
Point Sources	N/D**	N/D	N/D	N/D	N/D
Area Sources	5.96	7.13	7.20	7.26	7.31
Non-Road Mobile Sources	0.93	1.26	1.28	1.29	1.31
On-Road Mobile Sources	63.93	37.52	38.17	38.80	39.46
Total	70.82	45.91	46.65	47.35	48.08

Note: N/D** = Negative Declaration; no point sources equal to or greater than 100 TPY.

3. Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in the Ogden City area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in two sections of the maintenance plan. In section IX.C.8.c(5) of the maintenance plan, the State commits to continue the operation of the CO monitor in the Ogden City area

and to annually review this monitoring network and make changes as appropriate. Also, in section IX.C.8.i(1), the State commits to prepare a periodic emission inventory of CO emissions every three years after the maintenance plan is approved by EPA. With this action, we are approving these commitments as satisfying relevant requirements. Our approval renders the State's commitments federally enforceable.

4. Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures. As stated in section IX.C.8.h of the maintenance plan, the contingency measures for the Ogden City area will be initially triggered by an exceedance of the CO NAAQS. Upon a violation of the CO NAAQS, (i.e., the second non-overlapping 8-hour average ambient CO measurement that exceeds 9 ppm at a single monitoring site during one calendar year, or the second one-hour average ambient CO measurement that exceeds 35 ppm at a single monitoring site during one calendar year) the Director of the Utah Division of Air Quality (UDAQ) will provide written notification to the Weber-Morgan District Board of Health. Contingency measures will be implemented one year after such notification is given by the Director of UDAQ.

The potential contingency measures that are identified in section IX.C.8.h.(3) of the Ogden City maintenance plan include an Employer-Based Trip Reduction Program, Basic Inspection and Maintenance Program Improvement, and a 2.7 % Oxygenated Gasoline Program.[2] A more complete description of the triggering mechanism and these contingency measures can be found in section IX.C.8.h of the maintenance plan.

Based on the above, we find that the contingency measures provided in the State's maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

5. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Utah has committed to submit a revised maintenance plan SIP revision eight years after the approval of the redesignation. This provision for revising the maintenance plan is contained in section IX.C.8.i(4) of the Ogden City maintenance plan.

IV. EPA's Evaluation of the Transportation Conformity Requirements

Transportation Conformity—

One key provision of EPA's conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budgets in the SIP (40 CFR 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment area. The rule's requirements and EPA's policy on emissions budgets are found in the preambles to the November 24, 1993, and August 15, 1997, transportation conformity rules (58 FR 62193–62196 and 62 FR 43780 *et seq.*) and in the sections of the rule referenced above.

The maintenance plan discusses the emissions budget in section IX, parts C.8.f (1) and (2). Section IX, part C.8.f.(1), page 143 states that ''the Utah Air Quality Board established the conformity CO planning cap at 55 Tons CO/winter week day to the year 2017.'' Section IX, part C.8.f.(2), page 144 states that ''emission budgets for the respective source categories, including on-road mobile sources, for the years 1992 through 2007 have been taken from the projection inventories for those years and are presented in Table IX.C.42.'' (With the exception of the 1992 attainment year budget, these budgets are all lower than 55 tons per day.) Later on this same page, the maintenance plan states that ''The CO projection of motor vehicle emissions in the maintenance plan establishes the motor vehicles emission budget beyond the attainment year to the horizon year 2017. Conformity CO planning cap = 55.00 Tons CO/winter week day.''

EPA was concerned that the maintenance plan was not clear as to whether the 55 ton budget or the budgets in Table IX.C.42 were intended to apply during the 1993–2007 period. We also note that the maintenance plan uses some of the ''safety margin'' in establishing the 55 ton per day emission budget. EPA defines the safety margin as the amount by which total emissions in any given year are less than the total emissions which provide for attainment of the CO standard. No safety margin calculations are documented in the maintenance plan, but it appears that the State has added some of the safety margin to the budgets listed in Table IX.C.42 to arrive at the final budget of 55 tons per day.

In a letter dated July 17, 2000, from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Division of Air Quality, Utah Department of Environmental Quality, we asked the State to clarify the applicability of the various budgets, provide calculations to address how the 55 ton per day budget was arrived at, show how the safety margin was calculated and how much was being used, and document the validity of the 55 ton per day budget when considered with emissions from other (non—mobile) emission categories.

The State responded to our request in a letter dated September 11, 2000, from Rick Sprott, Acting Director, Division of Air Quality, Utah Department of Environmental Quality to Richard Long, EPA that adequately addressed all our concerns regarding the mobile source conformity emission budgets.

Pursuant to the State's request, EPA is approving the mobile source emission budgets listed in Table IX.C.42, and as presented in Table IV–1 below, as the applicable emission budgets for the years 1993–2007. These budgets are based on the mobile source emission projections for those years, and do not include any safety margin.

[2] With this redesignation request, the State is seeking to remove the oxygenated Gasoline Program from the SIP as a control measure and make it a contingency measure. We are approving this change through our approval of the maintenance plan and the revisions to Utah Rule R307–8 because the area does not need the Oxygenated Gasoline Program to show maintenance of the CO NAAQS.

TABLE IV.—1

Year	1993	1994	1995	1996	1997	1998	1999
Mobile Source Emissions in tons per day of CO	54.03	54.22	51.01	47.74	46.52	45.17	44.16

Year	2000	2001	2002	2003	2004	2005	2006	2007
Mobile Source Emissions in tons per day of CO	42.26	39.97	39.21	37.67	36.47	35.92	36.14	36.71

EPA is also approving the 55 ton per day emission budget for the years 2008 and beyond. This budget is consistent with attainment and maintenance of the CO standard; that is, this budget, in combination with all other sources of emissions, results in total emissions lower than the attainment emissions inventory of 70.82 tons per day in each year from 2008 onward. The State has documented its use of the safety margin in developing this budget.

The State discusses the potential allocation of year-by-year emission credits in section (3), ''Emissions Credit Allocation,'' on page 144, section IX, part C.8.f of the maintenance plan. Section (3) states that ''The emissions credit, or any portion of the emissions credit may be allocated to any source category contributing to the inventory; i.e., area sources, non-road mobile sources, or on-road mobile sources. The allocation of emission credits shall be made by order of the Utah Air Quality Board and shall not be inconsistent with this plan.''

This language is inconsistent with EPA's requirements for allocating the safety margin, and, thus, is not sufficient to allow for additional safety margin to be used for transportation conformity determinations, or for any of the safety margin to be used for other purposes. For example, EPA's longstanding interpretation is that the SIP itself must include some or all of the safety margin in the motor vehicle emissions budget before the safety margin may be used in transportation conformity determinations. *See* 58 FR 62195, November 24, 1993. Similarly, EPA has taken the position that conformity determinations may not trade emissions among SIP budgets for highway/transit versus other sources unless a SIP revision for the specific trade is submitted and approved by EPA or the SIP establishes appropriate mechanisms for such trading. *Id.* EPA's transportation conformity rule reflects these concepts at 40 CFR 93.124(a), (b), and (c).

The maintenance plan does not explicitly include the safety margin in the motor vehicle emission budget or any other budget (apart from establishing the 2008 and beyond 55 ton per day motor vehicle budget, which uses some of the safety margin). Instead, the maintenance plan attempts to allow the Utah Air Quality Board to make an allocation of the safety margin to one or more of the budgets at some future date. This is not the explicit SIP allocation contemplated by EPA's conformity rule. Nor does this approach constitute an appropriate trading mechanism. Thus, under the language of the maintenance plan as it now stands, the remaining safety margin may not be used for conformity determinations or any other purpose. All conformity determinations must demonstrate conformity with the emission budgets in the maintenance plan as cited above. The State may seek EPA approval of a SIP revision to allocate some or all of the available safety margin for transportation conformity, general conformity, or other purposes.

Consistent with the foregoing, and to avoid confusion, EPA is taking no action on section IX, part C.8.f.(3) of the maintenance plan.

V. EPA's Evaluation of the Revisions to Rule R307–8, Oxygenated Gasoline Program

Utah's Rule R307–8 is entitled ''Oxygenated Gasoline Program.'' In this action, we are approving Utah's July 8, 1998, revisions to R307–8, as adopted by the UAQB on April 21, 1998, and State effective on April 22, 1998, and note that these revisions supersede and replace the version of R307–8 that we approved on November 8, 1994 (see 59 FR 55585). We note that the Governor submitted several other revisions to R307–8 prior to July 8, 1998, that we never approved and that the Governor's July 8, 1998, submittal also supersedes and replaces these other revisions to R307–8. The revisions we are approving remove the Oxygenated Gasoline Program from the SIP as a control measure and instead make it a contingency measure. The area does not need the Oxygenated Gasoline Program to show maintenance, and thus, it may be removed from the SIP as a control measure.

VI. Final Action

In this action, EPA is approving the Ogden City carbon monoxide redesignation request, maintenance plan, and the revisions to Rule R307–8.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are 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 May 8, 2001 without further notice unless the Agency receives adverse comments by April 9, 2001.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 8, 2001 and no further action will be taken on the proposed rule.

Administrative Requirements

(a) Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

(b) Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of

the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

(c) Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

(d) Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

(e) Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation to attainment is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. Therefore, I certify that the approval of the redesignation request will not affect a substantial number of small entities.

(f) Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves a redesignation to attainment and pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

(g) Submission to Congress and the Comptroller General

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

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 8, 2001 unless EPA receives adverse written comments by April 9, 2001.

(h) National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

(i) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: October 4, 2000.

William P. Yellowtail,

Regional Administrator, Region VIII.

Chapter I, title 40, parts 52 and 81 of the Code of Federal Regulations are 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 TT—UTAH

2. Section 52.2320 is amended by adding paragraph (c)(45) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(45) Revisions to the Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide (''Carbon Monoxide Maintenance Provisions for Ogden City'') as submitted by the Governor on December 9, 1996, excluding section IX, part C.8.f.(3) of the plan, ''Emissions Credit Allocation,'' as EPA is not taking any action on that section of the plan. UACR R307–8; Oxygenated Gasoline Program as submitted by the Governor on July 8, 1998.

(i) Incorporation by reference.

(A) UACR R307–2–12, section IX, part C of the Utah State Implementation Plan (SIP), adopted by the Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996. EPA's incorporation by reference of UACR R307–2–12 only extends to the following Utah SIP provisions and excludes any other provisions that UACR R307–2–12 incorporates by reference:

Section IX, part C.8 (except for section IX, part C.8.f.(3)), ''Carbon Monoxide Maintenance Provisions for Ogden City,'' adopted by Utah Air Quality Board on August 7, 1996, and September 4, 1996, effective November 1, 1996.

(B) UACR R307–8, Oxygenated Gasoline Program, as adopted by the Utah Air Quality Board on April 21, 1998, effective April 22, 1998.

(ii) Additional materials.

(A) February 19, 1998, letter from Ursula Trueman, Director, Utah Division of Air Quality, Department of Environmental Quality to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII, entitled ''DAQS–0188–98; Technical Support Documents—Ogden City and Salt Lake City CO Maintenance Plans.'' This letter confirmed that all the emission projections contained in the technical support documents for both the Salt Lake City and Ogden City redesignation requests were properly adopted by the Utah Air Quality Board in accordance with the Utah Air Quality Rules.

(B) July 17, 2000, letter from Richard Long, Director, Air and Radiation Program, EPA Region VIII, to Ursula Kramer, Director, Utah Division of Air Quality, Department of Environmental Quality, entitled ''Federal Register Action for the Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.''

(C) September 11, 2000, letter from Rick Sprott, Acting Director, Utah Division of Air Quality, Department of Environmental Quality, to Richard Long, Director, Air and Radiation Program, EPA Region VIII, entitled ''DAQP–131–00; Ogden City Carbon Monoxide (CO) Redesignation—Resolution of Issues with the Conformity Budgets.'' This letter provided clarification regarding the transportation conformity budgets in section IX.C.8 of the Ogden City maintenance plan SIP revision.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401—et seq.

2. In § 81.345, the table entitled ''Utah-Carbon Monoxide'' is amended by revising the entry for ''Ogden Area'' to read as follows:

§ 81.345 Utah.

* * * * *

UTAH—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Ogden Area, Weber County (part), City of Ogden	May 8, 2001	Attainment		
* * * *	*		*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 01–5852 Filed 3–8–01; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MN61–01–7286a; MN62–01–7287a; FRL–6901–1]

Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency is approving a State Implementation Plan (SIP) revision for Olmsted County, Minnesota, for the control of sulfur dioxide (SO_2) emissions in the city of Rochester. EPA is also approving a request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards (NAAQS). In conjunction with these actions, EPA is also approving the maintenance plan for the city of Rochester, Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan were submitted by the Minnesota Pollution Control Agency (MPCA) on November 4, 1998, and are approvable because they satisfy the requirements of the Clean Air Act (Act). The rationale for the approval and other information are provided in this notice.

DATES: This action is effective on May 8, 2001 without further notice, unless EPA receives relevant adverse comments by April 9, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353–8328, before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

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

I. General Information

1. What Action Is EPA Taking Today?

In this action, EPA is approving into the Minnesota SO_2 SIP for the city of Rochester, Olmsted County, certain portions of the five permits and two permit amendments that MPCA submitted to EPA as a SIP revision. Specifically, EPA is only approving into the SIP those portions of the permits cited as ''Title I condition: State Implementation Plan for SO_2.'' EPA is also approving the SO_2 redesignation request submitted by the State of Minnesota for Olmsted County to redesignate the Rochester SO_2 nonattainment area to attainment of the SO_2 NAAQS. Finally, EPA is approving the maintenance plan submitted for this area.

2. Why Is EPA Taking This Action?

EPA is taking this action because the state's submittal for the Rochester SO_2 nonattainment area is fully approvable. The SIP revision provides for attainment and maintenance of the SO_2 NAAQS and satisfies the requirements of part D of the Act applicable to SO_2 nonattainment areas. Further, EPA is approving the maintenance plan and redesignating the Rochester SO_2 nonattainment area to attainment because the state has met the redesignation and maintenance plan requirements of the Act. A more detailed explanation of how the state's submittal meets these requirements is contained in EPA's July 28, 2000 Technical Support Document (TSD).

II. Background on Minnesota Submittal

1. What Is the Background for This Action?

On March 3, 1978, at 43 FR 8962, EPA designated the city of Rochester as a primary SO_2 nonattainment area based on monitored violations of the primary SO_2 NAAQS in the area between 1975 and 1977. EPA approved an SO_2 SIP revision for the city of Rochester on April 8, 1981 (46 FR 20996), consisting of an SO_2 control plan and emission limitations contained in operating permits for Rochester Public Utilities—Silver Lake Plant, Rochester Public Utilities—Broadway Plant, Rochester State Hospital, and Associated Milk Producers.

On July 8, 1985 (50 FR 27892), EPA promulgated a Good Engineering Practice stack height rule that resulted in a July 31, 1986 revision and a subsequent July 31, 1989 modification to the Rochester SO_2 SIP. In these submittals the MPCA requested EPA approval of new permit conditions for the facilities previously included in the SO_2 SIP and redesignation of the city of Rochester to attainment for SO_2. Approval of the Part D plan for Olmsted County was delayed pending the passage of the 1990 Amendments to the Act. EPA determined, however, that the 1989 submittal did not supply sufficient information to allow EPA to consider redesignating the Rochester SO_2 area to attainment.

The state informed EPA in a letter dated February 24, 1992, that it was in the process of revising several SIP submittals and redesignation requests and was therefore withdrawing them from EPA review. This included the SO_2 SIP and redesignation requests for Rochester submitted in 1986 and 1989.

2. What Information Did Minnesota Submit, and What Were Its Requests?

The SIP revision submitted by MPCA on November 4, 1998, consists of five permits and two permit amendments issued to the following facilities: Rochester Public Utilities—Silver Lake Plant, Rochester Public Utilities—Cascade Creek Combustion Turbine, Associated Milk Producers, St. Mary's Hospital, Olmsted Waste-to-Energy Facility, Franklin Heating Station, and IBM. The Rochester Public Utilities—Broadway Plant, and the three boilers at the Rochester State Hospital that were part of the 1981 SIP, no longer exist.

The state has requested that EPA approve the following:

(1) the removal from the Rochester SO_2 SIP of all emission limits and other conditions approved in the 1981 SIP related to the Rochester Public Utilities Broadway Plant, since this facility no longer exists;

(2) the removal from the Rochester SO_2 SIP of all emission limits and other conditions approved in the 1981 SIP related to the Rochester State Hospital, since the boilers that were part of the approved SIP no longer exist; and,

(3) the inclusion into the Rochester SO_2 SIP only the portions of the permits cited as ''Title I condition: State Implementation Plan for SO_2.''

3. What Is a ''Title I Condition?''

SIP control measures were contained in permits issued to culpable sources in Minnesota until 1990 when EPA determined that limits in state-issued permits are not federally enforceable because the permits expire. The state then issued permanent Administrative Orders to culpable sources in nonattainment areas from 1991 to February of 1996.

Minnesota's Title V permitting rule, approved into the state SIP on May 2, 1995 (60 FR 21447), includes the term ''Title I condition'' which was written, in part, to satisfy EPA requirements that SIP control measures remain permanent. A ''Title I condition'' is defined as ''any condition based on source-specific determination of ambient impacts imposed for the purposes of achieving or maintaining attainment with the national ambient air quality standard and which was part of the state implementation plan approved by EPA or submitted to the EPA pending approval under section 110 of the act * * *'' The rule also states that ''Title I conditions and the permittee's obligation to comply with them, shall not expire, regardless of the expiration of the other conditions of the permit.'' Further, ''any title I condition shall remain in effect without regard to permit expiration or reissuance, and shall be restated in the reissued permit.''

Minnesota has since resumed using permits as the enforceable document for imposing emission limitations and compliance requirements in SIPs. The SIP requirements in the permits submitted by MPCA are cited as ''Title I condition: State Implementation Plan for SO_2,'' therefore assuring that the SIP requirements will remain permanent and enforceable. In addition, EPA has found the state's procedure for using permits to implement site-specific SIP requirements to be acceptable. The MPCA has committed to using this procedure if the Title I SIP conditions in the permits included in the Rochester SO_2 SIP submittal need to be revised in the future.

III. State Implementation Plan Approval

1. What Requirements Do SO_2 Nonattainment Areas Have To Meet?

The part D SIP requirements for SO_2 nonattainment areas are contained in section 172(c) of the Act, and pertain to: Reasonably Available Control Measures; Reasonable Further Progress; Inventory; Identification and Quantification; Permits for New and Modified Major Stationary Sources; Other Measures; Compliance with section 110(a)(2); Equivalent Techniques; and, Contingency Measures.

2. How Does the State's SIP Revision Meet the Requirements of the Act?

With this submission, Minnesota will have a fully approvable SO_2 SIP. As described below, Minnesota's submitted revision to its SO_2 SIP for the Rochester nonattainment area, fully complies with the part D requirements, as set forth in section 172(c) of the Act.

A. *Reasonably Available Control Measures (RACM).* The plan complies with the requirements to implement RACM by providing for immediate attainment of the SO_2 NAAQS through the emission limits and operating restrictions imposed on the culpable sources by their permits.

B. *Reasonable Further Progress.* Reasonable further progress is achieved due to the immediate effect of the emission limits required by the plan.

C. *Inventory.* An inventory of the SO_2 emissions in the Rochester nonattainment area was provided by the state and has been found to be acceptable.

D. *Identification and Quantification.* This information is unnecessary because the area has not been identified as a zone for which economic development should be targeted.

E. *Permits for New and Modified Major Stationary Sources.* Any new or modified sources constructed in the area must comply with a state submitted and federally approved New Source Review program. Minnesota's Offset Rule (Minn. R. 7007.4000–4030) contains the state's federally approved program. (See 59 FR 21939).

F. *Other Measures.* The plan provides for immediate attainment of the SO_2 NAAQS through the emission limitations, operating requirements, and compliance schedules that are set forth within the permits.

G. *Compliance with section 110(a)(2).* This submission complies with section 110(a)(2). All of the applicable provisions of section 110(a)(2) are already required by the statutory provisions discussed in this plan, or they have already been met by Minnesota's original 1971 SIP submission to the EPA.

H. *Equivalent Techniques.* The modeling for this SIP submittal was conducted using EPA's ''Guideline on Air Quality Models (Revised).'' No equivalent techniques were used for modeling, emission inventory, or planning procedures.

I. *Contingency Measures.* Section 172(c)(9) of the CAA defines contingency measures as measures in a SIP which are to be implemented if an area fails to make RFP or fails to attain the NAAQS by the applicable attainment date and shall consist of other control measures that are not included in the control strategy. However, the General Preamble for the Implementation of Title I of the CAA Amendments of 1990, (57 FR 13498), states that SO_2 measures present special considerations because they are based upon what is necessary to attain the NAAQS. Because SO_2 control measures are well established and understood, they are far less prone to uncertainty. It would be unlikely for an area to implement the necessary emissions control yet fail to attain the SO_2 NAAQS. Therefore, for SO_2 programs, contingency measures mean that the state agency has the ability to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. The MPCA has the necessary enforcement and compliance programs, as well as the means to identify violators, thus satisfying the contingency measures requirement.

IV. Redesignation Evaluation

1. What Are the Criteria Used To Review Redesignation Requests?

Section 107(d)(3)(E) of the Act establishes the requirements to be met before an area may be redesignated from nonattainment to attainment. Approvable redesignation requests must meet the following conditions: the area has attained the applicable NAAQS; the area has a fully approved SIP under section 110(k) of the Act; the air quality improvement in the area is due to permanent and enforceable emission reductions; the maintenance plan for the area has met all the requirements of section 175A of the Act; and, the state has met all the requirements applicable to the area under section 110 and part D of the Act.

2. How Are These Criteria Satisfied for the City of Rochester?

A. *Demonstrated Attainment of the NAAQS.* Minnesota's submittal includes ambient air monitoring data showing that there have been no exceedances of the SO_2 NAAQS in the city of Rochester since 1979.

Dispersion modeling is commonly used to demonstrate attainment of the SO_2 NAAQS. The state's modeling analysis was initially submitted in 1986 and last updated in 1998. The modeling demonstrates that, under all the operating scenarios allowed for in the SIP, the SO_2 emission limits for the culpable sources in the Rochester area are adequate to show attainment and maintenance of the SO_2 standards. A more detailed discussion of the modeling evaluation is included in appendix A of the TSD.

B. *Fully Approved SIP.* The SIP for the area must be fully approved under section 110(k) of the Act and must satisfy all requirements that apply. The SIP revision included as part of the state's submittal meets the part D requirements of the Act, as discussed in other sections of this rulemaking. Therefore, both the SIP revision and the redesignation request for Olmsted County comply with the section 110(k) requirements of the Act.

C. *Permanent and Enforceable Reductions in Emissions.* The city of Rochester was designated nonattainment of the SO_2 NAAQS based on violations that occurred between 1975 and 1977. Air quality improvement in the Rochester SO_2 nonattainment area is attributed to SO_2 emission limits and operating restrictions imposed on the facilities that contribute to the nonattainment status in Rochester. These limits are permanent and enforceable by means of non-expiring Title I conditions set forth in the state permits. Emissions from these sources were modeled with all the control measures in place. The data submitted by the state shows modeled attainment of the SO_2 NAAQS in the city of Rochester.

D. *Fully Approved Maintenance Plan.* EPA has concluded that the SO_2 emissions limitations contained in the plan submitted by the state will assure maintenance of the SO_2 standards. EPA is approving the maintenance plan in today's action as discussed below.

E. *Part D and Other Section 110 Requirements.* Section 107(d)(3)(E)(v) of the Act states that the Administrator may not redesignate an area to attainment unless the area has met the applicable requirements under section 110 and part D. The requirements under section 110 and part D are met with the approval of the SIP revision submitted simultaneously with this redesignation request.

V. Maintenance Plan

What Are the Maintenance Plan Requirements?

Section 175A of the Act requires states to submit a SIP revision which provides for the maintenance of the NAAQS in the area for at least 10 years after approval of the redesignation. Consistent with the Act's requirements, EPA developed procedures for redesignation of nonattainment areas that are contained in a September 4, 1992, memorandum from John Calcagni, EPA, titled, ''Procedures for Processing Requests to Redesignate Areas to Attainment.'' This EPA guidance document contains a number of maintenance plan provisions that a state should consider before it can request a change in designation for a federally designated nonattainment area. The basic components needed to ensure proper maintenance of the NAAQS are: attainment inventory, maintenance demonstration, verification of continued attainment, ambient air monitoring network, and a contingency plan.

A. *Attainment Inventory.* The air dispersion modeling included in the state's submittal contains the emission inventory of SO_2 sources for the city of Rochester.

B. *Maintenance Demonstration and Verification of Continued Attainment.* Operating permits were issued to seven culpable sources in the city of Rochester. Results from the modeling were used for establishing the SO_2 emissions limits in the permits. Conditions cited as ''Title I condition'' in the permits do not expire and automatically become part of any reissued permit, therefore providing for maintenance of the SO_2 NAAQS for at least 10 years.

The air dispersion modeling shows there is approximately a 1 or 2 percent growth margin of the ambient standards. Growth in the area will be monitored by MPCA by keeping track of new permit applications, keeping track of requests for permit amendments, and observing the annual emission inventories that all facilities with permits must submit to the MPCA. Future SO_2 emissions are not likely to exceed the ambient standards because of Minnesota's permitting program and the state's requirements for dispersion modeling. Further, MPCA staff believe incentives to reduce emissions such as Minnesota's Clean Fuels Project and the state's ''registration permit'' rule, will provide for continued attainment of the SO_2 NAAQS in the city of Rochester.

C. *Monitoring Network.* In a letter dated March 17, 1998, EPA clarified Region 5's position regarding the need for continued SO_2 monitoring in the Rochester area. In that letter EPA stated that if Minnesota can show attainment of the NAAQS through EPA approved air dispersion modeling, has an approvable SIP revision showing that the control strategies have been implemented, and shows that it can continue to attain the standard for a period of 10 years following the redesignation, then an SO_2 monitoring network does not need to be maintained. Because the MPCA has met the requirements as outlined in that letter, a monitoring network does not need to be maintained in the city of Rochester.

D. *Contingency Plan.* Section 175A of the CAA requires that the maintenance plan include contingency provisions to correct any violation of the NAAQS after redesignation of the area. Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9). As mentioned before, however, the General Preamble to the 1990 Amendments to the Act (57 FR 13498) states that SO_2 provisions require special considerations. A primary reason is that SO_2 control methods are well established and understood, resulting in less uncertainty in the modeled attainment demonstrations. It is considered unlikely that an area would fail to attain the standards after it has demonstrated, through modeling, that attainment is reached after the limits and restrictions are fully implemented and enforced.

Therefore, contingency measures for SO_2 need only consist of a comprehensive program to identify sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. The MPCA has the necessary enforcement and compliance programs, as well as means by which to identify violators.

VI. Final Rulemaking Action

EPA is approving the SIP revision for the control of SO_2 emissions in the city of Rochester, located in Olmsted County, Minnesota, as requested by the state on November 4, 1998. EPA is also approving a request to redesignate the Rochester nonattainment area to

attainment of the SO_2 NAAQS. In conjunction with these actions, EPA is also approving the maintenance plan for the Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan meet the applicable requirements of the Act.

The EPA is publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse comments are filed. This rule will be effective May 8, 2001 without further notice unless relevant adverse comments are received by April 9, 2001. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 8, 2001.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

VII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base

its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 8, 2001 unless EPA receives adverse written comments by April 9, 2001.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovermental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: October 27, 2000.

Gary Gulezian,

Acting Regional Administrator, Region 5.

Title 40, Chapter I, 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. 7401–7671q.

2. Section 52.1220 is amended by adding paragraph (c)(56) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(56) On November 4, 1998, the State of Minnesota submitted a SIP revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide (SO_2) in the city of Rochester. The state also submitted on that date a request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards. The state's maintenance plan is complete and the submittals meet the SO_2 nonattainment area SIP and redesignation requirements of the Clean Air Act.

(i) Incorporation by reference

(A) Air Emission Permit No. 10900011–001, issued by the Minnesota Pollution Control Agency (MPCA) to City of Rochester—Rochester Public Utilities—Lake Plant on July 22, 1997, Title I conditions only.

(B) Air Emission Permit No. 00000610–001, issued by the MPCA to City of Rochester—Rochester Public Utilities—Cascade Creek Combustion on January 10, 1997, Title I conditions only.

(C) Air Emission Permit No. 10900010–001, issued by the MPCA to Associated Milk Producers, Inc. on May 5, 1997, Title I conditions only.

(D) Air Emission Permit No. 10900008–007 (989–91–OT–2, AMENDMENT No. 4), issued by the MPCA to St. Mary's Hospital on February 28, 1997, Title I conditions only.

(E) Air Emission Permit No. 10900005–001, issued by the MPCA to Olmsted County—Olmsted Waste-to-Energy Facility on June 5, 1997, Title I conditions only.

(F) Amendment No. 2 to Air Emission Permit No. 1183–83–OT–1 [10900019], issued by the MPCA to Franklin Heating Station on June 19, 1998, Title I conditions only.

(G) Air Emission Permit No. 10900006–001, issued by the MPCA to International Business Machine Corporation—IBM—Rochester on June 3, 1998, Title I conditions only.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q

2. Section 81.324 is amended by revising the entry for Olmsted County in the table entitled ''Minnesota—SO_2'' to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be Classified	Better than national standards
*	*	*	*	*
Olmsted County				X
*	*	*	*	*

* * * * *

[FR Doc. 01–5850 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 66, No. 47
Friday, March 9, 2001

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

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 915, 917, 925, 930, 931, 932, 933, 956, 966

[No. 2001–05]

RIN 3069–AB06

Capital Requirements for Federal Home Loan Banks

AGENCY: Federal Housing Finance Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: On December 20, 2000, the Federal Housing Finance Board (Finance Board) approved regulations to implement a new capital structure for the Federal Home Loan Banks (Banks) as required by the Gramm-Leach-Bliley Act. At that time, the Finance Board recognized that, as the Banks begin to determine their capital plans, unforeseen issues may arise that would require the Finance Board to refine, clarify or otherwise amend the final capital regulations to assure that each Bank can successfully develop and implement the new capital structure. Accordingly, to better consider the potential need for amendments to the final capital regulations, the Finance Board is seeking information and comment on the specific issues discussed in this Advanced Notice of Proposed Rulemaking (ANPR), as well as any other unforeseen issues or uncertainties that were not resolved in the final capital rule or that have arisen as the Banks have begun to develop their capital plans and could affect the development or implementation of the Banks' required capital plans.

DATES: The Finance Board will consider written comments on the advance notice of proposed rulemaking that are received on or before April 9, 2001.

ADDRESSES: Send comments to: Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail to the Board, at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: James L. Bothwell, Managing Director, (202) 408–2821; Scott L. Smith, Acting Director, (202) 408–2991; Ellen Hancock, Senior Financial Analyst, (202) 408–2906; or Julie Paller, Senior Financial Analyst, (202) 408–2842, Office of Policy, Research and Analysis; or Deborah F. Silberman, General Counsel, (202) 408–2570; Neil R. Crowley, Deputy General Counsel, (202) 408–2990; Thomas F. Hearn, Senior Attorney-Advisor, (202) 408–2976; or Thomas E. Joseph, Attorney-Advisor, (202) 408–2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Background

The Gramm-Leach-Bliley Act, Pub. Law No. 106–102, 133 Stat. 1338 (Nov. 12, 1999) (GLB Act), amended the Federal Home Loan Bank Act (Bank Act) to change, among other things, the capital structure of the Banks from a ''subscription'' structure to one that includes both risk-based and minimum leverage requirements. The GLB Act also required the Finance Board to prescribe uniform capital standards for the Banks and required each Bank to adopt and implement a capital plan consistent with provisions of the GLB Act and Finance Board regulations. Under the GLB Act, each Bank must submit a capital plan to the Finance Board for approval within 270 days after the publication of the final capital regulations, in other words by no later than October 29, 2001. *See* 66 FR 8262. (Jan. 30, 2001) (publication of final capital rule).

In addition to approving the new capital regulations, the Finance Board adopted on December 20, 2000 a resolution directing its staff to develop an ANPR that would seek comment on any issues that could arise in the capital planning process, actions of other regulatory bodies or other events in the general economy that could affect the capital development of the Banks, and could require further action by the Finance Board. Accordingly, the Finance Board is issuing this ANPR to help identify issues or uncertainties that were not contemplated by, or fully addressed in, the final capital rule or that have arisen only after the Banks have begun to develop their capital plans.

This ANPR does not alter or delay the statutory deadline of October 29, 2001 by which the Banks must submit their capital plans to the Finance Board for approval. If the Finance Board determines that it should amend the capital regulations as a result of this ANPR, it would do so in accordance with the Administrative Procedures Act, either through a full notice and comment rulemaking or by interim final rule, depending on the nature and urgency of the change. Therefore, to best assure that any needed amendments will take effect by a date reasonably prior to the October 29 deadline, the Finance Board has established a 30-day comment period for the ANPR and intends to review comments received during the ANPR comment period expeditiously. For similar reasons, the Finance Board requests that commenters be as specific as possible in describing potential problems that could arise under the final capital regulations, discuss with specificity changes to the regulation that the commenters believe are needed to address such problems, and provide a legal analysis detailing the Finance Board's authority to adopt these suggested rule amendments, where applicable. The specific issues on which the Finance Board requests comment and discussion are described below.

Dividends on Class A Stock

As was discussed as part of the final rule, the decision by Congress to confer on the Class B stockholders an ownership interest in the retained earnings of the Banks has created some uncertainty as to the ability of a Bank to pay dividends to its Class A stockholders. Briefly stated, the language of the GLB Act that created the ownership interest in favor of the Class B stockholders might be interpreted as creating a property interest for the Class B stockholders that would effectively preclude that property from being used as a source for dividends on the Class A stock. Further discussion of this issue is set out in some detail in the **SUPPLEMENTARY INFORMATION** section of the adopting release for the final rule. *See* 66 FR 8272, 8777–78 (Jan. 30, 2001). Rather than address the issue as part of the final rule, the Finance Board at that

time decided to defer consideration of this issue until it could have an opportunity to solicit comments. Nonetheless, because it is unlikely that the Congress intended the GLB Act to preclude the payment of dividends on the Class A stock, the Finance Board is inclined to propose an amendment to its capital regulations to make clear that a Bank that issues Class A stock will be permitted to pay dividends on that stock as determined by the board of directors of the Bank. Before issuing such a proposed rule, however, the Finance Board requests comments on how best to address the issue of payment of dividends on the Class A stock.

Capitalizing Out-of-District Assets

The investment by one Bank in the assets of another Bank (such as through the purchase of a participation interest) or in transactions that originated with the member of another Bank has been increasing in recent years. Such ''out-of-district'' assets may include Acquired Member Assets (AMA) and, as allowed under a recently adopted Finance Board rule, advances originated by another Bank or a participation interest in such advances. *See* 65 FR 43969, 43981 (July 18, 2000), *as corrected by* 65 FR 46049 (July 26, 2000) (adopting 12 CFR 950.25). Because the GLB Act and Finance Board regulations require a Bank to sell its stock only to its members, however, these out-of-district assets may present special problems to the extent that a Bank contemplated acquiring the incremental capital necessary to support these transactions through an activity-based stock purchase requirement. *See* 12 U.S.C. 1426(c)(5)(A), *as amended;* and 12 CFR 933.2(e)(2) *as adopted at* 66 FR 8320.

In addition, the GLB Act defines permanent capital specifically to ''include the amounts paid for [C]lass B stock and the retained earnings of the [B]ank (as determined in accordance with generally accepted accounting principles) * * *.'' 12 U.S.C. 1426(a)(5)(A), *as amended.* Further, under both the GLB Act and the capital regulations, only permanent capital can be used to satisfy a Bank's minimum risk-based capital requirement. *See id.* at 1426(a)(3), and 66 FR 8313 (adopting 12 CFR 932.3). Thus, the Finance Board is limited in its ability to define additional sources of permanent capital to meet the incremental risk-based capital requirements associated with new out-of-district assets. By contrast, the GLB Act provides that total capital may include an amount from any source that is available to absorb losses incurred by a Bank and that has been determined by the Finance Board to be appropriately included in total capital. 12 U.S.C. 1426(a)(5)(B), *as amended.* Thus, the Finance Board has greater flexibility to define sources of total capital that could be used to satisfy the Banks' minimum leverage requirements. *See id.* at 1426(a)(2) and 66 FR 8813 (adopting 12 CFR 932.2).

The Finance Board did not address the issue of capitalizing out-of-district assets in the final capital rule.[1] The Finance Board is soliciting comment on how the Banks may capitalize their out-of-district assets, such as by use of subordinated debt. It seeks discussion on whether there is merit in considering the concept of capitalizing out-of-district assets at all, assistance in identifying problems that may hinder a Bank in implementing its capital plan or in meeting its capital requirements, and, if problems are identified, suggestions for solutions to such problems (including legal analysis to support the adoption of the suggested approach).

Other Unresolved Matters

In addition to the specific issues discussed above, the Finance Board seeks comments and discussion on other unforeseen issues that were not resolved in the final rule and that may introduce uncertainty or impediments into the process of developing and implementing the required capital plans. In particular, the Finance Board is interested in any tax or accounting issues or other regulatory issues that may have come to light as the Banks have begun development of their capital plans. The Finance Board requests that commenters be as specific as possible in describing any problems or potential problems arising under the capital rule and provide a complete analysis, including any supporting legal analysis, of any proposed solutions to these problems.

Dated: March 2, 2001.

By the Board of Directors of the Federal Housing Finance Board.

Allan I. Mendelowitz,

Chairman.

[FR Doc. 01–5802 Filed 3–8–01; 8:45 am]

BILLING CODE 6725–01–P

[1] In the **SUPPLEMENTARY INFORMATION** section of the proposing release for the capital rule, the Finance Board did request comment on the concept of the issuance of joint or pooled stock by Banks that were jointly managing assets as one solution to the problem of capitalizing out-of-district assets. *See* 65 FR 43408, 43412 (July 13, 2000). Commenters' responses to this proposal were mixed, and in the whole did not provide the Finance Board with a sufficient basis for designing a practical solution to the problem.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–268–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–300 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 Boeing Model 767–300 series airplanes. This proposal would require a one-time general visual inspection to find chafing and determine adequate clearance of certain wire bundles in the ceiling panel near the main passenger door, and corrective actions. This action is necessary to prevent damage to the wires in the bundles due to contact between the bundles and the adjacent ceiling support bracket.

Such damage could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–268–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–268–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

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–268–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–268–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating two incidents, on a Boeing Model 767–300 series airplane, of wire bundle chafing and subsequent arcing against a ceiling support bracket attached to the F–4/G–2 galley at body station 355. In the first incident, approximately 20 wire segments were burnt and severed, which resulted in smoke in the cabin, release of oxygen masks, tripping of various circuit breakers, loss of flight-essential systems, and an air turnback. In the second incident, there was a flash and static noise followed by a shower of sparks and ash. During an inspection on a recently delivered Model 767–300 series airplane, a potential chafing condition was found between the same wire bundles and support bracket described above.

Because these wires are connected to such flight-essential systems as the fuel shutoff valves for the engines, oxygen deployment for passengers, emergency lighting, passenger signs, and the signal for emergency evacuation, worn or broken wires can cause one or more of these systems to fail. Failure of the fuel shutoff valves, for example, would prevent the flight crew from stopping the flow of fuel to the engines in the event of a fire. This action is necessary to prevent damage to the wires in the bundles due to contact between the bundles and the adjacent ceiling support bracket, which could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000, which describes, among other things, procedures for a one-time inspection to find chafing and determine adequate clearance of certain wire bundles in the ceiling panel near the main passenger door, and corrective actions. The corrective actions include, but are not limited to, repair or replacement of worn wires in the wire bundles with new wires; installation of a bracket assembly on the wire bundle support bracket for certain airplanes, installation of nut spacer plates for certain other airplanes, and re-routing of the wire bundles to provide adequate clearance between the bundles and the adjacent structure. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Difference Between Service Bulletin and This Proposed AD

Operators should note that, although the service bulletin specifies accomplishment of the actions as soon as manpower and facilities are available, the FAA has determined that a six-month compliance time for accomplishment of the actions would address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the actions. In light of all of these factors, the FAA finds a six-month compliance time for completion of the actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 135 airplanes of the affected design in the worldwide fleet. The FAA estimates that 53 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $3,180, or $60 per airplane.

It would take approximately 2 work hours per airplane to accomplish the proposed repair or replacement, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repair or replacement proposed by this AD on U.S. operators is estimated to be $6,360, or $120 per airplane.

The cost impact figures discussed above are 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:

Boeing: Docket 2000–NM–268–AD.

Applicability: Model 767–300 series airplanes, as listed in Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000, 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 wires in certain wire bundles due to contact between the bundles and the adjacent ceiling support bracket, which could result in electrical arcing, smoke, or fire in the cabin, and failure of certain systems essential to safe flight and landing of the airplane, accomplish the following:

One-Time Inspection/Corrective Actions

(a) Accomplish the requirements in paragraphs (a)(1) and (a)(2) of this AD, as applicable, at the times specified.

(1) Within 6 months after the effective date of this AD: Do a one-time general visual inspection to find chafing and determine adequate clearance of the wire bundles above the F4/G2 galley, per Figure 1 or Figure 3, as applicable, of the Accomplishment Instructions of Boeing Alert Service Bulletin 767–33A0085, Revision 2, dated December 7, 2000.

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

(2) If chafing and/or inadequate clearance is found: Before further flight, repair or replace damaged wires in the wire bundles; install a bracket assembly on the wire bundle support bracket; install nut spacer plates; and re-route the wire bundles away from the ceiling support bracket, as applicable, as specified by and per Figure 2 or Figure 3, as applicable, of the Accomplishment Instructions of the alert service bulletin.

Note 3: Accomplishment of the one-time inspection and corrective actions before the effective date of this AD per Boeing Alert Service Bulletin 767–33A0085, dated May 11, 2000, or Revision 1, dated August 31, 2000, is considered acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

(c) Special flight permits may be issued per 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 March 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5808 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–310–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C–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 Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require inspection of certain floor beams and transverse beams, and corrective actions, if necessary. The actions specified in the proposed AD are intended to detect and correct cracking at the aileron control quadrant cutouts and in the cabin floor beams and pressure web transverse beams above the main wheelwell, which could result in rapid loss of cabin pressure and reduced structural integrity of the airframe.

DATES: Comments must be received by April 23, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–310–AD, 1601 Lind Avenue, SW.,

Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 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. 99–NM–310–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

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.

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 99–NM–310–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. 99–NM–310–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that, on numerous Boeing Model 737 series airplanes, cracks have been detected in the left and right buttock line (LBL and RBL) 24.8 floor beams in the area of the aileron control quadrant cutout, and in the floor beams and pressure web transverse beams above the main wheelwell. This cracking has been attributed to stress concentration at the aileron control quadrant cutout and to fatigue at beam intersections resulting from pressurization flexure, respectively. This condition, if not corrected, could result in rapid loss of cabin pressure and reduced structural integrity of the airframe.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992. That service bulletin describes procedures for repetitive detailed visual inspections to detect cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout; corrective actions, if necessary; and eventual modification of that area. That service bulletin also describes procedures for repetitive detailed visual inspections for cracking of the transverse beams and floor beams at the beam intersections, and eventual modification of that area. The modifications eliminate the need for the repetitive inspections. For any cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout, if the cracking is within certain limits specified in the service bulletin, corrective actions include repair and accomplishment of the modification of the LBL and RBL 24.8 floor beams. For any cracking of the LBL and RBL 24.8 floor beams at the aileron control quadrant cutout that is outside the limits specified in the service bulletin, or any cracking of the transverse beams and floor beams at the beam intersections, the service bulletin specifies to contact Boeing for repair instructions.

Other Relevant Rulemaking

The FAA previously has issued AD 90–06–02, amendment 39–6489 (55 FR 8372, March 7, 1990), and AD 93–17–08, amendment 39–8679 (58 FR 46076, September 1, 1993), which apply to certain Boeing Model 737 series airplanes. AD 90–06–02 requires incorporation of structural modifications listed in Boeing Document No. D6–38505, Revision C, dated December 11, 1989; and AD 93–17–08 requires incorporation of structural modifications listed in Appendices A.3 and B.3 of Boeing Document No. D6–38505, Revision F, dated April 23, 1992. The modifications specified in Boeing Service Bulletin 737–57–1139, Revision 4, are listed in Boeing Document No. D6–38505, Revisions C and F. Because the modifications in Boeing Service Bulletin 737–57–1139, Revision 4, are already required by AD 90–06–02 and AD 93–17–08, this proposed AD would require only the inspections in the service bulletin, not the modifications. ''Note 3'' has been included in the body of this notice of proposed rulemaking to clarify that the modifications in the service bulletin are already required by other AD's. In addition, accomplishment of the modifications in the service bulletin in accordance with AD 90–06–02 and AD 93–17–08 is terminating action for the inspections in this proposed AD, and paragraphs (c)(1) and (c)(2) of this proposed AD clarify this point.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the inspections specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Cost Impact

There are approximately 971 airplanes of the affected design in the worldwide fleet. The FAA estimates that 333 airplanes of U.S. registry would be affected by this proposed AD, and that it would take approximately 10 work

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

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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:

Boeing: Docket 99–NM–310–AD.

Applicability: Model 737–100, –200, and –200C series airplanes; line numbers 1 through 1585 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 detect and correct cracks in the floor beams at the aileron control quadrant cutout and in the floor beams and pressure web transverse beams above the main wheelwell, which could result in rapid loss of cabin pressure and reduced structural integrity of the airplane, accomplish the following:

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

(a) For airplanes in Groups 1, 2, and 5; as listed in Boeing Service Bulletin 737–57–1139, Revision 4, dated April 16, 1992: Prior to the accumulation of 12,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the left and right buttock line (LBL and RBL) 24.8 floor beams in the area of the aileron control quadrant cutout, in accordance with Part II of the Accomplishment Instructions of the service bulletin.

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

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles, until the modification in paragraph (c)(1) of this AD is done.

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

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

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

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

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

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

Modifications (Terminating Action)

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

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

(2) For airplanes in Groups 1, 2, 3, and 4; as listed in the service bulletin: Modification of the transverse beams and floor beams at the beam intersections in accordance with Part III or Part I, as applicable, of the

Accomplishment Instructions of the service bulletin constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

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

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington, on March 5, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–5807 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 255

[Docket No. RM 2000–7]

Mechanical and Digital Phonorecord Delivery Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office of the Library of Congress requests public comment on the interpretation and application of the mechanical and digital phonorecord compulsory license, 17 U.S.C. 115, to certain digital music services.

DATES: Comments are due no later than April 23, 2001. Reply comments are due May 23, 2001.

ADDRESSES: If sent by mail, and original and ten copies of comments and reply comments should be addressed to: Office of the Copyright General Counsel, PO Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and ten copies should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE, Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, Copyright Arbitration Royalty Panel, PO Box 70977, Southwest Station, Washington, DC 20024 Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

The copyright laws of the United States grant certain rights to copyright owners for the protection of their works of authorship. Among these rights is the right to make, and to authorize others to make, a reproduction of the copyrighted work, and the right to distribute, and to authorize others to distribute, the copyrighted work. Both the reproduction right and the distribution right granted to a copyright owner inhere in all works of authorship and are, for the most part, exclusive rights. However, for copyright holders of nondramatic musical works, the exclusivity of the reproduction right and distribution right are limited by the compulsory license of section 115 of the Copyright Act. Often referred to as the ''mechanical license,'' section 115 grants third parties a nonexclusive license to make and distribute phonorecords of nondramatic musical works.

The license can be invoked once a nondramatic musical work embodied in a phonorecord is distributed ''to the public in the United States under the authority of the copyright owner.'' 17 U.S.C. 115(a)(1). Unless and until such an act occurs, the copyright owner's rights in the musical work remain exclusive, and the compulsory license does not apply. Once it does occur, the license permits anyone to make and distribute phonorecords of the musical work provided, of course, that they comply with all of the royalty and accounting requirements of section 115. It is important to note that the mechanical license only permits the making and distribution of phonorecords of a musical work, and does not permit the use of a sound recording created by someone else. The compulsory licensee must either assemble his own musicians, singers, recording engineers and equipment, or obtain permission from the copyright owner to use a preexisting sound recording. One who obtains permission to use another's sound recording is eligible to use the compulsory license for the musical composition that is performed on the sound recording.

The mechanical license was the first compulsory license in U.S. copyright law, having its origin in the 1909 Copyright Act. It operated successfully for many years, and it continued under the 1976 Copyright Act with only some technical modifications. However, in 1995, Congress passed the Digital Performance Right in Sound Recordings Act (''Digital Performance Act''), Public Law 104–39, 109 Stat. 336, which amended sections 114 and 115 of the Copyright Act to take account of technological changes which were beginning to enable digital transmission of sound recordings. With respect to section 115, the Act expanded the scope of the mechanical license to include the right to distribute, or authorize the distribution of, a phonorecord by means of a digital transmission which constitutes a ''digital phonorecord delivery.'' 17 U.S.C. 115(c)(3)(A). A ''digital phonorecord delivery'' is defined as ''each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording * * *.'' 17 U.S.C. 115(d).

As a result of the Digital Performance Act, the mechanical license applies to two kinds of disseminations of nondramatic musical works: (1) The traditional making and distribution of physical, hard copy phonorecords; and (2) digital phonorecord deliveries, commonly referred to as DPDs. However, in including DPDs within section 115, Congress added a wrinkle by creating a subset of DPDs, commonly referred to as ''incidental DPDs.'' It did this by requiring that royalty fees established under the compulsory license rate adjustment process of chapter 8 of the Copyright Act distinguish between ''(i) digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (ii) digital phonorecord deliveries in general.'' 17 U.S.C. 115(c)(3)(D). However, Congress did not define what constitutes an incidental DPD, and that omission is the source of today's Notice of Inquiry.

As required by the Digital Performance Act, in 1996 the Library of Congress initiated a Copyright Arbitration Royalty Panel (''CARP'') proceeding to adjust the royalty rates for

DPDs and incidental DPDs. 61 FR 37213 (July 17, 1996). The parties to the proceeding avoided arbitration by reaching a settlement as to new rates for DPDs and the time periods for conducting future rate adjustment proceedings for DPDs. The parties could not reach agreement, however, on new rates for incidental DPDs because the representatives of both copyright owners and users of the section 115 license could not agree as to what was, and what was not, an incidental DPD. The resolution of this impasse was to defer establishing rates for incidental DPDs until the next scheduled rate adjustment proceeding.

The Librarian of Congress accepted the settlement agreement of the parties and adopted new regulations governing section 115 royalties for DPDs. 64 FR 6221 (February 9, 1999). Section 255.5 of 37 CFR establishes royalty rates for DPDs ''in general,'' while § 255.6 of the rules expressly defers consideration of incidental DPDs. And § 255.7 sets the time table for rate adjustment proceedings for general DPDs and incidental DPDs, providing for proceedings at two-year intervals upon the filing of a petition by an interested party. The year 2000 was a window year for the filing of such petitions.

Petition for Rulemaking

1. RIAA Petition

On November 22, 2000, the Copyright Office received a pleading from the Recording Industry Association of America (''RIAA'') styled as a ''Petition for Rulemaking and to Convene a Copyright Arbitration Royalty Panel If Necessary.'' The RIAA petition requests that the Office resolve, through a rulemaking proceeding, the issue of what types of digital transmissions of prerecorded music are general DPDs, and what types are incidental DPDs. In addition, RIAA petitions the Library of Congress to conduct a CARP proceeding to set rates for incidental DPDs. MP3.com, Inc. (''MP3.com''), Napster, Inc. (''Napster''), and the Digital Media Association (''DiMA'') responded to the RIAA petition. The Office also received a petition to convene a CARP to set rates for general DPDs and incidental DPDs from the National Music Publishers Association, Inc. and the Songwriters Guild of America (collectively, ''NMPA/SGA'').

The RIAA petition focuses on two types of digital music deliveries: ''On-Demand Streams'' and ''Limited Downloads.'' RIAA defines an ''On-Demand Stream'' as an ''on-demand, real-time transmission using streaming technology such as Real Audio, which permits users to listen to the music they want when they want and as it is transmitted to them.'' RIAA Petition at 1. A ''Limited Download'' is defined as an ''on-demand transmission of a time-limited or other use-limited (i.e. non-permanent) download to a local storage device (e.g. the hard drive of the user's computer), using technology that causes the downloaded file to be available for listening only either during a limited time (e.g. a time certain or a time tied to ongoing subscription payments) or for a limited number of times.'' *Id.* RIAA asserts that a rulemaking is necessary to determine the status of On-Demand Streams and Limited Downloads (i.e. whether they are general DPDs or incidental DPDs) because record companies and music publishers cannot reach agreement as to their treatment under section 115.

According to RIAA, music publishers take the position that both On-Demand Streams and Limited Downloads implicate their mechanical rights. In RIAA's view, On-Demand Streams may be incidental DPDs, for which there are currently no established royalty rates. RIAA therefore requests that the Office determine whether On-Demand Streams are incidental DPDs and, if they are, to convene a CARP to set rates for these incidental DPDs.

RIAA also submits that for services offering On-Demand Streams and Limited Downloads to work, it is necessary that the section 115 license be interpreted in such a way as to cover all the copies necessary to operate such services.[1] In general, the operator of a service must make multiple phonorecords of musical works on its servers, and those works may be further reproduced, at least in part and for short periods of time, as part of the transmission process. While some of these reproductions may be exempt from copyright liability under 17 U.S.C. 112(a), RIAA asserts that it is likely that certain reproductions necessary for the operation of the services are not exempt and that they should be covered by the section 115 license.

With respect to Limited Downloads, RIAA suggests that they may be either (1) incidental DPDs or (2) more in the nature of record rentals, leases or lendings. The section 115 license authorizes the maker of a phonorecord to rent, lease or lend it, provided that a royalty fee is paid. The statute states:

> A compulsory license under this section includes the right of the maker of a phonorecord of a nondramatic musical work * * * to distribute or authorize distribution of such phonorecord by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). In addition to any royalty payable under clause (2) and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under clause (2) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this clause.

17 U.S.C. 115(c)(4). RIAA notes that the Copyright Office has yet to adopt such regulations.

This provision was added to section 115 in the Record Rental Amendment of 1984, Pub. L. 98–450, which also amended the first sale doctrine codified in section 109 to restrict the owner of a phonorecord from disposing of the phonorecord for direct or indirect commercial advantage by rental, lease or lending without authorization of the sound recording copyright owner. The legislative history of the amendment to section 115 states that the amendment was made to emphasize ''that the right of authorization accorded to copyright owners of recorded musical works under revised section 109(a) is subject to compulsory licensing under revised section 115'' and that it gives the copyright owner of a nondramatic musical work recorded under a compulsory license the right to a share of the royalties for rental received by a compulsory licensee (a record company) in proportion equal to that received for distribution under section 115(c)(2). H.R. Rep. 98–987, at 5 (1984).

The Office was to issue appropriate regulations relating to the royalty for rental, lease or lending ''as and when necessary to carry out the purposes'' of section 115(c)(4). S.Rep. No. 98–162, at 9 (1983). Thus far, there has been no need to issue such regulations because the Office has been unaware of any activity by sound recording copyright owners engaging in or authorizing the rental, lease or lending of phonorecords.

In sum, RIAA asserts that it is unclear whether the section 115 license permits

[1] It would probably be more precise to characterize such ''copies'' as ''phonorecords,'' since presumably they include the fixation of sounds. Compare the definitions of ''copies'' and ''phonorecords'' set forth in 17 U.S.C. 101. However, because discussions of this issue usually refer more colloquially to ''copies,'' we will frequently use that term in this notice.

all of the activities necessary to make On-Demand Streams or Limited Downloads, and if so, at what royalty rates. Consequently, RIAA petitions the Office to determine (1) whether On-Demand Streams are incidental DPDs covered by the license; (2) whether the license includes the right to make server copies or other copies necessary to transmit On-Demand Streams and Limited Downloads; and (3) the royalty rate applicable to On-Demand Streams (if they are covered by the license) and Limited Downloads.

Napster opposes RIAA's petition and urges the Copyright Office to defer to Congress, which Napster contends is the appropriate forum for resolving the issues raised by the petition. MP3.com submits that the Office should conduct a rulemaking proceeding to determine whether copies made in the course of On-Demand Streams are incidental DPDs, and whether the copies made that are necessary to stream musical works are covered by the section 115 license.[2] If they are, MP3.com also petitions the Library to convene a CARP to ''determine the appropriate rate or rates (if any)'' for incidental DPDs.

MP3.com also asks the Copyright Office to consider additional matters in a rulemaking proceeding. First, MP3.com questions whether distinctions can and should be drawn among streaming audio services. MP3.com's service streams music to recipients who select the streams from a ''locker'' containing the recipients'' personally purchased music collections. MP3.com requests that the Office consider whether this type of service—where the copyright owner has received compensation from the recipient who has already purchased the music—should be distinguished from a service that indiscriminately transmits streams of music to the public at large.

Second, MP3.com requests that the Office consider the effect of the decision to defer adoption of a royalty rate for incidental DPDs to a later date, and what effect that has on services that are currently streaming music. Finally, MP3.com requests that the Office reconsider its current procedural regulations for invoking and complying with the section 115 license with respect to incidental DPDs.

Like RIAA and MP3.com, DiMA is especially concerned with the status of copies of musical works made in the course of streaming. In particular, DiMA notes that the status of temporary RAM buffer copies created in a user's personal computer during audio streaming was raised at the November 29, 2000, Copyright Office/National Telecommunications and Information Administration hearing on the section 104 study mandated by the Digital Millennium Copyright Act of 1998 (''DMCA'') and urges that consideration of the same issue in a rulemaking proceeding be done in such a way as not to prejudice the outcome of that study. Thus, DiMA submits that either this should be resolved in the section 104 study, or the Office should conduct a separate rulemaking proceeding devoted solely to the issue. DiMA suggests, however, that the complexity of the issue counsels for legislative action rather than agency interpretation of the existing statute.

The NMPA/SGA petition does not request any rulemaking from the Copyright Office and simply requests that the Library convene a CARP to set rates for both general DPDs and incidental DPDs. As discussed above, the year 2000 was a window year for filing such petitions with the Library.

Notice of Inquiry

The foregoing discussion of the petitions and filings with the Copyright Office reveals that there is considerable uncertainty as to interpretation and application of the copyright laws to certain kinds of digital transmissions of prerecorded musical works. It is also apparent that the impasse presented by these legal questions may impede the ability of copyright owners and users to agree upon royalty rates under section 115 for both general DPDs and incidental DPDs. Therefore, the Copyright Office deems it appropriate to seek public comment on the advisability of conducting a rulemaking proceeding and on the issues that would be addressed in such a proceeding.

1. Agency Action

Before addressing the matters raised in the parties' petitions and comments, a threshold matter must first be resolved. It appears that when Congress passed the Digital Performance Act in 1995 and amended the section 115 mechanical license, current delivery mechanisms for digital transmission of musical works were unknown. Consequently, On-Demand Streaming and Limited Downloads, as described in the RIAA petition, and the applicability of the section 115 license to these services do not appear to have been anticipated. DiMA and Napster assert that to fully address the copyright implications of all aspects of these services, the law needs to be reconsidered and amended. While amendment of the law is a time-consuming proposition, Congress does have the power, unlike the Copyright Office, to balance the specific concerns of the interested parties and enact a legal regime that addresses those concerns. Must or should the Copyright Office defer to congressional action on some or all of the issues raised by the RIAA and MP3.com petitions? In other words, are there matters raised by these petitions that the Office lacks statutory authority to resolve? If the Office does have authority to interpret the meaning of section 115 as applied to these new services, is agency rulemaking the best forum for addressing such matters, or is congressional (or judicial) action more appropriate? We seek public comment on the extent of our authority to act, as well as the advisability of exercising any such authority.

2. Issues Presented

Assuming that the Copyright Office does have the authority to act, and assuming that a rulemaking proceeding is the best forum, the RIAA and MP3.com petitions raise a number of questions. Central to RIAA's petition is a determination of the meaning of an incidental DPD under section 115. Is it possible to define ''incidental DPD'' through a rulemaking proceeding? How should it be defined? Could such a definition be one of general application, or can incidental DPDs be defined only in a manner that is specific to the service offered (such as On-Demand Streams)? If the latter, how can this be accomplished?

As discussed above, there is considerable interest in the streaming of recorded music. Streaming necessarily involves a making of a number of copies of the musical work—or portions of the work—along the transmission path to accomplish the delivery of the work. RIAA and MP3.com relate that copies are made by the computer servers that deliver the musical work (variously referred to as ''server,'' ''root,'' ''encoded,'' or ''cache'' copies), and additional copies are made by the receiving computer to better facilitate the actual performance of the work (often referred to as ''buffer'' copies). Some of these copies are temporary; some may not necessarily be so. Are some or all the copies of a musical work made that are necessary to stream that work incidental DPDs? If temporary copies can be categorized as incidental DPDs, what is the definition of ''temporary''? Some ''temporary'' copies may exist for a very short period of time; others may exist for weeks. Is the concept of a ''transient'' copy more

[2] MP3.com does not take a position as to whether there should be a rulemaking for Limited Downloads as well, since this is not part of its business.

relevant than the concept of a ''temporary'' copy? If fragmented copies of a musical work are made, can each fragment, or the aggregation of the fragments of a single work, be considered an incidental DPD? If a fragmented copy can be an incidental DPD, does it make a difference in the analysis whether the copy is temporary or is permanent? Aren't incidental DPDs subject to section 115's definition of digital phonorecord deliveries? If so, does the requirement that a DPD result in a ''specifically identifiable reproduction'' by or for a transmission recipient rule out some of the copies discussed above from consideration as incidental or general DPDs?

DiMA argues that all temporary copies of a musical work that are made to stream that work can be deemed to be covered by the fair use doctrine of section 107 of the Copyright Act. This would mean, of course, that these copies would not be subject to any royalty fee because there is no copyright liability. What is the statutory support for this argument? Should the Copyright Office, in a rulemaking proceeding, declare whether any particular use of a copyrighted work constitutes a fair use, or should it leave that determination to a court of competent jurisdiction?

It is apparent from the filings received by the Copyright Office that currently there are different types or services for the streaming of music. RIAA refers to On-Demand Streams, whereby subscribers can receive real-time transmissions, using technology such as Real Audio, of the musical works that they request. MP3.com transmits streamed performances of musical works to subscribers who select the works from a ''locker'' containing recorded music that the subscriber has already purchased. MP3.com suggests that a distinction should be drawn between its service and those that indiscriminately transmit streamed music to the public because users of MP3.com have already compensated copyright holders of the music they stream for the reproduction and distribution of the phonorecord. Can and should such distinctions be made between these two streaming services and, if so, what should they be? Are there difficulties in determining whether the subscriber actually has purchased a phonorecord containing the music that is being streamed, and if there are, what impact should that have on how the Office addresses the issue? Are there additional types of streaming services that should be addressed?

MP3.com also calls into question the status of the current royalty structure for incidental DPDs. As discussed above, the rate adjustment proceeding for DPDs in 1998 resulted in a settlement as to the royalty rates for general DPDs, and an agreement to a royalty determination for incidental DPDs. *See* 64 FR 6221 (February 9, 1999) (adopting 37 CFR 255.6, which provides that royalty rates for incidental DPDs are ''deferred until the next digital phonorecord delivery rate adjustment proceeding pursuant to the schedule set forth in § 255.7''). If it is determined in a rulemaking proceeding that streaming does result in the creation of incidental DPDs, is there liability for parties that have been engaging in such streaming activities? In other words, when a CARP is ultimately convened to establish royalty rates for incidental DPDs, can the CARP set rates for the 1998–2000 period, in addition to the current period? What is the meaning of a ''deferral'' of royalty rates, and is such action statutorily permissible? If the CARP did set rates for incidental DPDs for 1998–2000, would such action constitute impermissible retroactive rulemaking if the Librarian adopted those rates? How would a service account for such incidental DPDs that have already occurred?

In addition to streaming, RIAA seeks clarification of the status of Limited Downloads. It defines a Limited Download as an on-demand transmission of a time-limited or other use-limited download to a storage device (such as a computer's hard drive), using technology that causes the downloaded file to be available for listening only either during a limited time or for a certain number of times. Are the copies made of musical works for Limited Downloads incidental DPDs? Do the time period or the number of times the music is available have any bearing on this determination?

RIAA suggests that if Limited Downloads are not incidental DPDs, then they may be record rentals, leases or lendings under section 115(c)(4). Are Limited Downloads phonorecords distributed by rentals, leases or lendings, and what is the statutory support for such a determination? If Limited Downloads are record rentals, leases or lendings, RIAA requests that the Copyright Office adopt regulations under section 115(c)(4) for assessing the royalty fee for such uses. What should those regulations include? Should they be adopted as part of this rulemaking proceeding, or a separate proceeding? How should the statutory requirement to set a royalty rate at a ''proportion of the revenue received by the compulsory licensee'' be interpreted? [3]

[3] If a Limited Download is an activity in the nature of rental, lease or lending, it may be that nonprofit libraries and educational institutions that engage in Limited Downloads for nonprofit purposes may do so without liability. See 17 U.S.C. 109(b)(1)(A). Persons submitting comments on whether Limited Downloads are in the nature of rentals, leases or lending pursuant to section 115(c)(4) are invited to address the implications of that issue with respect to libraries and educational institutions.

3. Petitions for Ratemaking

In addition to the RIAA's petition for rulemaking, the Copyright Office has before it several requests to convene a CARP to set rates either for general DPDs or incidental DPDs, or both. As noted above, the year 2000 was a window year for petitioning for an adjustment of the royalty rates for DPDs. There is a difference of opinion, however, as to how and when a CARP should be convened.

The NMPA/SGA petition requests the Librarian to convene a general rate adjustment proceeding for DPDs, asking that the CARP establish rates for both general DPDs and incidental DPDs. NMPA/SGA's request is not conditioned upon the conduct or outcome of a rulemaking proceeding regarding incidental DPDs.

RIAA requests the Library to convene a CARP if and only if the Copyright Office makes a determination that copies of musical works made in the course of On-Demand Streams and/or Limited Downloads are incidental DPDs. RIAA does not seek adjustment of the rates for general DPDs. MP3.com makes a similar request.

DiMA does not petition the Library to convene a CARP, but does suggest a course of action. First, DiMA recommends that the Copyright Office consider the status of temporary copies of musical works made in the course of streaming those works in the context of the study it is conducting under section 104 of the DMCA. If that study concludes that such copies are not fair use, then DiMA recommends that the Office conduct a rulemaking proceeding to determine if the copies are incidental DPDs. If the Office determines that they are not incidental DPDs, then DiMA supports the NMPA/SGA petition to conduct a rate adjustment for DPDs and for Limited Downloads. DiMA submits that the Library should not convene a CARP for incidental DPDs ''unless the petitioners first demonstrate that there currently exists some class of known or cognizable incidental digital phonorecord deliveries.'' DiMA comments at 3.

The Copyright Office, on behalf of itself and the Library of Congress, seeks comments on these proposals for handling a rate adjustment proceeding

in the context of a rulemaking proceeding on the status of DPDs.

Conclusion

The advent of new means of digitally delivering record music to consumers presents new challenges and questions to the interpretation and application of the section 115 license. Some of these new means, as described by the parties seeking action from the Copyright Office, are discussed above. There may be others, existing or contemplated. We also invite comment on whether there are other technologies and services whose existence might affect our interpretation and application of section 115.

Dated: March 6, 2001.

David O. Carson,

General Counsel.

[FR Doc. 01–5832 Filed 3–8–01; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[UT–001–0022b, UT–001–0024b, UT–001–0025b, UT–001–0026b, UT–001–0027b, UT–001–0030b, UT–001–0031b; FRL–6889–1]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Revisions to the Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On December 9, 1996, the Governor of Utah submitted a request to redesignate the Ogden City ''moderate'' carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In addition, on July 8, 1998, the Governor submitted revisions to Utah's Rule R307–8 ''Oxygenated Gasoline Program''. In this action, EPA is proposing approval of the Ogden City CO redesignation request, the maintenance plan, and the revisions to Rule R307–8. In the Final Rules Section of this **Federal Register**, EPA is approving the State's redesignation request and State Implementation Plan (SIP) revisions, involving the maintenance plan and the changes to Rule R307–8, as a direct final rule without prior proposal because the Agency views the redesignation and SIP revisions as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 9, 2001.

ADDRESSES: Written comments may be mailed to: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region VIII, Air Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; Telephone number (303) 312–6479.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules section of this **Federal Register**.

Dated: October 4, 2000.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 01–5853 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MN61–01–7286b; MN62–01–7287b; FRL–6901–2]

Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve a State Implementation Plan (SIP) revision for Olmsted County, Minnesota, for the control of emissions of sulfur dioxide (SO_2) in the city of Rochester. The Environmental Protection Agency is also proposing to approve the State's request to redesignate the Rochester nonattainment area to attainment of the SO_2 National Ambient Air Quality Standards (NAAQS). In conjunction with these actions, EPA is also proposing to approve the maintenance plan for the city of Rochester, Olmsted County nonattainment area, which was submitted to ensure that attainment of the NAAQS will be maintained. The SIP revision, redesignation request and maintenance plan were submitted by the Minnesota Pollution Control Agency on November 4, 1998, and are approvable because they satisfy the requirements of the Clean Air Act. In the final rules section of this **Federal Register**, we are conditionally approving the SIP revision as a direct final rule without prior proposal, because we view this as a noncontroversial revision amendment and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If we receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received by April 9, 2001.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final notice which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's

analysis are available for inspection at the above address. (Please telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

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

Dated: October 27, 2000.

Gary Gulezian,

Acting Regional Administrator, Region 5.

[FR Doc. 01–5851 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 22

[WT Docket No. 01–32; FCC 01–36]

Implementation of Competitive Bidding Rules To License Certain Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, we propose rules for awarding licenses for four cellular rural service areas (RSAs) that remain unlicensed because the initial lottery winner was disqualified or otherwise withdrew its application. Specifically, we propose competitive bidding rules for these licenses and seek comment on our proposals.

DATES: Comments are due on or before March 19, 2001 and reply comments are due on or before April 3, 2001.

ADDRESSES: Federal Communications Commission, 445 12th St., SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Katherine M. Harris, Wireless Telecommunications Bureau, Commercial Wireless Division at (202) 418–0609.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Notice of Proposed Rule Making (NPRM), FCC 01–36, in WT Docket No. 01–32, adopted on January 31, 2001, and released on February 12, 2001. The full text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20037. The full text may also be downloaded at: http://www.fcc.gov. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Synopsis of Notice of Proposed Rule Making

I. Introduction

1. In this Notice of Proposed Rule Making (NPRM), we propose rules for awarding licenses for four cellular Rural Service Areas (RSAs) that remain unlicensed because the initial lottery winner was disqualified or has otherwise withdrawn its application. Under the Balanced Budget Act of 1997 (1997 Budget Act), we are now required, with certain exceptions not applicable here, to resolve mutually exclusive applications for initial licenses by competitive bidding. Balanced Budget Act of 1997, Public Law 105–33, section 3002(a), 111 Stat. 251, at 258–60 (1997). We propose to: (1) Allow all eligible parties to apply for these initial licenses; and (2) license these markets on an RSA basis under our Part 22 rules. As discussed below, we also propose to use our Part 1 competitive bidding rules to auction these licenses.

II. Background

2. The Commission has been awarding cellular licenses since 1982. Although we awarded the first thirty Metropolitan Statistical Area (MSA) licenses pursuant to comparative hearing rules, we adopted rules in 1984 to award the remaining cellular MSA and RSA licenses through lotteries. By 1991, lotteries had been held for every MSA and RSA, and licenses were awarded to the lottery winners in most instances. In some RSA markets, however, the initial RSA license was never awarded.

3. On August 5, 1997, President Clinton signed the 1997 Budget Act into law, which modified the Commission's auction authority by amending Section 309(j) of the Communications Act to require that all mutually exclusive applications for initial licenses or construction permits be auctioned, with certain exceptions not applicable here. 1997 Budget Act, Public Law 105–33, section 3002(a), 111 Stat. 251, 258–60 (1997) (amending 47 U.S.C. 309(j)). The 1997 Budget Act expressly repealed Section 6002(e) of the 1993 Budget Act, *id.* at Section 3002(a)(4), and terminated the Commission's authority to award licenses through random selection, even in the case of applications filed prior to July 26, 1993, except for licenses for noncommercial educational and public broadcast stations. *Id.* at Section 3002(a)(2)(B). Because the 1997 Budget Act terminated the Commission's remaining lottery authority, the Commission's Wireless Telecommunications Bureau dismissed all pending RSA lottery applications by separate orders released April 2, 1999, and April 29, 1999. *See* Certain Cellular Rural Service Area Applications, *Order*, 14 FCC Rcd 4619 (1999); Certain Cellular Rural Service Area Applications in Market Nos. 599A and 672A, *Order*, DA 99–814 (rel. Apr. 29, 1999).

III. Discussion

4. We propose to allow all eligible applicants to apply for licenses for the four remaining unlicensed cellular RSAs. Further, we propose to license these markets on an RSA basis, subject to the same construction and operational rules as previously licensed RSAs. Finally, if there are mutually exclusive applications for these markets, we propose to use the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules to conduct the auction. We seek comment on these issues, which we address in greater detail below.

A. Eligibility for Licenses

5. We propose to allow all eligible entities and persons to apply for the licenses at issue in this proceeding. Our competitive bidding program seeks to award each license to the applicant who values it most highly, as determined by the marketplace, and who is therefore most likely to offer valued service to the public. To the extent that former lottery applicants continue to have an interest in applying for these markets, open eligibility allows them to do so. We therefore tentatively conclude that it would be in the public interest to permit all eligible entities to participate in an RSA auction. We seek comment on this proposal.

6. In all of the four unlicensed RSAs, the Commission has granted interim operating authority (IOA) to one or more cellular operators to provide cellular service on the Channel A block pending the ultimate permanent licensing of these RSAs. We propose to permit current IOA holders to participate in the auction of licenses for the unlicensed RSAs on an equal basis with other applicants. We also note that under the terms of each of the existing IOAs, the IOA operator must cease operations immediately upon initiation of service by the new licensee, provided that the new licensee gives at least 30 days written notice of its intent to provide service. In order to prevent unnecessary interruption of service to existing cellular customers, we propose that, in the event that any of the current IOA holders do not obtain the RSA license

for their markets, they should be allowed to continue providing service on a temporary basis subject to these conditions, *i.e.,* until the auction winner provides the required notice and is prepared to commence service. We seek comment on these proposals.

B. Market Areas To Be Auctioned

7. We also seek comment on whether the unlicensed markets for which licenses are to be awarded through competitive bidding should be licensed on an RSA basis, or whether alternative licensing models should be considered. For the reasons discussed below, we tentatively conclude that the unlicensed cellular markets should be licensed on an RSA basis under our Part 22 rules.

8. We also propose that licenses awarded for these markets would be subject to the same construction and operational rules as licenses granted to prior RSA lottery winners, including the exclusive right of the licensee of the first cellular system on each channel block to expand its system within that market for a period of five years. *See* 47 CFR 22.947. After the expiration of the five-year expansion period, any areas within the RSA market that remained unserved would be available for licensing pursuant to our Part 22 unserved areas Phase I and Phase II filing procedures. *See* 47 CFR 22.949.

C. Competitive Bidding Procedures

9. We propose to conduct the auction of cellular RSA licenses in conformity with the general competitive bidding rules set forth in Part 1, Subpart Q, of the Commission's rules, and consistent with the bidding procedures that have been employed in previous auctions. Specifically, we propose to employ the Part 1 rules governing competitive bidding design, designated entities, application and payment procedures, reporting requirements, collusion issues, and unjust enrichment. Under this proposal, such rules would be subject to any modifications that the Commission may adopt in the Part 1 proceeding. We also note that under the Part 1 rules, winning bidders would be eligible to obtain a bidding credit for serving qualifying tribal lands pursuant to Section 1.2110(f)(3). *See* 47 CFR 1.2110(f)(3). In this regard, we note that only one RSA subject to these proposals—RSA 582A–Barnes, ND—contains any federally recognized tribal lands. In addition, consistent with current practice, matters such as the appropriate competitive bidding design, as well as minimum opening bids and reserve prices, would be determined by WTB pursuant to its delegated authority. Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures, Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, *Third Report and Order and Second Further Notice of Proposed Rule Making,* 13 FCC Rcd 374, 448–49, 454–55, paragraphs 125, 139 (1997), modified by Erratum, DA 98–419 (rel. Mar. 2, 1998). We seek comment on this approach.

10. We also seek comment on whether to adopt special provisions for small businesses that participate in the auction of cellular RSA licenses. We propose to provide small businesses with bidding credits in order to meet our Congressional mandate to promote competition and to disseminate licenses among a wide variety of applicants. *See* 47 U.S.C. 309(j)(3)(B). Specifically, we propose to establish three small business definitions. We would define an entrepreneur as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, a small business as an entity with average annual gross revenues for the preceding three years not exceeding $15 million, and a very small business as an entity with average annual gross revenues for the preceding three years not exceeding $3 million. As provided in 47 CFR 1.2110(f)(2) of our rules, we propose to offer entrepreneurs a bidding credit of 15 percent, small businesses a bidding credit of 25 percent, and very small businesses a bidding credit of 35 percent. We seek comment on whether this approach is appropriate here, or whether there is anything about the characteristics and capital requirements of cellular service that would require a different approach.

11. We also seek comment on whether the small business provisions we propose today are sufficient to promote participation by businesses owned by minorities and women, as well as rural telephone companies. To the extent that commenters propose additional provisions to ensure participation by minority-owned or women-owned businesses, they should address how such provisions should be crafted to meet the relevant standards of judicial review. *See Adarand Constructors* v. *Peña,* 515 U.S. 200 (1995) (requiring a strict scrutiny standard of review for Congressionally mandated race-conscious measures); *United States* v. *Virginia,* 518 U.S. 515 (1996) (applying an intermediate standard of review to a state program based on gender classification).

IV. Procedural Matters

A. Ex Parte Rules

12. Pursuant to 47 CFR 1.1206 of the Commission's *ex parte* rules, this rulemaking proceeding proposing rules for awarding licenses for cellular RSAs for which the tentative selectee has been disqualified is a permit-but-disclose proceeding. Provided they are disclosed in accordance with the Commission's rules, *ex parte* presentations are permitted, except during the Sunshine Agenda period.

B. Filing Procedures

13. Pursuant to 47 CFR 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on this *NPRM* on or before March 19, 2001, and reply comments on or before April 3, 2001. Comments and reply comments should be filed in WT Docket No. 01–32. All relevant and timely filings will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of each comment or reply comment. Commenters who wish each Commissioner to receive personal copies of their submissions must file an original and nine copies of each comment and reply comment. Comments and reply comments must be directed to the Office of the Secretary, Federal Communications Commission, 445 12th St., SW., Room TW–A325, Washington, DC 20554. Copies of all comments also should be provided to (1) the Commission's copy contractor, and (2) Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

14. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: ''get form <your e-mail address>. A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal Form (FORM–ET) at <http://www.fcc.gov/e-file/email.html>.

15. Comments and reply comments will be available for public inspection during regular business hours at the

FCC Reference Information Center, Room CY–A257, at the Federal Communications Commission, 445 12th St., SW., Washington, DC 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Service, Inc. (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20037, (202) 857–3800.

V. Initial Regulatory Flexibility Analysis

16. As required by Section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this NPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as the comments on the rest of the NPRM, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 603(a). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**. *See id.*

A. Need for and Objectives of the Proposed Rules

17. We originally initiated this rulemaking proceeding in response to a petition filed by Cellular Communications of Puerto Rico, Inc. (CCPR) on September 9, 1996, which requested that the Commission award certain RSA licenses through competitive bidding, rather than random selection. Cellular Communications of Puerto Rico, Inc. Petition for Declaratory Ruling, Or, in the Alternative, for Rulemaking, RM–8897 (filed Sept. 9, 1996). However, we dismissed CCPR's petition as moot in response to the enactment of the Balanced Budget Act of 1997, which requires the Commission to resolve mutually exclusive applications for initial licenses through competitive bidding instead of random selection, with certain exceptions not applicable here. *See* Certain Cellular Rural Service Area Applications, *Order,* 14 FCC Rcd 4619 (1999); Certain Cellular Rural Service Area Applications in Market Nos. 599A and 672A, *Order,* DA 99–814 (rel. April 29, 1999). Our objective in this rulemaking proceeding is to determine, for cellular RSA markets for which a tentative selectee has been disqualified, whether to allow all eligible applicants to participate in the auction of licenses, which competitive bidding rules to use, and the type of market area to be used for licensing.

B. Legal Basis

18. The proposed action is authorized under the Communications Act of 1934 as amended, Sections 4(i), 303(r), 303(c) and 309(j), 47 U.S.C. 154(i), 303(c), 303(r) and 309(j), as amended.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

19. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The Regulatory Flexibility Act defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under section 3 of the Small Business Act. *Id.* at 601(3). A small business concern is one which (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. *Id.* at 632.

20. The Commission is required to estimate in its Final Regulatory Flexibility Analysis the number of small entities to which any new rules would apply, provide a description of such entities, and assess the impact of the rule on such entities. To assist in this analysis, commenters are requested to provide information regarding how many total entities, existing and potential, will be considered small businesses.

21. According to the most recent Telecommunications Industry Revenue data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Services (PCS), which are placed together in that data. Trends in Telephone Service, Table 19.3 (March 2000). The rules proposed in the NPRM would affect all small entities that seek to acquire any of the four cellular RSA licenses discussed therein. In the NPRM, we propose to define three tiers of small businesses for the purpose of providing bidding credits to small entities. We propose to define these three tiers of small businesses as follows: an ''entrepreneur'' would be an entity with average annual gross revenues not exceeding $40 million for the preceding three years; a ''small business'' would be an entity with average annual gross revenues not exceeding $15 million for the preceding three years; and a ''very small business'' would be an entity with average annual gross revenues not exceeding $3 million for the preceding three years. The Small Business Administration approved these proposed small business definitions on January 30, 2001. *See* Letter from Fred P. Hochberg, Acting Administrator, Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, dated Jan. 30, 2001. We will not know how many entities meeting these proposed definitions will apply for or win cellular RSA licenses until an auction is held. In view of our lack of knowledge about the entities that will seek to acquire the cellular RSA licenses in question, we assume that, for purposes of our evaluations and conclusions in this IRFA, all prospective licensees are entrepreneurs, small businesses, or very small businesses under our proposed definitions. We invite comment on this analysis.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

22. In making the transition to award the cellular RSA licenses at issue in this proceeding by competitive bidding, the NPRM proposes (1) to accept new license applications, and (2) to use our general Part 1 competitive bidding rules to conduct the auction. If adopted, these proposals would require all applicants to electronically submit FCC Form 175 in order to participate in the auction and, at the conclusion of the auction, all high bidders to electronically submit FCC Form 601 to apply for a license. The purposes of these forms are to ensure that applicants are eligible to participate in the auction and that high bidders are eligible to hold the cellular RSA licenses at issue. The Office of Management and Budget has already approved both of these forms. Under our Part 1 rules, any entity wishing to receive a bidding credit for serving qualifying lands must comply with 47 CFR 1.2110(f)(3).

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

23. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into

account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

24. To provide opportunities for small entities to participate in the auction of cellular RSA licenses discussed in the NPRM, we propose to provide bidding credits for entrepreneurs, small businesses, and very small businesses as defined in Section C of this IRFA. The bidding credits proposed are 15 percent for entrepreneurs, 25 percent for small businesses, and 35 percent for very small businesses. We believe these bidding credits will benefit a range of small entities. In the NPRM, we seek comment on these proposed small business definitions and bidding credits, thus providing interested parties with an opportunity to suggest alternatives.

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

25. None.

VI. Ordering Clauses

26. Authority for the issuance of this NPRM is contained in Sections 4(i), 303(r) and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 309(j).

27. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5830 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH46

Endangered and Threatened Wildlife and Plants; Proposal To Establish a Nonessential Experimental Population of Whooping Cranes in the Eastern United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to reintroduce whooping cranes (*Grus americana*) into historic habitat in the eastern United States with the intent to establish a migratory flock that would summer and breed in Wisconsin, and winter in west-central Florida. We propose that this reintroduced population be designated a nonessential experimental population (NEP) according to section 10(j) of the Endangered Species Act of 1973 (Act), as amended. We also announce the availability of the draft environmental assessment for this action. The area proposed for NEP designation includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. We are considering including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern United States NEP area.

The objectives of the reintroduction are: to advance recovery of the endangered whooping crane; to further assess the suitability of Wisconsin and west-central Florida as whooping crane habitat; and to evaluate the merit of releasing captive-reared whooping cranes, conditioned for wild release, as a technique for establishing a self-sustaining, migratory population. The only natural wild population of whooping cranes remains vulnerable to extirpation through a natural catastrophe or contaminant spill, due primarily to its limited wintering distribution along the Texas gulf coast. If successful, this action will result in the establishment of an additional self-sustaining population, and contribute towards the recovery of the species. No conflicts are envisioned between the whooping crane's reintroduction and any existing or anticipated Federal, State, Tribal, local government, or private actions such as agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting.

DATES: Comments on both the proposed rule and the draft environmental assessment must be received by April 23, 2001. We will hold public hearings at the following locations within the proposed NEP area on the dates indicated.

1. Stevens Point, Wisconsin on April 5, 2001 at the Laird Room in the University Center at the University of Wisconsin-Stevens Point, 1015 Reserve Street, Stevens Point, Wisconsin.

2. Indianapolis, Indiana on April 4, 2001 at the Holliday Park Nature Center, 6345 Spring Mill Road—2 blocks west of the Meridian and 64th Street intersection, Indianapolis, Indiana

3. Nashville, Tennessee on April 3, 2001 at the Union Station Hotel, 1001 Broadway, Nashville, Tennessee

4. Crystal River, Florida on April 2, 2001 at the Plantation Inn and Golf Resort, 9301 West Fort Island Trail, Crystal River, Florida

We will hold public informational open houses at the same locations prior to each public hearing. The informational open houses will be held from 6:00 p.m. to 7:00 p.m. The public hearings will be held from 7:00 p.m. to 9:00 p.m. See additional information on these public hearings in **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Send your comments on this proposed rule or on the draft environmental assessment to Janet M. Smith, Field Supervisor, U.S. Fish and Wildlife Service, 1015 Challenger Court, Green Bay, Wisconsin 54311. You may also send comments by facsimile equipment to 920–465–7410 or by email to the following address: whoopingcrane@fws.gov. We request that you identify whether you are commenting on the proposed rule or draft environmental assessment. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. You may obtain copies of the draft environmental assessment from the above address or by calling 920–465–7440, or from our World Wide Web site at *http://midwest.fws.gov/whoopingcrane.*

FOR FURTHER INFORMATION CONTACT: Janet M. Smith, Field Supervisor, Green Bay Field Office, (telephone 920–465–7440, facsimile 920–465–7410). Additional information is also available on our World Wide Web site at *http://midwest.fws.gov/whoopingcrane.*

SUPPLEMENTARY INFORMATION:

Background

1. Legislative

Congress made significant changes to the Endangered Species Act of 1973, as amended (Act), with the addition of section 10(j), which provides for the designation of specific reintroduced populations of listed species as ''experimental populations.'' Previously, we had authority to reintroduce populations into unoccupied portions of

a listed species' historical range when doing so would foster the conservation and recovery of the species. However, local citizens often opposed these reintroductions because they were concerned about the placement of restrictions and prohibitions on Federal and private activities. Under section 10(j), the Secretary of the Department of the Interior can designate reintroduced populations established outside the species' current range, but within its historical range, as ''experimental.''

Under the Act, species listed as endangered or threatened are afforded protection primarily through the prohibitions of section 9 and the requirements of section 7. Section 9 of the Act prohibits the take of a listed species. ''Take'' is defined by the Act as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Section 7 of the Act outlines the procedures for Federal interagency cooperation to conserve federally listed species and protect designated critical habitats. It mandates all Federal agencies to determine how to use their existing authorities to further the purposes of the Act to aid in recovering listed species. It also states that Federal agencies will, in consultation with the Service, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Section 7 of the Act does not affect activities undertaken on private lands unless they are authorized, funded, or carried out by a Federal agency.

Section 10(j) is designed to increase our flexibility in managing an experimental population by allowing us to treat the population as threatened, regardless of the species' designation elsewhere in its range. Threatened designation gives us more discretion in developing and implementing management programs and special regulations for a population, such as this rule, and allows us to develop any regulations we consider necessary to provide for the conservation of a threatened species. In situations where we have experimental populations, most of the section 9 prohibitions that apply to threatened species no longer apply, and the special rule contains the prohibitions and exceptions necessary and appropriate to conserve that species.

Based on the best available information, we must determine whether experimental populations are ''essential,'' or ''nonessential,'' to the continued existence of the species. An experimental population that is essential to the survival of the species is treated as a threatened species. An experimental population that is nonessential to the survival of the species is also treated as a threatened species. However, for section 7 interagency cooperation purposes, if the NEP is located outside of a National Wildlife Refuge or National Park, it is treated as a species proposed for listing. Regulations for NEPs may be developed to be more compatible with routine human activities in the reintroduction area.

For the purposes of section 7 of the Act, in situations where there is an NEP located within a National Wildlife Refuge or National Park (treated as threatened), section 7(a)(1) and the consultation requirements of section 7(a)(2) of the Act would apply. Section 7(a)(1) requires all Federal agencies to use their authorities to conserve listed species. Section 7(a)(2) requires that Federal agencies consult with the Service before authorizing, funding, or carrying out any activity that would likely jeopardize the continued existence of a listed species or adversely modify its critical habitats. When NEPs are located outside a National Wildlife Refuge or National Park, only two provisions of section 7 would apply: section 7(a)(1) and section 7(a)(4). Federal agencies are not required to consult with us under section 7(a)(2). Section 7(a)(4) requires Federal agencies to informally confer with the Service on actions that are likely to jeopardize the continued existence of a species proposed for listing. However, since we determined that the NEP is not essential to the continued existence of the species, it is very unlikely that we would ever determine jeopardy for a project impacting a species within an NEP.

Individuals used to establish an experimental population may come from a donor population, provided their removal is not likely to jeopardize the continued existence of the species, and appropriate permits are issued in accordance with our regulations (50 CFR 17.22) prior to their removal.

2. Biological

The whooping crane (*Grus americana*) was listed as an endangered species on March 11, 1967 (32 FR 4001). The whooping crane is classified in the family Gruidae, Order Gruiformes. It is the tallest bird in North America; males approach 1.5 meters (m) (5 feet (ft)) tall. In captivity, adult males average 7.3 kilograms (kg) (16 pounds (lb)) and females 6.4 kg (14 lbs). Adult plumage is snowy white except for black primary feathers, black or grayish alulae, sparse black bristly feathers on the carmine (red) crown and malar region (side of the head), and a dark gray-black wedge-shaped patch on the nape. The bill is dark olive-gray which becomes lighter during the breeding season. The iris of the eye is yellow; legs and feet are gray-black.

Adults are potentially long-lived. Current estimates suggest a maximum longevity in the wild of 22 to 24 years (Binkley and Miller 1980). Captive individuals are known to have survived 27 to 40 years (McNulty 1966, Moody 1931). Mating is characterized by monogamous lifelong pair bonds. Individuals re-mate following death of their mate. Fertile eggs are occasionally produced at age 3 years but more typically at age 4. Experienced pairs may not breed every year, especially when habitat conditions are poor. Whooping cranes ordinarily lay two eggs. They will renest if their first clutch is destroyed or lost before mid-incubation (Erickson and Derrickson 1981, Kuyt 1981). Although two eggs are laid, whooping crane pairs infrequently fledge two chicks. Only about one of every four hatched chicks survives to reach the wintering grounds (U.S. Fish and Wildlife Service 1986)

The whooping crane first appeared in fossil records from the early Pleistocene (Allen 1952) and probably was most abundant during that 2-million-year epoch. They once occurred from the Arctic Sea to the high plateau of central Mexico, and from Utah east to New Jersey, South Carolina, and Florida (Allen 1952, Nesbitt 1982). In the 19th century, the principal breeding range extended from central Illinois northwest through northern Iowa, western Minnesota, northeastern North Dakota, southern Manitoba, and Saskatchewan to the vicinity of Edmonton, Alberta. A nonmigratory breeding population existed in southwestern Louisiana until the early 1900s (Allen 1952, Gomez 1992).

Through the use of two independent techniques of population estimation, Banks (1978) derived estimates of 500 to 700 whooping cranes in 1870. By 1941, the migratory population contained only 16 individuals. The whooping crane population decline in the 19th and early 20th century was a consequence of hunting and specimen collection, human disturbance, and conversion of the primary nesting habitat to hay, pastureland, and grain production (Allen 1952, Erickson & Derrickson 1981).

Allen (1952) described several historical migration routes. One of the most important led from the principal

nesting grounds in Iowa, Illinois, Minnesota, North Dakota, and Manitoba to coastal Louisiana. Another went from Texas and the Rio Grande Delta region of Mexico northward to nesting grounds in North Dakota and the Canadian Provinces. A route through west Texas into Mexico probably followed the route still used by sandhill cranes (*Grus canadensis*). These whooping cranes would have wintered in the interior tablelands of western Texas and the high plateau of central Mexico.

Another migration route crossed the Appalachians to the Atlantic Coast. These birds apparently nested in the Hudson Bay area of Canada. Coastal areas of New Jersey, South Carolina, and river deltas farther south were the wintering grounds. The latest specimen records or sighting reports for some eastern locations are Alabama, 1899; Arkansas, 1889; Florida, 1927 or 1928; Georgia, 1885; Illinois, 1891; Indiana, 1881; Kentucky, 1886; Manitoba, 1948; Michigan, 1882; Minnesota, 1917; Mississippi, 1902; Missouri, 1884; New Jersey, 1857; Ohio, 1902; Ontario, 1895; South Carolina, 1850; and Wisconsin, 1878 (Allen 1952, Burleigh 1944, Hallman 1965, Sprunt and Chamberlain 1949).

Atlantic coast locations used by whooping cranes included the Cape May area and Beesley's Point at Great Egg Bay in New Jersey; the Waccamaw River in South Carolina; the deltas of the Savannah and Altamaha Rivers, and St. Simon's Island in Georgia; and the St. Augustine area of Florida. Gulf coast locations include Mobile Bay, Alabama; Bay St. Louis in Mississippi; and numerous records from southwestern Louisiana, where the last bird was captured in 1949. Coastal Louisiana contained both a nonmigratory flock and wintering migrants (Allen 1952, Gomez 1992).

There is evidence to suggest that whooping cranes occurred in Florida, perhaps well into the 20th century (Nesbitt 1982). Nesbitt described various sighting reports including one by O. E. Baynard, a respected field naturalist, who stated that the last flock of whooping cranes (14 birds) he saw in Florida was in 1911 near Micanopy, southern Alachua County. Two whooping cranes were reported east of the Kissimmee River on January 19, 1936, and a whooping crane was shot (and photographed) north of St. Augustine, St. Johns County, in 1927 or 1928 (Nesbitt 1982).

Records from more interior areas of the Southeast include the Montgomery, Alabama, area; Crocketts Bluff on the White River, and near Corning in Arkansas; in Missouri at sites in Jackson County near Kansas City, in Lawrence County near Corning, southwest of Springfield in Audrain County, and near St Louis; and in Kentucky near Louisville and Hickman. It is unknown whether these records represent wintering locations, remnants of a nonmigratory population, or wandering birds.

The historic breeding range of the whooping crane in the United States included Illinois, Iowa, North Dakota, and Minnesota, with the largest number of confirmed nesting records in Iowa (Allen 1952). There are at least five reliable reports from Wisconsin; although there are no confirmed records of nesting in Wisconsin, there is a nesting record from Dubuque County, Iowa (Allen 1952), which is adjacent to Grant County, Wisconsin.

Whooping cranes currently exist in three wild populations and at six captive locations. The only self-sustaining natural wild population nests in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of Wood Buffalo National Park. These birds winter along the central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge and adjacent areas. Fifty pairs from this population nested in 2000, and 187 adult whooping cranes were reported in spring 2000. The flock recovered from a population low of 15 or 16 birds in 1941. This population is hereafter referred to as the Aransas/Wood Buffalo National Park population (AWP).

The second largest wild population is found in the Kissimmee Prairie area of central Florida. We designated this population as an experimental nonessential population in January 1993 (58 FR 5647–5658). Since 1993, 233 isolation-reared whooping cranes have been released in this area, in an ongoing reintroduction effort to establish a nonmigratory flock. As of October 2000, there are 75 surviving individuals in the project area. Birds in this population have reached breeding age within the past several years. During the 2000 nesting season, a total of 15 pairs defended territories, 3 pairs laid eggs, and 2 of these pairs failed prior to hatching. The remaining pair hatched both eggs, but no chicks survived to fledging.

The third wild flock consists of two remaining individuals from an effort to establish a migratory population in the Rocky Mountains through cross-fostering with greater sandhill cranes (*Grus canadensis tabida*) (Drewien and Bizeau 1977, Bizeau *et al.* 1987), and an experiment in 1997 when four whooping cranes were led behind an ultralight aircraft between Idaho and New Mexico (Clegg *et al.* 1997). The cross-fostering project began in 1975 and has failed to produce any chicks or mated pairs (Ellis *et al.* 1992a). The term, ''cross-fostering'' refers to the foster rearing of the whooping crane chicks by another species, the sandhill crane. The cross-fostered whooping cranes have never bred with other whooping cranes. The females in that group may be improperly sexually imprinted on male sandhill cranes. As a consequence of the lack of breeding, and the inordinately high mortality experienced by this population, the project was phased out.

The whooping crane captive breeding program, initiated in 1967, has been very successful. The Service and the Canadian Wildlife Service (CWS) began taking eggs from the nests of the wild population in 1967, and raising the resulting young in captivity. Between 1967 and 1993, 181 eggs were taken from the wild to captive sites. Birds raised from those eggs form the nucleus of the captive flock (USFWS 1994). The captive population is now located at three primary locations: Patuxent Wildlife Research Center in Laurel, Maryland; the International Crane Foundation (ICF) in Baraboo, Wisconsin; and the Calgary Zoo in Alberta, Canada. An additional captive population was started in 1998 at the Audubon Species Survival Center in New Orleans, Louisiana.

The total captive population as of September 2000 stood at 146 birds, with 135 birds present in the 3 primary captive breeding centers, and an additional 11 birds present at 3 other locations. Six whooping cranes are located at the San Antonio Zoological Gardens, Texas; four at the Audubon Institute, New Orleans, Louisiana; and one at the Lowery Park Zoo in Tampa, Florida.

Whooping cranes adhere to ancestral breeding areas, migratory routes, and wintering grounds, leaving little possibility of pioneering into new regions. The only wild, self-sustaining breeding population can be expected to continue utilizing its current nesting location with little likelihood of expansion, except on a local geographic scale. This population remains vulnerable to destruction through a natural catastrophe (hurricane), a red tide outbreak, or a contaminant spill, due primarily to its limited wintering distribution along the intracoastal waterway of the Texas coast. The Gulf Intracoastal Water Way (GIWW) experiences some of the heaviest barge traffic of any waterway in the world. Much of the shipping tonnage is

petrochemical products. An accidental spill could destroy whooping cranes and/or their food resources. With the only wild breeding population so vulnerable, it is urgent that additional wild self-sustaining populations be established as soon as practical.

3. Recovery Efforts

The first recovery plan developed by the Whooping Crane Recovery Team (Team) was approved January 23, 1980. The first revision was approved on December 23, 1986, and the second revision on February 11, 1994. The short-term goal is to downlist the whooping crane from endangered to threatened. The criteria for attaining this downlisting goal is achieving a population level of 40 nesting pairs in the AWP and establishing 2 additional, separate, and self-sustaining populations consisting of 25 nesting pairs each. The recovery plan recommends these goals should be attained for 10 consecutive years before the species is reclassified to threatened. These new populations may be migratory or nonmigratory.

In 1985, the Director-General of the Canadian Wildlife Service and the Director of the U.S. Fish and Wildlife Service signed a memorandum of understanding (MOU) entitled ''Conservation of the Whooping Crane Related to Coordinated Management Activities.'' The MOU was revised and signed again in 1990 and 1995. It discusses disposition of birds and eggs, postmortem analysis, population restoration and objectives, new population sites, international management, recovery plans, consultation and coordination. All captive whooping cranes and their future progeny are jointly owned by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service. Consequently, both nations are involved in recovery decisions.

4. Reintroduction Sites

In early 1984, pursuant to the recovery plan goals and the recommendation of the Team, potential whooping crane release areas were selected in the eastern United States. At that time the prognosis was favorable for successfully establishing a western population by use of the cross-fostering technique. Consequently, key considerations in selecting areas to evaluate for the eastern release were (1) large areas of potentially suitable wetland habitat; (2) a healthy sandhill crane population sufficient to support recovery using the cross-fostering technique; (3) public and State agency support for such a recovery effort in the release locale; (4) low-to-moderate levels of avian disease pathogens, environmental contaminants, and powerlines; (5) the potential of the habitats to simultaneously support whooping cranes and sandhill cranes; and (6) a reasonable certainty that the new population would not have contact with the AWP.

The areas identified were the Upper Peninsula of Michigan and adjacent areas of Ontario, the Okefenokee Swamp in southern Georgia, and three sites in Florida. The Michigan site was projected to eventually support a migratory population. The Georgia and three Florida sites would each support a nonmigratory population. The Michigan/Ontario wetlands are occupied by greater sandhill cranes that winter in Florida and the Okefenokee Swamp of Georgia. The wetlands in Georgia and Florida are occupied by the nonmigratory Florida sandhill crane (*Grus canadensis pratensis*) and in winter by greater sandhill cranes, which nest primarily in southern Ontario, Michigan, eastern Minnesota, and Wisconsin. Three-year studies were initiated at each site in October 1984 to evaluate their respective suitabilities.

Results of the studies were presented in written final reports to the Whooping Crane Recovery Team in fall 1987 (Bennett and Bennett 1987, Bishop 1988, McMillen 1987, Nesbitt 1988) and in verbal reports in February 1988. By 1988, the Team recognized that cross-fostering was not working to establish a migratory population in the West. The possibility of inappropriate sexual imprinting associated with cross-fostering, and the lack of a proven technique for establishing a migratory flock influenced the Team to favor establishing a nonmigratory flock. A nonmigratory population has features that make it easier to achieve success: (1) released birds do not face the hazards of migration (over one half of the losses of fledged, cross-fostered birds occurred during migration); and (2) released birds inhabit a more geographically limited area year-round than do migratory cranes, which increases the opportunity for the cranes to find a compatible mate.

Studies of whooping cranes (Drewien and Bizeau 1977) and greater sandhill cranes (Nesbitt 1988) have shown that, for these species, knowing when and where to migrate is learned rather than innate behavior. Captive-reared whooping cranes released in Florida were expected to develop a sedentary population.

In summer 1988, the Team selected Kissimmee Prairie in central Florida as the area most suitable for the next experiment to establish a self-sustaining population. Since 1993, captive-reared birds have been released annually in an attempt to establish a resident, nonmigratory flock. We expect releases to continue for the foreseeable future.

In 1996, the Team decided to investigate the potential for another reintroduction site in the eastern United States, with the intent of establishing an additional migratory population. Following a study of potential wintering sites by Dr. John Cannon (Cannon 1998), the Team selected the Chassahowitzka NWR /St. Martin's Marsh Aquatic Preserve as the top wintering site for a new migratory flock of whooping cranes. Based on concerns that a reintroduced population in Saskatchewan or Manitoba might mix with the wild AWP, the Team requested that Dr. Cannon see if suitable summering sites were present in Wisconsin, an area well east of the AWP migration corridor. The location of the proposed release area was chosen to fulfill the criteria set forth by the Whooping Crane Recovery Team, that is, to establish a new migratory flock in a location where there would be a minimal chance of contact with the existing natural wild flock. This criterion was established out of concern for adverse impacts to the wild flock due to exchange of disease or undesirable behavior between any newly established migratory flock and the existing wild flock.

After preliminary data were gathered, a decision was made in 1998 to focus on three potential release sites in Wisconsin: Crex Meadows State Wildlife Management Area (WMA), central Wisconsin including Necedah NWR and several Wisconsin WMAs, and Horicon NWR.

Detailed analysis was presented at the Team's meeting in September 1999 (Cannon 1999), and the Team then recommended that releases be started in central Wisconsin. This recommendation was based on the presence of suitable habitat and food resources, favorable local attitudes, and geographic separation from the AWP population. The recommendation also was contingent upon the results of studies to further clarify the level of risk to cranes at this location from two separate sources. These were risks from local contaminants in the form of agricultural chemicals, and the disturbance caused by aircraft overflights associated with operations at the nearby Hardwood Air-to-Surface Bombing Range. The two issues were investigated to the satisfaction of the Team with results indicating a minimal likelihood of occurrence for both

concerns, although the Patuxent Wildlife Research Center may conduct noise impact studies on whooping crane chicks. The proposed wintering site is the Chassahowitzka NWR in Florida.

The objectives of the reintroduction are: (1) To implement a primary recovery action for a federally listed endangered species; (2) to further assess the suitability of Wisconsin and the Gulf coast of Florida as whooping crane habitat; and (3) to evaluate the suitability of releasing captive-reared whooping cranes, conditioned for wild release, as a technique for establishing a self-sustaining, migratory population. Information on survival of released birds, movements, behavior, causes of losses, reproductive success, and other data will be gathered throughout the project. Project progress will be evaluated annually.

The likelihood of the releases resulting in a self-sustaining population is believed to be good. Whooping cranes historically occurred in the Upper Midwest, and the release area is similar to that which supported nesting whooping cranes in adjacent Illinois and Iowa. The minimum goal for numbers of cranes to be released annually is based on the research of Griffith *et al.* (1989). As captive production increases, annual release numbers will be increased, dependent upon availability. For a long-lived species like the whooping crane, continuing releases for a number of years increases the likelihood of reaching a population level that can sustain fluctuating environmental conditions. The rearing and release techniques have proven successful in building the wild population of the endangered Mississippi sandhill cranes.

It is expected that whooping cranes released in Wisconsin and wintering in Florida will eventually interact with the existing flock present in the Kissimmee Prairie area. Whooping cranes led to Chassahowitzka NWR behind the ultralight may choose not to stay in the coastal saltmarsh when released, or may return to the Kissimmee Prairie the following winter and interact with the nonmigratory flock. The nonmigratory population is prone to wander considerable distances, and has been observed outside of the area where introduction efforts are under way (Marty Folk, pers. comm.). Some interaction during winter between migratory and nonmigratory cranes is expected to occur. This raises the possibility that individual birds of each of the two flocks may acquire either migratory or nonmigratory behavior through association, especially if pairs form between members of the different populations. However, research with sandhill cranes in Florida has shown that migratory and nonmigratory populations mix during winter and yet maintain their own migratory and nonmigratory behaviors. The same would be expected with whooping cranes. In light of this knowledge, we expect that any shift in individual migratory behavior would be limited. Therefore, we expect that, even though individuals of the two populations may associate, the two flocks will remain distinct and each will represent a separate population as specified in the Whooping Crane Recovery Plan (USFWS 1994). As such, while the levels of protection will be the same, the two populations may be managed differently.

We may select additional release sites later during the project life to increase potential breeding range. Multiple release areas may increase the opportunity for successful pairing because females tend to disperse from their natal site when searching for a mate. Males, however, have a stronger homing tendency towards establishing their nesting territory near the natal area (Drewien *et al.* 1989). When captive-reared birds are released at a wild location, the birds may view the release site as a natal area. If they do, females would disperse away from the release area in their search for a mate. In such a circumstance it may be advantageous to have several release sites to provide a broader distribution of territorial males. It is impossible, however, to predict which areas will be chosen by the birds. To allow for adapting release techniques that will maximize the chances for success, some flexibility will likely be necessary in the future. Therefore, it is possible that we will pursue future releases at other sites, which we may select based upon dispersal patterns observed in the birds from initial releases. Several areas previously examined for suitability that may be candidates for future releases (Cannon 1999) include Horicon NWR and Crex Meadows State WMA in Wisconsin, and Seney NWR in the Upper Peninsula of Michigan.

The proposed rule is being coordinated with potentially affected State and Federal agencies, private landowners, and the general public. The Wisconsin Department of Natural Resources manages several wildlife management areas in the primary release area, will be actively involved as a cooperator in releases, and has actively endorsed the project. The Canadian Wildlife Service, a partner with the U.S. Fish and Wildlife Service as noted in the Memorandum of Understanding, has approved the proposed project. We have informed the Florida Department of Environmental Protection, the Department of Defense (Hardwood Air-to-Surface Bombing Range), and other entities about the proposed release, and these parties are aware of the possibility that whooping cranes may be introduced on or move to their project areas.

5. Reintroduction Protocol

We propose an initial release of 10 to 25 juvenile, captive-reared whooping cranes in the central Wisconsin area. These birds will be captive-reared to 20–40 days of age at Patuxent Wildlife Research Center in Laurel, Maryland, the International Crane Foundation in Baraboo, Wisconsin, and at other captive-rearing facilities. They will then be transferred to facilities at the Wisconsin release site, and conditioned for wild release to increase post-release survival (Ellis *et al.* 1992b, Zwank and Wilson 1987) and adaptability to wild foods. The cranes will be radio-tagged at release and monitored to discern movements, habitat use, other behavior, and survival. Whooping cranes would be released in the fall. The primary technique associated with migration will be leading the cranes by ultralight aircraft to the proposed wintering site in Florida. If results of this initial proposed release are favorable, releases will be continued with the goal of releasing up to 30 whooping cranes annually for about 10 years. Total numbers available for release will be dependent upon production at captive propagation facilities and the future need for additional releases into the Kissimmee flock.

Since the migration route is a learned rather than an innate behavior, captive-reared whooping cranes released in Wisconsin, or other northern areas of suitable habitat, will need to be taught where to migrate in order to develop the habit of migrating to a suitable wintering area. Captive-reared cranes are conditioned for wild release by being reared in isolation from humans; by use of conspecific role models (puppets), and by exercising with animal care personnel in crane costumes to avoid imprinting on humans (Ellis *et al.* 1992a, Horwich 1989, Urbanek and Bookhout 1992). This technique has been successful in supplementing the population of endangered nonmigratory Mississippi sandhill cranes (*Grus canadensis pulla*) (Zwank and Wilson 1987, Ellis *et al.* 1992b). Aircraft motor sounds are played to young crane chicks to get them acclimatized to engine noise. The ''following'' instinct of crane chicks is

utilized to get them conditioned to walk behind motorized vehicles and/or aircraft. Once acclimatized, the cranes will follow the taxiing ultralight aircraft and soon learn to fly behind the ultralight. Using this technique (Clegg *et al.* 1997, Lishman *et al.* 1997), sandhill cranes were led in migration between Ontario and Virginia in 1997; four whooping cranes and eight sandhill cranes were taught a migration between Idaho and New Mexico in 1997. Cranes led south in the fall have returned north on their own the following spring.

Several different strategies for accomplishing migration to the Florida wintering site may be utilized: (1) Leading the birds using an ultralight aircraft which the birds have been conditioned to follow; (2) allowing the released birds to migrate guided by wild sandhill cranes (Urbanek & Bookhout 1994), or after the first year, guided by whooping cranes; (3) some combination of these two techniques. The rationale is to use the technique that is thought to have the highest probability of success, but to retain the option of using another potentially promising technique if conditions warrant. As the project proceeds, the intent is to use techniques that seem reasonable in light of present understanding of whooping crane biology. However, for the first fall migration season, the primary technique is expected to be use of the ultralight aircraft to lead the cranes to the chosen wintering site in Florida; birds not trainable to follow aircraft may be released with wild sandhills and then relocated to the appropriate wintering area.

Status of Reintroduced Population

We proposed to designate all whooping cranes in the eastern U.S. NEP area (see Nonessential Experimental Population Area, below) as an NEP according to the provisions of section 10(j) of the Act. This designation can be justified because no adverse effects to extant wild or captive whooping crane populations will result from release of progeny from the captive flock. We also have a reasonable expectation that the experiment will result in the successful establishment of a self-sustaining, migratory flock, which will contribute to the recovery of the species. The special rule contained within this proposal is expected to ensure that this reintroduction is compatible with current or planned human activities in the release area.

We have concluded that this experimental population is nonessential to the continued existence of the whooping crane for the following reasons:

(a) For the time being, the AWP and the captive populations will be the primary species populations. With approximately 146 birds in captivity at 6 discrete sites, and approximately 187 birds in the AWP, the experimental population is not essential to the continued existence of the species. The species has been protected against the threat of extinction from a single catastrophic event by gradual recovery of the AWP and by increase and management of the cranes at the captive sites. Loss of the experimental population will not jeopardize the species' survival.

(b) For the time being, the primary repository of genetic diversity for the species will be the approximately 333 wild and captive whooping cranes mentioned in (a) above. The birds selected for reintroduction purposes will be as genetically redundant as possible with the captive population, hence any loss of reintroduced animals in this experiment will not significantly impact the goal of preserving maximum genetic diversity in the species.

(c) Any birds lost during the reintroduction attempt can be replaced through captive breeding. Production from the extant captive flock is already large enough to support the wild release with over 30 juveniles available annually. We expect this number to increase to over 40 as young pairs already in captivity reach breeding age. This illustrates the potential of the captive flock to replace individual birds proposed for release in reintroduction efforts. Levels of production are expected to be sufficient to support both this proposal, and continued releases into the Kissimmee flock.

The hazards and uncertainties of the reintroduction experiment are substantial, but a decision not to attempt to utilize the existing captive breeding potential to establish a second, wild, self-sustaining population could be equally hazardous to survival of the species in the wild. The AWP could be annihilated by catastrophic events such as a Gulf coast hurricane or a contaminant spill on the wintering grounds that would necessitate management efforts to establish an additional wild population. We believe 3 self-sustaining wild populations—consisting of 40 nesting pairs in the AWP and 2 additional, separate and self-sustaining, populations consisting of 25 nesting pairs each—should be in existence before the whooping crane can be downlisted to threatened status. Dependent upon future events, the nonmigratory Florida population would potentially be the second such population. An eastern U.S. migratory flock could be the third population. If this reintroduction effort is successful, conservation of the species will have been furthered considerably by establishing another self-sustaining population in currently unoccupied habitat. It would also confirm that captive-reared cranes can be used to establish a migratory, wild population.

Location of Reintroduced Population

Section 10(j) of the Act requires that an experimental population be geographically separate from other populations of the same species. The proposed NEP area will involve a large part of the eastern United States, with the expectation that most whooping cranes would be concentrated within the States of Wisconsin and Florida, as well as adjacent States, and those States within the migration corridor. States within the NEP area include Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. All of these States are considered to be within the probable historic range of the species. Any whooping crane found within this area will be considered part of the experimental population. Initial releases are planned for central Wisconsin, with plans for a wintering location on the Florida Gulf coast. It is impossible to predict where individual whooping cranes may disperse following release within the project area. One pair of whooping cranes from the Kissimmee Florida flock is known to have traveled as far away as Illinois and Michigan during the summer of 2000. Designation of this NEP allows for the possible occurrence of cranes in a large area of the eastern United States.

The whooping cranes also occurred in, or migrated through, the remaining northeastern States not proposed for inclusion in the NEP area. However, this occurrence is not as well documented as it is for other eastern States. Given the propensity for the species to wander and the potential future dispersal of the proposed whooping crane population in the eastern United States, we are considering including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern United States NEP area.

a. Potential Release Areas

The proposed potential release areas in Wisconsin include Necedah NWR, Horicon NWR, and Crex Meadows State

Wildlife Management Area. Initial releases are proposed for the Necedah NWR in Juneau County, Wisconsin. The location of future releases will depend upon habitat use and dispersal patterns of released cranes.

A majority of the movements of the released cranes are expected to occur within the central Wisconsin area, which comprises approximately 2,000 square kilometers characterized by a mosaic of forest and open wetlands. Numerous small streams cut across the landscape, many of which have been ditched for purposes of agricultural drainage. Much of the landscape is forested, consisting of mixed forests interspersed with open expanses of sedge and shrub wetlands, small streams and ponds.

On surrounding private lands, a significant amount of historic wetland habitat has been converted to cranberry culture. Land ownership includes a number of larger private holdings devoted to cranberry production and six large public ownerships totaling 83,222 hectares (ha) (205,651 acres). County-owned lands within the four-county area surrounding Necedah NWR include significant acreage, primarily devoted to forestry, totaling 65,810 ha (162,624 ac).

The principal private land uses are forestry, cranberry culture and other agriculture, and recreational hunting. Upland forests are managed for sawtimber and firewood production, on either a clear-cut rotational basis or selective harvest, dependent upon forest type and management objectives. Wetland habitat utilized for cranberry culture is managed mainly through the manipulation of water regime, in the form of seasonal flooding. The public lands are managed for wildlife values, recreation, water conservation, and to maintain natural habitat conditions. Compared to other areas in Wisconsin, the central Wisconsin area has experienced limited human population growth over the past 30 years due to its distance from major population centers and low suitability for agriculture. The presence of large public land holdings is at least in part a result of unsuccessful agricultural development. Cannon (1999) has estimated that approximately 37,000 ha (92,000 ac) of suitable whooping crane habitat exists in the central Wisconsin area.

b. Primary Wintering Area

The proposed primary wintering site is on the Chassahowitzka NWR, of which 55 percent (6,908 ha or 17,070 ac) is suitable crane habitat. The refuge comprises over 12,500 ha (31,000 ac) of saltwater bays, estuaries, and brackish marshes with a fringe of hardwood swamps along the eastern boundary. Dispersed throughout the salt marsh in a jigsaw puzzle fashion is 4,048 ha (10,000 ac) of estuarine habitat in the form of shallow bays and tidal streams; the largest of the streams being the Chassahowitzka and Homosassa Rivers. Because of three transitional salinity stages (ranging from fresh spring water, to brackish, and then to the saline waters of the Gulf of Mexico), a wide range of aquatic plant and animal life flourishes within all parts of the system. A wintering site study (Cannon 1998) rated Chassahowitzka NWR as an excellent site for wintering whooping cranes based on available habitat, adjacent expansion possibilities, adequate isolation, and abundant food resources.

Adjacent to the Chassahowitzka NWR, are two State of Florida-owned properties that support suitable crane habitat the wintering cranes may occasionally use. These areas are the 36,000-acre (14,568 ha) St. Martin's Marsh Aquatic Preserve and the 9,308 ha (23,000 ac) Crystal River State Buffer Preserve. Both sites contain habitats similar to those in Chassahowitzka NWR.

Management

a. Monitoring

Whooping cranes will be intensively monitored by project personnel prior to and after release. The birds will be observed daily while they are in the conditioning pen. Facilities for captive maintenance of the birds will be modeled after facilities at the U.S. Geological Survey's Patuxent Wildlife Research Center (PWRC) and the International Crane Foundation. They will conform to standards set forth in the Animal Welfare Act and Florida Wildlife Code (Title 39.6 F.A.C). To further ensure the well-being of birds in captivity and their suitability for release to the wild, facilities will incorporate features of their natural environment (e.g., feeding, loafing, and roosting habitat) to the extent possible. The conditioning pens will be similar to those being used successfully to release Mississippi sandhill cranes. Pre-release conditioning will occur at facilities near the release site.

To ensure contact with the released birds, each crane will be equipped with legband-mounted radio telemetry transmitters. Subsequent to gentle-release, the birds will be monitored regularly to assess movements and dispersal from the area of the release pen. Whooping cranes will be checked regularly for mortality or indications of disease (listlessness, social exclusion, flightlessness, or obvious weakness). Social behavior (e.g., pair formation, dominance, cohort loyalty) will also be evaluated.

A voucher blood serum sample will be taken for each crane prior to its arrival in Wisconsin. A second sample will be taken just prior to release. Any time a bird is handled after release, a blood sample may be taken to monitor disease exposure and physiological condition. One year after release, when possible, all surviving whooping cranes may be captured and an evaluation made of their exposure to disease/parasites through blood, fecal, and other sampling regimens. Monitoring will continue, opportunistically, for multiple years whenever cranes are recaptured to replace radio transmitters. If preliminary results are favorable, the releases will be continued annually, with the goal of releasing up to 30 birds per year for about 10 years and then evaluating the success of the recovery effort.

b. Disease/Parasite Considerations

Both sandhill and whooping cranes are known to be vulnerable, in part or all of their natural range, to avian herpes (inclusion body disease), avian cholera, acute and chronic mycotoxicosis, eastern equine encephalitis (EEE), and avian tuberculosis. Additionally, *Eimeria* spp., *Haemogroteus* spp., *Leucocytozoon* spp., avian pox, lead poisoning, and *Hexamita* sp. have been identified as debilitating or lethal factors in wild or pre-release, captive populations.

A group of crane veterinarians and disease specialists have developed protocols for pre-release and pre-transfer health screening for birds selected for release to prevent introduction of diseases and parasites into the eastern flyway. Exposure to disease and parasites will be evaluated through blood, serum, and fecal analysis of any individual crane handled post-release or at the regular monitoring interval. Remedial action will be taken to return to good health any sick individuals taken into captivity. Sick birds will be held in special facilities and their health and treatment monitored by veterinarians. Special attention will be given to EEE because an outbreak at the PWRC in 1984 killed 7 of 39 whooping cranes present there. After the outbreak a vaccine was developed for use on captive cranes. In 1989, EEE was documented in sentinel bobwhite quail and sandhill cranes at the PWRC. No whooping cranes became ill, and it appears the vaccine may provide protection. EEE is present in Wisconsin, so the released birds may be

vaccinated. Other strains of encephalitis (St. Louis, Everglades) also occur in Wisconsin. The vaccine for EEE may also provide protection against these arboviruses.

When appropriate, other avian species may be used to assess the prevalence of certain disease factors. This could mean using sentinel turkeys for ascertaining exposure probability to encephalitis or evaluating a species with similar food habits for susceptibility to chronic mycotoxicosis.

c. Genetic Considerations

The ultimate genetic goal of the reintroduction program is to establish wild reintroduced populations that possess the maximum level of genetic diversity available from the captive population. Early reintroductions will likely consist of a biased sample of the genetic diversity of the captive gene pool, with certain genetic lineages over-represented. This bias will be corrected at a later date by selecting and re-establishing breeding whooping cranes that, theoretically, compensate for any genetic biases in earlier releases.

d. Mortality

Although efforts will be made to minimize mortality, some will inevitably occur as captive-reared birds adapt to the wild. Collision with power lines and fences are known hazards to wild whooping cranes. No major power lines cross the proposed release or wintering sites. Tall woven-wire and barbed-wire fencing is commonly used in the central Wisconsin area and presents some collision hazard. If whooping cranes begin regular use of areas traversed by power lines or fences, the Service and Wisconsin DNR will consider placing markers on the obstacles to reduce the probability of collisions.

Wolves are known predators of adult sandhill cranes and would be potential predators of adult whooping cranes, as would coyotes and bald eagles. Red fox, bobcats, owls, and raccoons are potential predators of young cranes. Natural mortality from predators, fluctuating food availability, disease, and wild feeding inexperience will be reduced through predator management, vaccination, gentle release, supplemental feeding for a post-release period, and pre-release conditioning. This conditioning will include teaching the habit of roosting in standing water. Predation by bobcats has been a significant source of mortality in the Kissimmee flock, and teaching this roosting behavior to young birds should help to reduce losses to wolves, coyotes, and bobcats. Human-caused mortality will be reduced by information and education efforts directed at landowners and land users, and review and management of human activities in the area.

Recently released whooping cranes will need protection from natural sources of mortality (predators, disease, and inadequate foods) and from human-caused sources of mortality. Natural mortality will be reduced through pre-release conditioning, gentle release, vaccination, and predator control. We will minimize human-caused mortality through a number of measures such as: (a) Placing whooping cranes in an area with low human population density and relatively low development; (b) working with and educating landowners, land managers, developers, and recreationists to develop means for conducting their existing and planned activities in a manner that is compatible with whooping crane recovery; and (c) conferring with developers on proposed actions and providing recommendations that will reduce any likely adverse impacts to the cranes.

e. Special Handling

The Service, State employees, and their agents will be authorized to relocate whooping cranes to avoid conflict with human activities; relocate whooping cranes that have moved outside the appropriate release area or the NEP area when removal is necessary or requested; relocate whooping cranes within the NEP area to improve survival and recovery prospects; and aid animals that are sick, injured or otherwise in need of special care. If a whooping crane is determined to be unfit to remain in the wild, it will be returned to captivity. The Service, State employees, and their agents will be authorized to salvage dead whooping cranes.

f. Potential Conflicts

Conflicts have resulted in the central and western United States from the hunting of migratory birds in areas utilized by whooping cranes, particularly the hunting of sandhill cranes and snow geese (*Chen cerulescens*), which to novice hunters may appear similar to whooping cranes.

In recent years, only two to three crane mortalities have been documented incidental to hunting activities. Sandhill cranes are not hunted in Wisconsin although a future hunting season is being considered, and snow geese are an uncommon migrant and have not been present in large numbers. Sandhill cranes and snow geese are not hunted in the area of the proposed wintering site in Florida. Accidental shooting of a whooping crane in this experimental population occurring in the course of otherwise lawful hunting activity is exempt from take restrictions under the Act in this proposed special regulation. Applicable Federal penalties under the Migratory Bird Treaty Act and/or State penalties, however, may still apply. There will be no federally mandated hunting area or season closures or season modifications for the purpose of protecting whooping cranes (see Protection, below). We will minimize mortality due to accidental shootings by providing educational opportunities and information to hunters to assist them in distinguishing whooping cranes from other legal game species.

The bulk of traditional hunting in the primary release area has been for deer (*Odocoileus virginianus*), turkey (*Meleagris gallopavo*), and small game. Conflict with traditional hunting in the release area is not anticipated. Access to some limited areas at release or wintering sites and at ultralight migration stopover points could be temporarily restricted at times when whooping cranes might be particularly vulnerable to human disturbance (i.e., around rearing and training facilities in the spring/summer and conditioning and holding pens in the fall/winter). Any temporary restricted access to areas for these purposes will be of the minimum size and duration necessary for protection of the proposed NEP cranes, and will be closely coordinated with and at the discretion of the respective States. Any such access restrictions will not require Federal closure of hunting areas or seasons.

States within the NEP area maintain their management prerogatives regarding the whooping crane. They are not directed by this rule to take any specific actions to provide any special protective measures, nor are they prevented from imposing restrictions under State law, such as protective designations, and area closures. None of the States within the NEP area have indicated that they would propose hunting restrictions or closures related to game species because of the proposed whooping crane reintroduction.

Overall, the presence of whooping cranes is not expected to result in placement of constraints on hunting of wildlife or to affect economic gain landowners might receive from hunting leases. The potential exists for future hunting seasons to be established for other migratory birds that are not currently hunted in some of the States within the NEP area. The proposed action will not prevent the establishment of future hunting seasons approved for other migratory bird

species by the Mississippi or Atlantic Flyway Councils.

The principal activities on private property adjacent to the release area are agriculture and recreation. Use of these private properties by whooping cranes will not preclude such uses. The proposed special regulation accompanying this proposed rule authorizes incidental take of the whooping crane in the proposed NEP area when the take is accidental and incidental to an otherwise lawful activity.

An additional issue identified as a possible conflict is the potential for crop depredation. There is evidence that some sandhill cranes have caused locally significant losses of emerging corn in some areas in Wisconsin. It is possible that whooping cranes could engage in this type of behavior as well. Whooping cranes are socially less gregarious than sandhill cranes, and tend to restrict the bulk of their foraging activities to wetland areas. Therefore, they are believed to be less likely to cause significant crop depredations. If such depredations occur, they can be eliminated through use of bird scaring devices and other techniques. Ongoing research on seed treatments as a deterrent to corn depredation is promising (Blackwell, Helon and Dolbeer, in press).

Other agricultural crops found in the release area include cranberries. Some concern has been expressed that whooping cranes may consume cranberries. Although potential habitat is present near cranberry operations, cranberries are not likely to be an attractive food item as compared to animal matter, during most of the time period that whooping cranes would be present in Wisconsin. Cranberry beds are flooded at harvest time, and when large numbers of berries are gathered they could be more vulnerable to depredation. However, this event occurs in late fall, after whooping cranes would have departed for their wintering grounds. In addition, the numerous sandhill cranes in Wisconsin have not caused cranberry crop depredation. Therefore, we do not expect that whooping cranes will pose a significant threat to crop depredation on cranberries.

Released whooping cranes might wander into other States or other locations in the eastern United States outside of the expected migration corridor, or even outside the NEP area. We believe the frequency of such movements is likely to be low. Any whooping cranes that leave this experimental population area will be considered as endangered. However, for any whooping cranes that move outside the eastern United States NEP area, including those that move into the migration corridor of the AWP, attempts will be made to capture and return them to the appropriate area if a reasonable possibility exists for contact with the AWP population or if removal is requested by the State which they enter.

Birds from the AWP flock have rarely been observed in any of the States within the NEP area except as a result of an extreme weather event; they are expected to be in the NEP area very infrequently and only temporarily. Any whooping cranes that occur within the NEP area will be considered to be part of the NEP and will be subject to the protective measures in place for the NEP. Because of the extremely limited number of incidents anticipated, the decreased level of protections afforded AWP cranes that cross into the NEP is not expected to have any significant adverse impacts to the AWP.

For at least the first year of project life, whooping cranes will be led to the Florida wintering site utilizing an ultralight aircraft and stopping at a series of previously chosen stopover locations en route. During subsequent migration periods, it will be difficult to predict which specific sites will be utilized by the birds, and some cranes may use stopover sites with which they have no previous experience. Whooping cranes that appear in undesirable locations while in migration will be considered for relocation by capture and/or hazing of the birds. Possible conflicts with recreation and agriculture interests within the migration corridor will be minimized through an extensive public education program.

Access to whooping cranes may be temporarily restricted in limited areas near rearing and acclimatization facilities and at ultralight migration stopover locations to minimize disturbance at times of greatest vulnerability and sensitivity. Any temporarily restricted access to areas for these purposes will be of the minimum size and duration necessary for protection of the proposed NEP cranes, will not require Federal closure of hunting areas or seasons, and will be closely coordinated with and at the discretion of the respective States.

Previous Federal Action

Public meetings were held in Florida in December of 1997 and in Wisconsin in May of 1999, to determine public interest and concerns regarding the potential reintroduction of a migratory flock of whooping cranes to the eastern United States. In 1999, the Service, the Wisconsin DNR, and International Crane Foundation representatives met to identify issues and concerns related to whooping crane reintroduction.

The Wisconsin and Florida informational meetings offered the general public an opportunity to review and offer informal comments on the proposed action. The public has appeared extremely supportive of the proposed action, provided it does not interfere with existing lifestyles and current and potential income. We will attempt to notify all known or determinable affected parties and other interested agencies, groups, and individuals of the opportunity to comment on this proposed rule. We will hold a series of public hearings during the public comment period as a further measure to encourage public input on the proposed action. We will incorporate information and comments into the final rule.

The Service has made presentations to numerous organizations and potentially affected interest groups, government representatives of States along the potential migration route, the Atlantic and Mississippi Flyway Councils and their Technical Sections, the Wisconsin Natural Resources Board, the Florida Fish and Wildlife Conservation Commission (FLFWCC), and other interested agencies to obtain input on the potential for reintroduction of a migratory whooping crane population in the eastern United States. We have conducted extensive coordination, both formal and informal, with all States within the proposed NEP area. All States have been asked to give their formal endorsement to the project prior to implementation.

An extensive sharing of information about the program and the species, via educational efforts targeted toward the public throughout the NEP area and nationally, will enhance public awareness of this species and its reintroduction. We will encourage the public to cooperate with the Service, Wisconsin DNR, and the Florida FWCC in attempts to maintain and protect whooping cranes in the release areas and wintering area.

Public Comments Solicited

Whooping crane chicks intended for wild release are transported to field release facilities at about 20–40 days of age, where they are then conditioned for wild release. Because of the nesting phenology (recurring natural phenomena) of the captive breeding pairs at the rearing facilities, these chicks are ready for transport to field facilities on or about May 1 in any given year. In order to facilitate the timely initiation of this reintroduction project

and not delay whooping crane recovery efforts, we must expedite this nonessential experimental rulemaking process. Therefore, we are providing a 45-day comment period on this rule, instead of the standard 60 days.

We want the final rule to be as effective as possible and the environmental assessment on the proposed action to effectively evaluate all potential issues associated with this action. Therefore, we invite the public, concerned Tribal and government agencies, the scientific community, industry and other interested parties to submit comments or recommendations concerning any aspect of this proposed rule and the draft environmental assessment. Comments should be as specific as possible. To issue a final rule to implement this proposed action and to determine whether to prepare a finding of no significant impact or an environmental impact statement, we will take into consideration all comments and any additional information we receive. Such communications may lead to a final rule that differs from this proposal.

In particular, we are seeking comments on the appropriateness of including the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont within the eastern U.S. NEP area.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we will withhold a respondent's identity from the rulemaking record, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, available for public inspection in their entirety.

Public Hearings

The purpose of the public informational open houses is to provide additional opportunities for the public to gain information and ask questions about the proposed rule. These open house sessions should assist interested parties in preparing substantive comments on the proposed rule. All comments we receive at the hearings, both verbal and written, will be considered in making our final decision on the proposed NEP.

Required Determinations

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, the proposed rule to designate NEP status for the whooping crane reintroduction into the eastern United States is not a significant regulatory action subject to Office of Management and Budget review. This rule will not have an annual economic effect of $100 million and will not have an adverse effect upon any economic sector, productivity, competition, jobs, the environment, or other units of government. Therefore, a cost-benefit economic analysis is not required.

Lands where releases are proposed include Necedah and Horicon National Wildlife Refuges, and the Crex Meadows State Wildlife Area in Wisconsin. The proposed wintering site in Florida is Chassahowitzka National Wildlife Refuge and the adjacent St. Martin's Marsh Aquatic Preserve and Crystal River State Buffer Preserve. Following release, birds from the NEP are likely to utilize private lands adjacent to both the release areas and the wintering site. Because of the substantial regulatory relief provided by NEP designations, we do not believe the reintroduction of whooping cranes would conflict with existing human activities or hinder public or private use of lands within the NEP area. Likewise, no governments, individuals or corporations will be required to manage specifically for reintroduced whooping cranes.

This rule will not create inconsistencies with other agency's actions or otherwise interfere with an action taken or planned by another agency. Federal agencies most interested in this rulemaking are primarily other Department of the Interior bureaus (e.g., National Park Service). The action proposed by this rulemaking is consistent with the policies and guidelines of other Interior bureaus.

This rule will not materially affect entitlements, grants, user fees, loan programs or the rights or obligations of their recipients. This rule will not raise novel legal or policy issues. We have previously designated an experimental population of whooping cranes in Florida and for other species at numerous locations throughout the nation.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The area affected by this rule includes 20 States within the eastern United States. We do not expect this rule to have any significant effect on recreational, agricultural, or development activities within the NEP area. There will be no federally mandated closures of seasons or areas to hunting for protection of the proposed NEP. We expect only temporary access restrictions to limited areas in the vicinity of rearing and release facilities at times during the spring/summer rearing period, during migration with ultralight aircraft, or at the wintering site. In the primary release area, this is not expected to occur outside of existing, long-established closed areas on Necedah NWR. Any temporarily restricted access to areas will be of the minimum size and duration necessary to provide for protection to the proposed NEP cranes during rearing or release activities, and will be conducted in close coordination with the States. Because any such access restrictions will be of short duration and will not require Federal closure of hunting areas or seasons, we do not expect any significant effect on recreational activities. Because there will be no new or additional economic or regulatory restrictions imposed upon States, Federal agencies, or members of the public due to the presence of members of the proposed NEP, this rulemaking is not expected to have any significant adverse impacts to recreation, agriculture, or any development activities. The designation of an NEP in this rule will significantly reduce the regulatory requirements regarding the reintroduction of these whooping cranes, will not create inconsistencies with other agency actions, and will not conflict with existing or proposed human activity, or State, Tribal or private use of lands within the NEP area.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of $100 million or more for reasons outlined above. It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The NEP designation will not place any additional requirements on any city, county, or other local municipalities. The proposed NEP designation has been endorsed by all of the States within the proposed NEP area. A Small Government Agency Plan is not required. Because this rulemaking does not require that any action be taken by local or State government or private entities, we have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities (i.e., it is not a ''significant regulatory action'').

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. We do not expect this rule to have a potential takings implication under Executive Order 12630 because it would exempt individuals or corporations from prosecution for take that is accidental and incidental to an otherwise lawful activity. In addition, private entities would also be exempt from any restrictions imposed by consultation requirements under section 7(a)(2) of the Act, as consultation will not be conducted except on National Wildlife Refuges or National Parks. Because of the substantial regulatory relief provided by NEP designations, we do not believe the reintroduction of whooping cranes would conflict with existing human activities or hinder public use of lands within the proposed NEP area. None of the States within the proposed NEP area will be required to manage specifically for reintroduced whooping cranes, and all of those States have endorsed the proposed NEP designation. A takings implication assessment is not required.

Federalism

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As stated above, designation of this population as nonessential experimental will preclude any additional regulatory burdens on public and private entities within the NEP area. A Federalism assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and E.O. 13175, we have notified the Native American Tribes within the nonessential experimental population area about this proposal. They have been advised through verbal and written contact, including informational mailings from the Service. Information was also sent to the Great Lakes Indian Fish and Wildlife Commission, 1854 Authority, Chippewa Ottawa Resource Authority, and Native American Fish and Wildlife Society. If future activities resulting from this proposed rule may affect Tribal resources, a Plan of Cooperation will be developed with the affected Tribe or Tribes.

Paperwork Reduction Act

This proposed rule contains information collection activity for experimental populations. The Fish and Wildlife Service has Office of Management and Budget approval for the collection under OMB Control Number 1018–0094. The Service 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.

National Environmental Policy Act

We have prepared a draft environmental assessment as defined under the authority of the National Environmental Policy Act of 1969. It is available from Service offices identified in the **ADDRESSES** section.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Green Bay Field Office (see **ADDRESSES** section).

Authors

The principal authors of this rule are Joel Trick and Janet Smith, U.S. Fish and Wildlife Service, Green Bay, WI (Phone: 920–465–7440); Tom Stehn, U.S. Fish and Wildlife Service, Austwell, TX (Phone 361–286–3559); and Linda Walker, U.S. Fish and Wildlife Service, Jacksonville, FL (Phone: 904–232–2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S. C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by revising the existing entry for ''Crane, whooping'' under ''BIRDS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
BIRDS							
*	*	*	*	*	*		*
Crane, whooping	*Grus americana*	Canada, U.S.A. (Rocky Mountains east to Carolinas), Mexico.	Entire, except where listed as an experimental population.	E	1, 3	17.95(b)	NA
Do	.....do	.....do	U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, WY).	XN	487, 621, ____	NA	17.84(h)
*	*	*	*	*	*		*

3. Amend § 17.84 by revising paragraphs (h)(1), (h)(2), (h)(4)(ii), (h)(5), (h)(8), (h)(9), and (h)(10), adding paragraph (h)(11), and adding a map at the end of paragraph (h) to read as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(h) Whooping crane (*Grus americana*).

(1) The whooping crane populations identified in paragraphs (h)(9)(i), (h)(9)(ii), and (h)(9)(iii) of this section are nonessential experimental populations.

(2) No person may take this species in the wild in the experimental population areas except when such take is accidental and incidental to an otherwise lawful activity, or as provided in paragraphs (h)(3) and (4) of this section. Examples of otherwise lawful activities include, but are not limited to, agricultural practices, pesticide application, water management, construction, recreation, trapping, or hunting, when such activities are in full compliance with all applicable laws and regulations.

* * * * *

(4) * * *

(ii) Relocate a whooping crane that has moved outside the eastern U.S. population area identified in paragraph (h)(9)(iii) of this section, or the Kissimmee Prairie or Rocky Mountain range of the experimental populations when removal is necessary or requested and is authorized by a valid permit under § 17.22.

* * * * *

(5) Any taking pursuant to paragraphs (h)(3) and (4) of this section must be immediately reported to the National Whooping Crane Coordinator, U.S. Fish and Wildlife Service, P.O. Box 100, Austwell, Texas 77950 (Phone: 361–286–3559), who, in conjunction with his counterpart in the Canadian Wildlife Service, will determine the disposition of any live or dead specimens.

* * * * *

(8) The Service will not mandate any closure of areas, including National Wildlife Refuges, during hunting seasons or closure or modification of hunting seasons for the purpose of avoiding take of the nonessential experimental population identified in paragraph (h)(9)(iii) of this section.

(9) All whooping cranes found in the wild within the boundaries listed in paragraph (h)(9)(i) through (iii) of this section will be considered nonessential experimental animals. Geographic areas the nonessential experimental populations may inhabit include the following—

(i) The entire State of Florida. The reintroduction site is the Kissimmee Prairie portions of Polk, Osceola, Highlands, and Okeechobee Counties. Current information indicates that the Kissimmee Prairie is within the historic range of the whooping crane in Florida. No other natural populations of whooping cranes are likely to come into contact with the experimental population. The only natural extant population occurs well west of the Mississippi River. The Aransas/Wood Buffalo National Park population nests in the Northwest Territories and adjacent areas of Alberta, Canada, primarily within the boundaries of the Wood Buffalo National Park, and winters along the Central Texas Gulf of Mexico coast at Aransas National Wildlife Refuge. The only other extant eastern U.S. population is the nonessential experimental population described in paragraph (h)(9)(iii) of this section. Remnant individuals of the Rocky Mountain nonessential experimental population occur in the western United States as described in paragraph (h)(9)(ii) of this section. Whooping cranes adhere to ancestral breeding grounds, leaving little possibility that individuals from the extant population will stray into Florida or the Rocky Mountain Population. Studies of whooping cranes have shown that migration is a learned rather than an innate behavior. The experimental population released at Kissimmee Prairie is expected to mostly remain within the prairie region of central Florida.

(ii) The States of Colorado, Idaho, New Mexico, Utah, and the western half of Wyoming. Birds in this area do not come in contact with whooping cranes of the Aransas/Wood Buffalo Population; and

(iii) That portion of the eastern contiguous United States which includes the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin (see map). Whooping cranes within this population are expected to mostly occur within the States of Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida, which is within the historic range of the whooping crane in the United States. The additional States included within the experimental population area are those expected to receive occasional use by the cranes, or which may be used as breeding or wintering areas in the event of future population expansion. Whooping cranes in this population are not expected to

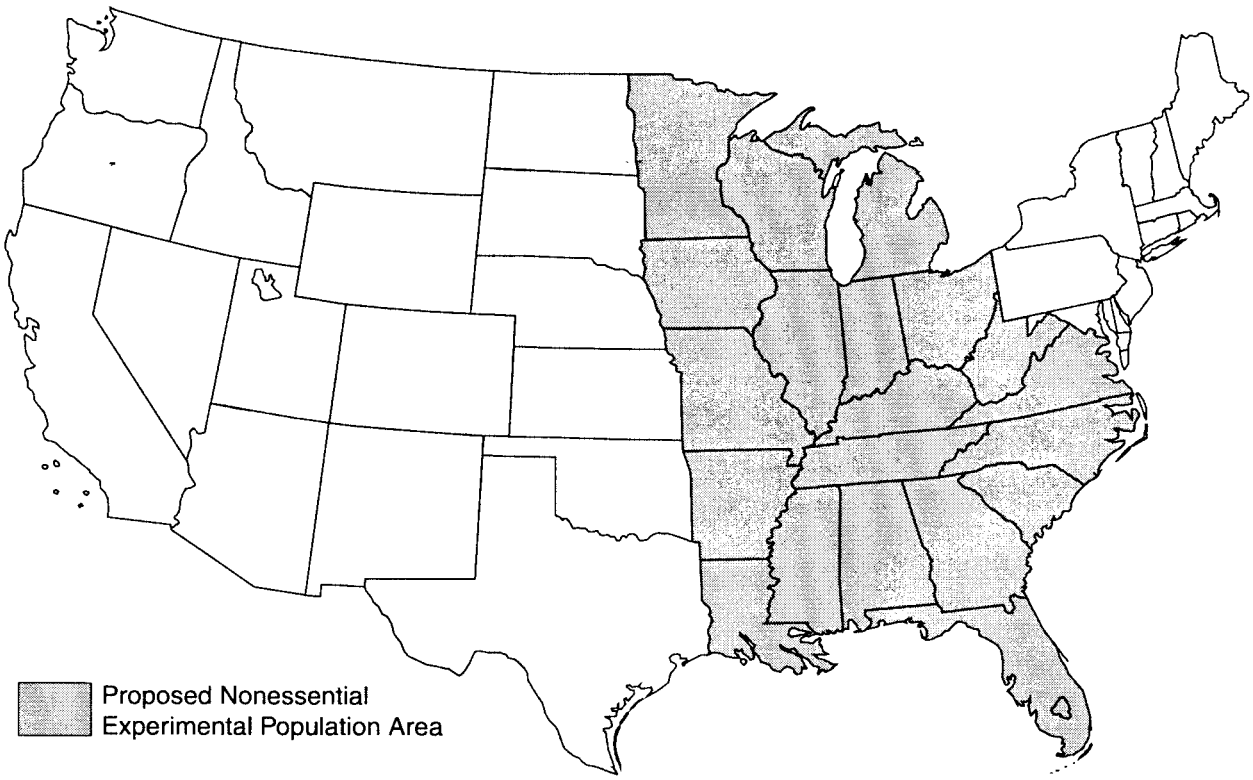
come in contact with whooping cranes of the Aransas/Wood Buffalo National Park Population.

(10) The reintroduced populations will be monitored during the duration of the projects by the use of radio telemetry and other appropriate measures. Any animal that is determined to be sick, injured, or otherwise in need of special care will be recaptured to the extent possible by Service and/or State wildlife personnel or their designated agent and given appropriate care. Such animals will be released back to the wild as soon as possible, unless physical or behavioral problems make it necessary to return them to a captive breeding facility.

(11) The status of the experimental populations will be reevaluated periodically to determine future management needs. This review will take into account the reproductive success and movement patterns of the individuals released within the experimental population areas.

BILLING CODE 4310–55–U

Whooping Crane Nonessential Experimental Population Area in the Eastern U.S.



Dated: March 5, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 01–5821 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–55–U

Notices

Federal Register
Vol. 66, No. 47
Friday, March 9, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation will meet on Friday, March 16, 2001. The meeting will be held in the Quapaw Parlor, The Capital Hotel, 1111 West Markham Street, Little Rock, Arkansas, beginning at 8:30 a.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Chairman's Welcome
II. Swearing-In Ceremony
III. Chairman's Report
IV. Policy Issues
  A. Council Agenda for 2001—Action
  B. Preservation Initiatives for the Administration and Congress—Action
V. Improving Federal Stewardship
  A. Task Force on Balancing Cultural and Natural Values in National Parks—Action
  B. Proposed Alternate Section 106 Procedures for the Army—Report
  C. Council Report on Manhattan Project Historic Properties—Action
  D. Preservation and the Military Construction Process—Action
  E. Historic Preservation Awards—Action
VI. Section 106 Issues
  A. Cellular Communications Towers and Section 106—Report
  B. Small Federal Handles: Review of Federal Permits—Action
VII. Executive Director's Report
  A. Major Section 106 Cases—Report and Possible Action
VIII. New Business
IX. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., Room 809, Washington, DC 20004, 202–606–8503, at least seven (7) days prior to the meeting.

For further information contact: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., #809, Washington, DC 20004, 202–606–8503.

Dated: March 6, 2001.

John M. Fowler,

Executive Director.

[FR Doc. 01–5886 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. FV01–367]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request a extension for and revision to a currently approved information collection for the Reporting and Recordkeeping Requirements Under Regulations Under the Perishable Agricultural Commodities Act, 1930, as amended.

DATES: Comments on this notice must be received by May 8, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Contact James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Rm. 2095-So. Bldg., P.O. Box 96456, Washington, D.C. 20090–6456, telephone (202) 720–2272. Email—jim.frazier@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Reporting and Recordkeeping Requirements Under Regulations (Other than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930.

OMB Number: 0581–0031.

Expiration Date of Approval: July 31, 2001.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The PACA was enacted by Congress in 1930 to establish a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce. It protects growers, shippers, and distributors dealing in those commodities by prohibiting unfair and fraudulent trade practices.

The law provides for the enforcement of contracts by providing a forum for resolving contract disputes, and a mechanism for the collection of damages from anyone who fails to meet contractual obligations and for excluding from the industry firms or individuals who violate the law's standards for fair business practices. In addition, the PACA imposes a statutory trust on licensees for perishable agricultural commodities received, products derived from them, and any receivables or proceeds due from the sale of the commodities for the benefit of produce suppliers, sellers, or agents that have not been paid.

The PACA is enforced through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the PACA must be licensed. Retailers and grocery wholesalers must renew their licenses every three years. All other licensees have the option of a one, two, or three-year license term. Those who engage in practices prohibited by the PACA may have their licenses suspended or revoked.

The information collected is used to administer licensing provisions under the PACA, to adjudicate contract disputes, and for the purpose of enforcing the PACA and the regulations. The purpose of this notice is to solicit comments from the public concerning our information collection.

We estimate the paperwork and time burden on the above to be as follows:

Form FV–211 (or 211–1, or 211–2, or 211–3, or 211–4, or 211–5), Application for License: average of .25 hours per application per response.

Form FV–231–1 (or 231–1A, or 231–2, or 231–2A), Application for Renewal or Reinstatement of License: Average of .05 hours per application per response.

Regulations Section 46.13—Letters to Notify USDA of Changes in Business Operations: Average of .05 hours per notice per response.

Regulations Section 46.4—Limited Liability Company Articles of Organization and Operating Agreement: Average of .083 hours with approximately 220 recordkeepers.

Regulations Section 46.18-Record of Produce Received: Average of 5 hours with approximately 18,400 recordkeepers.

Regulations Section 46.20—Records Reflecting Lot Numbers: Average of 8.25 hours with approximately 1,000 recordkeepers.

Regulations Section 46.46(d)(2)—Waiver of Rights to Trust Protection: Average of .25 hours per notice with approximately 100 principals.

Regulations Sections 46.46(f) and 46.2(aa)(11)—Copy of Written Agreement Reflecting Times for Payment: Average of 20 hours with approximately 2,670 recordkeepers.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.8203 hours per response.

Respondents: Commission merchants, dealers (including restaurants), and brokers engaged in the business of buying, selling, or negotiating the purchase or sale of commercial quantities of fresh and/or frozen fruits and vegetables in interstate or foreign commerce are required to be licensed under the PACA (7 U.S.C. 499(c)(a)).

Estimated Number of Respondents: 15,829.

Estimated Number of Responses per Respondent: 2.5654.

Estimated Total Annual Burden on Respondents: 155,138.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Programs, USDA, Room 2095—So. Bldg., P.O. Box 96456, Washington, DC 20090–6456. Email—jim.frazier@usda.gov.

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

Dated: March 5, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5780 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[DA–01–02]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for report forms under the Federal milk marketing order program.

DATES: Comments on this notice must be received by May 8, 2001 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact William F. Newell, Chief, Order Operations Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2753–S., P.O. Box 96456, Washington, DC 20090–6456, (202) 690–2375, e-mail address: William.Newell@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Report Forms Under Federal Milk Orders (From Milk Handlers and Milk Marketing Cooperatives).

OMB Number: 0581–0032.

Expiration Date of Approval: September 30, 2001.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Federal milk marketing order regulations authorized under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), require milk handlers to report in detail the receipts and utilization of milk and milk products handled at each of their plants that are regulated by a Federal order. The data are needed to administer the classified pricing system and related requirements of each Federal order.

Formal rulemaking amendments to the orders must be approved in referenda conducted by the Secretary.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.07 hours per response.

Respondents: Milk handlers and milk marketing cooperatives.

Estimated Number of Respondents: 692.

Estimated Number of Responses per Respondent: 29.

Estimated Total Annual Burden on Respondents: 21,397 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) 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; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to William F. Newell, Chief, Order Operations Branch, USDA–AMS, Room 2753–S, PO Box 96456, Washington, DC 20090–6456, (202) 690–2375, e-mail address: William.Newell@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: March 5, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–5781 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kachina Village EIS; Southwestern Region, Arizona, Coconino County, Coconino National Forest

AGENCY: Forest Service, USDA.

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

SUMMARY: The Coconino National Forest is planning to prepare an Environmental Impact Statement on a proposal to improve the resiliency of the forest ecosystem by reducing the threat of catastrophic fire, and overall improving forest health. This project will be planned in cooperation with the Grand Canyon Forests Partnership and all interested publics.

DATES: Comments in response to this Notice of Intent concerning the scope of the analysis should be received in writing on or before April 9, 2001.

ADDRESSES: Send written comments to USDA Forest Service, Coconino National Forest, Flagstaff, AZ 86004. Electronic mail may be sent to tkrandall@fs.fed.us

Responsible Official: The Forest Supervisor of the Coconino National Forest, Supervisor's Office 2323 E. Greenlaw Lane, Flagstaff, AZ 86004, will decide what actions are most appropriate for the Kachina Village Project Area.

FOR FURTHER INFORMATION CONTACT: Tammy Randall-Parker, Peaks Ranger District, 5075 North Highway 89, Flagstaff, AZ 86004. (520) 527–8254 or *tkrandall@fs.fed*.us

SUPPLEMENTARY INFORMATION: The proposal will focus on improving forest health and improving forest resiliency. The project will include the following:

1. Removal of ponderosa pine trees to reduce hazardous fuel loads in the Flagstaff Urban Interface. Simultaneously this action will improve forest health by thinning dense stands of trees, which will improve tree growth, improve the herbaceous understory, protect cultural resources from wildfire, improve and protect wildlife habitat, and watershed functions. Thinning of ponderosa pine will include thinning of smaller diameter ponderosa pine. We estimate ninety-percent of the tree thinned will be small than 12″ dbh. Large old trees, mature ponderosa pine and Douglas-fir will not be removed from the area. These trees are important to wildlife, aesthetic values, and the overall health of the ecosystem. The mature trees are very important and the thinning conducted will help to improve the longevity of these old trees by reducing competition and will also help to protect them in the event of a wildfire event.

2. Prescribed burning and removal of slash created by thinning will be conducted. Prescribed burning will be used to reduce fuel loads and will simultaneously benefit forest health by stimulating understory vegetation. Wildlife, soils, and watershed function will benefit from prescribed fire. Slash created by thinning will be managed and mitigated so that only short-term impacts will occur from thinning slash.

3. Roads will be needed to access areas during thinning. Many roads exist in this area currently and there will be reconstruction needs due to the poor condition of some roads. Very few new roads are anticipated, other than development of temporary roads. A road management plan will focus on the desired future condition that will best manage for wildfire access, recreation access, water quality improvement, and wildlife protection.

4. Recreation management including dispersed camping, trails, recreational opportunities and developments will be woven into our efforts to reduce fire risk (human caused fires), improve forest health, improve watershed and soil function, and improve wildlife habitat, and most importantly better serve the needs of our publics. Caring for the land and serving the people must be balanced and will be integrated into a proposal to improve forest health and resiliency.

Alternatives for this project will be based on public comment to this notice and scoping which will occur during March and April of 2001. A scoping document to include a more detailed proposed action is expected to be available to the public in April. We encourage all interested parties to provide input and suggestions during the month of March. Meetings will be held at the Peaks Ranger District Office on March 1, 15, 22, and 23 to provide comment into the development of a proposed action.

The month of April will include a 30-day comment period on a proposed action for the project area. Based on public comment and issues that come forth from scoping, alternatives will be developed by the USFS Interdisciplinary team assigned to this project. A draft EIS will be developed and available for public comment July or August 2001. A final EIS would be anticipated in September/October of 2001.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' positions and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC* 435 US 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel* 9th Circuit, 1986) and *Wisconsin Heritages, Inc* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: February 28, 2001.

Karyl Georgio,

Acting Forest Supervisor.

[FR Doc. 01–5782 Filed 3–8–01; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 9, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information. The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Marker, Dry Erase
7520–00–NIB–1429
7520–00–NIB–1430
7520–00–NIB–1431
7520–00–NIB–1432
7520–00–NIB–1433
7520–00–NIB–1434
7520–00–NIB–1435
7520–00–NIB–1436
NPA: Dallas Lighthouse for the Blind, Inc., Dallas, Texas

Table, Field Operating
6530–01–321–5592
NPA: Arizona Industries for the Blind, Phoenix, Arizona

Wipes, White Board
7510–01–454–1159
NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Services

Food Service Attendant
Fort Custer Training Center, 2725 27th Street, Augusta, Michigan
NPA: Calhoun County Community Mental Health Services Board, Battle Creek, Michigan

Janitorial/Custodial
U.S. Army Reserve Center, Aberdeen Proving Ground, Aberdeen, Maryland
NPA: CHI Centers, Inc., Silver Spring, Maryland

Office Supply Store
Defense Supply Service-Washington, Presidential Towers, Arlington, Virginia
NPA: Virginia Industries for the Blind, Richmond, Virginia

Provision of Customized Recognition & Awards Program
NPA: The Lighthouse for the Blind, Inc., Seattle, Washington

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for deletion from the Procurement List.

The following commodities and services have been proposed for deletion from the Procurement List:

Commodities

Stepladder, Fiberglass
5440–00–061–8898
5440–00–061–8900
5440–01–110–7763
5440–01–460–5352
5440–01–460–5363
5440–01–460–5364

Stepladder, Wood
5440–00–227–1592

Printing and Binding ''En Garde'' Newsletter
7690–00–NSH–0079

Securities & Exchange Commission
Confidential Microfiche
7690–00–NSH–0083

Services

Food Service
Pascagoula Naval Station
Pascagoula, Mississippi

Management of Bachelors Quarters
Pascagoula Naval Station
Pascagoula, Mississippi

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 01–5914 Filed 3–8–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodity and services previously furnished by such agencies.

EFFECTIVE DATE: April 9, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 29, 2000, January 5 and 22, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 F.R. 82974, 66 F.R. 1076 and 6573) of

proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and service and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the commodity and service proposed for addition to the Procurement List.

Accordingly, the following commodity and service are hereby added to the Procurement List:

Commodity

Tape, Duct
5640–00–103–2254

Service

Janitorial/Custodial
Federal Building, 1520 Market Street, St. Louis, Missouri
This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodity and services are hereby deleted from the Procurement List:

Commodity

Kit, Computer Maintenance
7035–01–452–9086;
7045–01–315–0850;
7045–01–450–8599

Services

Grounds Maintenance
Rogue River National Forest, J. Herbert Stone Nursery, 2606 Old Stage Road, Central Point, Oregon, Support Activities for Forestry (TSI), Crane Division, Naval Surface Warfare Center, Crane, Indiana

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 01–5915 Filed 3–8–01; 8:45 am]

BILLING CODE 6353–01–P

BROADCASTING BOARD OF GOVERNORS

Submission for OMB Review; Comment Request

AGENCY: Broadcasting Board of Governors.

ACTION: Submission for OMB review; comment request.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the information collection activity titled, ''Interviews and Other Audience Research for Radio and TV Marti'' has been forwarded to the Office of Management and Budget (OMB) for review and comment. The Broadcasting Board of Governors (BBG) is requesting reinstatement of this collection for a three-year period and approval of a revision to the burden hours.

The information collection activity involved with this program is conducted pursuant to the mandate given to the BBG (formerly the United States Information Agency) in accordance with Pub.L. 98–111, the Radio Broadcasting to Cuba Act, dated, October 4, 1983, to provide for the broadcasting of accurate information to the people of Cuba and for other purposes. This act was then amended by Pub.L. 101–246, dated, February 16, 1990, which established the authority for TV Marti.

DATES: Comments are due on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, BBG, M/AO, Room 1657A–1, 330 Independence Avenue, SW., Washington, DC 20237, telephone (202) 205–9692, internet address JGiovett@IBB.GOV; or OMB Desk Officer for BBG, Mr. David Rostker, Office of Information And Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503, Telephone (202) 395–3897.

Copies: Copies of the Request for Clearance (OMB 83–I), supporting statement, and other documents that have been submitted to OMB for approval may be obtained from the BBG Clearance Officer or the OMB Desk Officer for BBG.

SUPPLEMENTARY 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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 8, 2001, Volume 66, Number 5, Page 1303.

Public reporting burden for this proposed collection of information is estimated to average .11 hours per response (6.6 minutes), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are voluntary and respondents will be required to respond only one time. Comments are requested on the proposed information collection concerning:

(a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information has practical utility;

(b) The accuracy of the Agency's burden estimates;

(c) Ways to enhance the quality, utility, and clarity of the information collected; and

(d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Send comments regarding this burden estimate or any other aspect of this collection of information to the Agency Clearance Officer, Ms. Jeannette Giovetti, BBG, M/AO, Room 1657A–1, 330 Independence Avenue, SW., Washington, DC 20237, telephone (202) 205–9692, e-mail address JGiovett@IBB.GOV; or to the OMB Desk Officer for BBG, Mr. David Rostker, Office of Information And Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503, Telephone (202) 395–3897.

Current Actions: BBG is requesting reinstatement of this collection for a three-year period and approval for a revision to the burden hours.

Title: Interviews and Other Audience Research for Radio and TV Marti

Abstract: Data from this information collection are used by BBG's Office of Cuba Broadcasting (OCB) in fulfillment of its mandate to evaluate effectiveness of Radio and TV Marti operations by estimating the audience size and composition for broadcasts; and assess signal reception, credibility and relevance of programming through this research.

Proposed Frequency of Responses:
No. of Respondents—4880.
Recordkeeping Hours—.11.
Total Annual Burden—560.

Dated: January 16, 2001.

Dennis D. Sokol,

Director of Administration.

[FR Doc. 01–5502 Filed 3–8–01; 8:45 am]

BILLING CODE 8610–01–U

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: Non-Tariff Barriers Survey.

Agency Form Number: N/A.

OMB Number: N/A.

Type of Request: Regular Submission.

Burden: 33 hours.

Number of Respondents: 200.

Avg. Hours Per Response: 10 minutes.

Needs and Uses: The International Trade Administration's Office of Environmental Technologies Industries (ETI) office is the principal resource and key contact point within the U.S. Department of Commerce for American environmental technology companies. ETI's goal is to facilitate and increase exports of environmental technologies, goods and services by providing support and guidance to U.S. exporters. One aspect of increasing exports is to reduce trade barriers and non-tariff measures. ETI works closely with the Office of the U.S. Trade Representative on trade negotiations and trade liberalization initiatives. The information collected will be used to evaluate the Asia Pacific Economic Cooperation (APEC) trade liberalization with the World Trade Organization (WTO) negotiations by ETI's office. The type of information asked on the survey includes such items as (1) name of firm; (2) country of interest; and (3) a list of non-tariff barriers for environmental products in the respondents sales territory. This information will allow ETI to maintain a current, up-to-date list of non-tariff measures that create trade barriers for U.S. exports of environmental goods and services.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution, N.W., Washington, DC 20230 (or via the Internet at MClayton@doc.gov.).

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: March 6, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5920 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Census Bureau

Survey of Income and Program Participation (SIPP) Wave 3 of the 2001 Panel

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed 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)).

DATES: Written comments must be submitted on or before May 8, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Judith H. Eargle, Census Bureau, FOB 3, Room 3387, Washington, DC 20233–0001, (301) 457–3819.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the SIPP which is a household-based survey designed as a continuous series of national panels. New panels are introduced every few years with each panel usually having durations of one to four years. Respondents are interviewed at 4-month intervals or ''waves'' over the life of the panel. The survey is molded around a central ''core'' of labor force and income questions that remain fixed throughout the life of the panel. The core is supplemented with questions designed to address specific needs, such as obtaining information on taxes, the ownership and contributions made to an Individual Retirement Account, Keogh, and 401K plans, examining patterns in respondent work schedules, and child care arrangements. These supplemental questions are included with the core and are referred to as ''topical modules.''

The SIPP represents a source of information for a wide variety of topics and allows information for separate

topics to be integrated to form a single, unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic-policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided thesekinds of data on a continuing basis since 1983 permitting levels of economic well-being and changes in these levels to be measured over time.

The 2001 Panel is currently scheduled for three years and will include nine waves of interviewing beginning February 2001. Approximately 50,000 households will be selected for the 2001 Panel, of which 37,500 are expected to be interviewed. We estimate that each household will contain 2.1 people, yielding 78,750 interviews in Wave 1 and subsequent waves. Interviews take 30 minutes on average. Three waves of interviewing will occur in the 2001 SIPP Panel during FY 2002. The total annual burden for 2001 Panel SIPP interviews would be 118,125 hours in FY 2002.

The topical modules for the 2001 Panel Wave 3 collect information about:

- Medical Expenses and Utilization of Health Care (Adults and Children)
- Work Related Expenses and Child Support Paid
- Assets, Liabilities, and Eligibility

Wave 3 interviews will be conducted from October 2001 through January 2002.

A 10-minute reinterview of 2,500 persons is conducted at each wave to ensure accuracy of responses. Reinterviews would require an additional 1,253 burden hours in FY 2002.

An additional 1,050 burden hours is requested in order to continue the SIPP Methods Panel testing which will be conducted during the period of Wave 3 interviewing. The test targets SIPP Wave 2 items and sections that require thorough and rigorous testing in order to improve the quality of core data.

II. Method of Collection

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years with each panel having durations of one to four years. All household members 15 years old or over are interviewed using regular proxy-respondent rules. During the 2001 Panel, respondents are interviewed a total of nine times (nine waves) at 4-month intervals making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these individuals move, they are not followed unless they happen to move along with a Wave 1 sample individual.

III. Data

OMB Number: 0607–0875.

Form Number: SIPP/CAPI Automated Instrument.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 78,750 persons per wave.

Estimated Time Per Response: 30 minutes per person on average.

Estimated Total Annual Burden Hours: 120,428.

Estimated Total Annual Cost: The only cost to respondents is their time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for the Office of Management and Budget approval of this information collection. They also will become a matter of public record.

Dated: March 6, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–5919 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–2001]

Foreign-Trade Zone 126—Sparks, Nevada Application for Subzone Taiyo America, Inc. (Electronic Chemicals) Carson City, NV

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Authority of Western Nevada, grantee of FTZ 126, requesting special-purpose subzone status for the manufacturing and warehousing facilities of Taiyo America, Inc. (Taiyo), located in Carson City, Nevada. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 2001.

The Taiyo facility (38 employees, 4.2 acres) is located at 2675 Antler Drive, Carson City, Nevada. The Taiyo facility is used for the manufacturing, testing, packaging and warehousing of solder mask (HTS 3208.90 and 3215.90, duty rate ranges from 1.8% to 3.2%), which is used in the production of printed circuit boards. Components and materials sourced from abroad (representing about 50% of all parts consumed in manufacturing) include: quartz, bentonite clay, natural steatite, barium sulfates, calcium carbonates, ketones and quinones, esters of acrylic acid, acyclic polyamines, dicyandiamide, aromatic sulphur compound, ethylene thiourea, melamine, carbon, phenothiazine, acrylic polymers, epoxy resins, and silicones (HTS 2506, 2508, 2526, 2811, 2833, 2836, 2914, 2916, 2921, 2926, 2930, 2933, 2934, 3802, 3906, 3907, 3909 and 3910, duty rate ranges from duty free to 9.4%+$.11/kg).

FTZ procedures would exempt Taiyo from Customs duty payments on the foreign components used in export production. Some 14 percent of the plant's shipments are exported. On its domestic sales, Taiyo would be able to choose the duty rates during Customs entry procedures that apply to finished solder masks (1.8 –3.2%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 23, 2001).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Export Assistance Center, 1755 East Plumb Lane, Room 152, Reno, NV 89502.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

Dated: March 2, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–5918 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India (A–533–809) manufactured by Echjay Forgings Ltd. (Echjay), Isibars Ltd. (Isibars), Panchmahal Steel Ltd. (Panchmahal), Patheja Forgings and Auto Parts Ltd. (Patheja), and Viraj Forgings Ltd. (Viraj). The period of review (POR) covers the period February 1, 1999, through January 31, 2000. We preliminarily determine that sales of stainless steel flanges have been made below the normal value (NV) for some of the respondents. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between United States price and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issues and (2) a brief summary of the argument.

EFFECTIVE DATE: March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam, Steve Bezirganian, or Robert James, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–5222, (202) 482–1131, or (202) 482–0649, respectively.

Applicable Statute and Regulations: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1, 2000).

SUPPLEMENTARY INFORMATION:

Background

On February 9, 1994, the Department published the antidumping duty order on stainless steel flanges from India (59 FR 5994). On February 14, 2000, the Department published the notice of ''Opportunity to Request Administrative Review'' for this order covering the period February 1, 1999 through January 31, 2000 (65 FR 7348). In accordance with 19 CFR 351.213 (b)(1), Echjay requested a review of its sales, and the petitioners requested reviews of Isibars, Panchmahal, Patheja, and Viraj. The petitioners are Gerlin Inc., Ideal Forging Corporation, and Maas Flange Corporation. On March 30, 2000, the Department published in the **Federal Register** a notice of initiation of these antidumping duty administrative reviews covering the period February 1, 1999 through January 31, 2000 (65 FR 16875). The initiation notice also listed Pushpaman Exports: through subsequent correspondence with the company officials we determined that Pushpaman and Echjay are one and the same entity.

On August 16, 2000, we published in the **Federal Register** our notice of the continuation of the antidumping duty order on stainless steel flanges from India (65 FR 49964), which referenced the findings of the Department and of the International Trade Commission with respect to the sunset review of this order.

On November 2, 2000, we extended the time limit for the preliminary results of this administrative review to February 28, 2001 (65 FR 65835).

Scope of the Reviews

The products under review are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld-neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule (''HTS''). Although the HTS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

The POR is February 1, 1999, through January 31, 2000.

Verification

As provided in section 782(i) of the Tariff Act, we verified information provided by Panchmahal and Viraj, using standard verification procedures, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification reports, on file in Room B–099 in the main Commerce building.

Use of Facts Available

Section 776(a)(2) of the Tariff Act provides that, ''if an interested party or any other person—(A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly

impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority * * * shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.'' Pursuant to section 776(a) of the Tariff Act, we have determined that the use of facts available is appropriate in determining the preliminary dumping margin for Patheja.

Patheja failed to respond to our April 7, 2000 questionnaire, and our May 9 and July 11, 2000 queries. Consequently, Patheja has withheld requested information and significantly impeded this proceeding, warranting use of facts available under section 776(a). Moreover, as Patheja has supplied no information, sections 782(d) and (e) are inapplicable. By not responding to our requests, Patheja did not cooperate to the best of its ability. Section 776(b) of the Tariff Act provides that the Department may use adverse inferences, including information derived from the petition, in selecting facts otherwise available, if a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. *See* also Statement of Administrative Action (SAA) accompanying the URAA, H.R. Rep. No. 103-316 at 829–831 and 870 (1994).

Because we were unable to calculate margins for this respondent, we have assigned it the highest margin from any segment of this proceeding. *See e.g., Certain Cased Pencils from the People's Republic of China; Preliminary Results and Rescission In Part of Antidumping Duty Administrative Review,* 66 FR 1638, 1640, (January 9, 2001).

The highest margin for flanges from India is 210 percent. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India,* 59 FR 5994 (February 9, 1994) (the Order). This margin was based on the petition.

Section 776(c) of the Tariff Act provides that when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and U.S. Customs Service data, and information obtained from interested parties during the particular investigation (see SAA at 870. Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

To assess the reliability of the petition margin, in accordance with section 776(c) of the Tariff Act, to the extent practicable, we examined the key elements of the calculations of export price and normal value upon which the petitioners based their margins for the petition. The U.S. prices in the petition were based on quotes to U.S. customers, most of which were obtained through market research. *See Petition for the Imposition of Antidumping Duties,* December 29, 1993. We were able to corroborate the U.S. prices in the petition by comparing these prices to publicly available information based on IM–145 import statistics. See Memorandum from Thomas Killiam, Case Analyst to the File, *Corroboration of Petition Rate for Use as Facts Available,* February 14, 2001.

The normal values in the petition were based on actual price quotations obtained through market research. The Department did not receive any useful information from Patheja or other interested parties and is aware of no other independent sources of information that would enable it to corroborate the margin calculations in the petition further. We note that four Indian manufacturers currently have a 210% rate under this order.

The implementing regulation for section 776 of the Tariff Act, codified at 19 CFR 351.308(d), states, ''(t)he fact that corroboration may not be practicable in a given circumstance will not prevent the Secretary from applying an adverse inference as appropriate and using the secondary information in question.'' Additionally, the SAA at 870 states specifically that, where ''corroboration may not be practicable in a given circumstance,'' the Department may nevertheless apply an adverse inference. The SAA at 869 emphasizes that the Department need not prove that the facts available are the best alternative information. Therefore, based on our efforts, described above, to corroborate information contained in the petition and in accordance with 776(c) of the Tariff Act, which discusses facts available and corroboration, we consider the margins in the petition to be corroborated to the extent practicable for purposes of these preliminary determinations (*see* CTL Plate from Mexico, 64 FR at 84).

U.S. Price

For sales of all respondents in the United States, we used export price (EP) in accordance with sections 772(a) and 772(b) of the Tariff Act, as the merchandise was sold directly to the first unaffiliated purchaser prior to importation and constructed export price (CEP) was not otherwise warranted based on the facts of record. We based EP on the packed C&F, CIF duty paid, FOB, or ex-dock duty paid prices to the first unaffiliated purchasers in the United States. We added to U.S. price amounts for duty drawback, when reported, pursuant to section 772(c)(1)(B) of the Tariff Act. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act, including: foreign inland freight, foreign brokerage and handling, bank export document handling charges, ocean freight, and marine insurance.

Normal Value

A. Viability

In order to determine whether there is sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.,* the aggregate volume of home market sales of the foreign like product during the POR is equal to or greater than five percent of the aggregate volume of U.S. sales of subject merchandise during the POR), for each respondent we compared the volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise. We found no reason to determine that quantity was not the appropriate basis for these comparisons, so value was not used. *See* 351.404(b)(2).

We based our comparisons of the volume of U.S. sales to the volume of home market and third country sales on reported stainless steel flange weight, rather than on number of pieces. The record demonstrates that there can be large differences between the weight (and corresponding cost and price) of stainless steel flanges based on relative sizes, so comparisons of aggregate data would be distorted for these products if volume comparisons were based on the number of pieces.

Because the volume of Viraj's and Echjay's home market sales were less than five percent of the volume of their U.S. sales, we determined that the home markets was not viable for them. Based on Viraj's questionnaire response, we determined that Germany was the appropriate comparison market, given that the German market was viable and that the volume of sales to that market exceeded the volume of sales to any

other third country market. Based on Echjay's questionnaire response, we determined that the United Kingdom was the appropriate comparison market, given that the U.K. market was viable and that the volume of sales to that market exceeded the volume of sales to any other third country market.

Isibars indicated that Austria was a viable comparison market, and submitted an Austria sales database. However, since the volume of POR sales in that sales file was less than five percent of the volume of sales Isibars reported in its U.S. sales file, Austria was not a viable comparison market. Consequently, pursuant to section 351.404(f) of the Department's regulations, for Isibars we based NV on constructed value (CV), as there does not appear to be a viable comparison market. Because Panchmahal's volume of home market sales of the foreign like product was less than five percent of its U.S. sales volume, pursuant to 19 CFR 351.404(f) we based NV on CV.

B. Arm's Length Sales

Since no information on the record indicates any sales to affiliates, we did not use an arm's-length test for comparison market sales.

C. Cost of Production Analysis

The petitioners in this proceeding filed timely sales-below-cost allegations with regard to Isibars, Panchmahal, and Viraj. *See* petitioners' letters of June 19, June 26, and July 6, 2000. The petitioners' allegations were based on the respondents' questionnaire responses. We found that petitioners' methodology provided the Department with a reasonable basis to believe or suspect that sales in the home market had been made at prices below the COP. Accordingly, pursuant to section 773(b)(1) of the Tariff Act, we initiated investigations to determine whether the three companies' sales of flanges were made at prices below COP during the POR. *See* memoranda from Thomas Killiam, Case Analyst, to Richard Weible, Office Director, *Petitioners' Allegation of Sales Below the Cost of Production,* dated July 6, 2000 (Viraj) and July 11, 2000 (Panchmahal, Isibars).

Each respondent defined its unique products, and thus its costs, based on different product characteristics. We determined that only grade, type, size, pressure rating, and finish were required to define models for purposes of matching. To make the model definitions for the cost test identical to those in the model match, we used the above criteria to define models and recalculate costs. We performed these calculations for Isibars and Viraj, respondents subject to cost investigations or for which difference of merchandise adjustments and/or use of CV might be required. We used the cost information provided by these respondents, and also, where necessary, we converted costs from a per-piece basis to a per-kilogram basis.

No such cost recalculations were required for Echjay, because its U.S. sales matched identically to comparison market sales, and no cost investigation is being conducted for Echjay.

No redefinition of models was required for Panchmahal because its models (CONNUMs) had been defined using the same five criteria listed above. *See* the Department's company-specific analysis memoranda for Echjay, Isibars, Panchmahal, and Viraj, dated concurrently with this notice and available in the Central Records Unit.

In accordance with section 773(b)(3) of the Tariff Act, for Viraj we calculated COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus selling, general, and administrative expenses (SG&A) and packing. We relied on the home market sales and COP information provided by Viraj except where otherwise noted in this notice and in the Department's Preliminary Analysis Memoranda.

After calculating COP, we tested whether home market sales of stainless steel flanges were made at prices below COP within an extended period of time in substantial quantities and whether such prices permit the recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less movement charges, discounts, and rebates.

Pursuant to section 773(b)(2)(C) of the Tariff Act, where less than 20 percent of a respondent's home market sales for a model are at prices less than the COP, we do not disregard any below-cost sales of that model because we determine that the below-cost sales were not made within an extended period of time in ''substantial quantities.'' Where 20 percent or more of a respondent's home market sales of a given model are at prices less than COP, we disregard the below-cost sales because they are (1) made within an extended period of time in substantial quantities in accordance with sections 773(b)(2)(B) and (C) of the Tariff Act, and (2) based on comparisons of prices to weighted-average COPs for the POR, were at prices which would not permit the recovery of all costs within a reasonable period of time in accordance with section 773(b)(2)(D) of the Tariff Act.

The results of our cost test for Viraj indicated that for certain comparison market models, less than 20 percent of the sales of the model were at prices below COP. We therefore retained all sales of these comparison market models in our analysis and used them as the basis for determining NV. Our cost test also indicated that within an extended period of time (one year, in accordance with section 773(b)(2)(B) of the Tariff Act), for certain comparison market models, more than 20 percent of the comparison market sales were sold at prices below COP. In accordance with section 773(b)(1) of the Tariff Act, we therefore excluded these below-cost sales from our analysis and used the remaining above-cost sales as the basis for determining NV.

As noted above, neither Isibars nor Panchmahal had a viable comparison market, and therefore we conducted no cost test for these companies.

D. Product Comparisons

We compared Echjay's U.S. sales with contemporaneous sales of the foreign like product in the United Kingdom; Isibars' and Panchmahal's U.S. sales with constructed value; and Viraj's U.S. sales with contemporaneous sales of the foreign like product in Germany. As noted, we considered stainless steel flanges identical based on the following five criteria: grade, type, size, pressure rating, and finish. We used a 20 percent difference-in-merchandise (difmer) cost deviation cap as the maximum difference in cost allowable for similar merchandise, which we calculated as the absolute value of the difference between the U.S. and comparison market variable costs of manufacturing divided by the total cost of manufacturing of the U.S. product.

E. Level of Trade

In accordance with section 773(a)(1)(B) of the Tariff Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The LOT in the comparison market is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. With respect to U.S. price for EP transactions, the LOT is also that of the starting-price sale, which is usually from the exporter to the importer. For CEP, the LOT is that of the sale from the exporter to the importer.

To determine whether comparison market sales are at a different level of trade than U.S. sales, we examined stages in the marketing process and

selling functions along the chain of distribution between the producer and the unaffiliated customer. In analyzing the selling activities of the respondents, we did not note any significant differences in functions provided in any of the markets. Based upon the record evidence, we have determined that for each respondent there is one LOT for all EP sales, the same LOT as for all comparison market sales. Accordingly, because we find the U.S. sales and comparison market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) is warranted.

F. Comparison Market Price

We based comparison market prices on the packed, ex-factory or delivered prices to the unaffiliated purchasers in the comparison market. We made adjustments for differences in packing and for movement expenses in accordance with sections 773(a)(6)(A) and (B) of the Tariff Act. In addition, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Tariff Act, and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410. For comparison to EP we made COS adjustments by deducting comparison market direct selling expenses and adding U.S. direct selling expenses.

In accordance with section 773(a)(4) of the Tariff Act, we based NV on CV if we were unable to find a contemporaneous comparison market match for the U.S. sale. As noted, we recalculated the reported cost used for the determination of CV. We calculated CV based on the cost of materials and fabrication employed in producing the subject merchandise, SG&A, and profit. In accordance with 773(e)(2)(A) of the Tariff Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we used the weighted-average comparison market selling expenses. Where appropriate, we made COS adjustments to CV in accordance with section 773(a)(8) of the Tariff Act and 19 CFR 351.410. We also made adjustments, where applicable, for comparison market indirect selling expenses to offset commissions in EP comparisons.

As noted above, for Isibars and Panchmahal, we based NV on CV because there were no viable comparison markets. Because there was no viable comparison market upon which to base SG&A and profit expenses for these two respondents, we based SG&A, interest expense, and profit on the Echjay*s audited public financial statements for the year ended March 31, 1999, in accordance with section 773(e)(2)(B)(iii) of the Tariff Act.

Preliminary Results of Review

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period February 1, 1999, through January 31, 2000, to be as follows:

Manufacturer/exporter	Margin (percent)
Echjay	0
Isibars	24.05
Panchmahal	0.81
Patheja	210.00
Viraj	21.10

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication. *See* CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue final results of these administrative reviews, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total quantity (in kilograms) of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of merchandise of that manufacturer/exporter made during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of the review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in these reviews but covered in the original less-than- fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in these reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be 162.14 percent, the ''all others'' rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary' presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 28, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–5916 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–817]

Oil Country Tubular goods (''OCTG'') From Mexico; Final Results of Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of full sunset review: Oil country tubular goods (''OCTG'') from Mexico.

SUMMARY: On October 30, 2000, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the antidumping duty order on oil country tubular goods (''OCTG'') from Mexico (65 FR 64667) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received comments on the issues raised in our preliminary results from respondent interested party, Hylsa, S.A. de C.V. (''Hylsa''), and a case brief from respondent interested party, Tubos de Acero de Mexico, S.A. (''TAMSA''). In addition, we received rebuttal briefs, responding separately to Hylsa and TAMSA, from domestic interested party, U.S. Steel Group, a unit of USX Corp. As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Martha Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (*''Sunset Regulations''*) and in 19 CFR Part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

In our preliminary results, published on October 30, 2000 (65 FR 64667), we found that revocation of the order would likely result in continuation or recurrence of dumping with net margins of 21.70 percent for Hylsa, TAMSA, and ''all others.''

On December 11, 2000, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received a case brief on behalf of TAMSA. On December 12, 2000, we received comments on the issues raised in the preliminary results on behalf of Hylsa. On December 18, 2000, we received rebuttal briefs on behalf of U.S. Steel Group responding separately to Hylsa and TAMSA. Although a hearing was requested by U.S. Steel Group, that request was subsequently withdrawn and no hearing was held in this sunset review.

Scope of Review

Imports covered by this review are oil country tubular goods, hollow steel products of circular cross-section, including oil well casing, tubing, and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this review are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.21.30.00, 7403.21.60.00, 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. The Department has determined that couplings, and coupling stock, are not within the scope of the antidumping order on OCTG from Mexico. *See* Letter to Interested Parties; Final Affirmative Scope Decision, August 27, 1998.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Bernard T. Carreau, fulfilling the duties of the Assistant Secretary for Import Administration, dated February 26, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked.

Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on OCTG from Mexico would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Hylsa	21.70

Manufacturer/exporters	Margin (percent)
TAMSA	21.70
All Others	21.70

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction. This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: February 28, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–5917 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned in whole or in part by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of result of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899; Fax 301–869–2751. Any request for information should include the NIST docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The invention listed below was made jointly by scientists from NIST and from Schott Glass Technologies Inc. under the auspices of a Cooperative Research and Development agreement (CRADA). In 1995 all rights in the invention were assigned to the United States, as represented by the Secretary of Commerce. Pursuant to the terms of the CRADA, Schott Glass currently retains the rights to negotiate, on Schott Glass's behalf, the terms of a non-exclusive commercialization license to the invention. NIST may enter into a CRADA with the licensee to perform further research on the invention for purposes of commercialization. The invention available for licensing is:

NIST Docket Number: 93–039CIP

Title: Integrated Optic Laser

Abstract; A laser waveguide medium is provided comprising:

A laser glass substrate wherein the substrate is a glass comprising (on an oxide composition basis):

	Mole%
P_2O_2	50–70
$A1_2O_3$	4–13
Na_2O	10–35
La_2O_3	0–6
Ln_2O_3	>0–6
R^1O	0–20
R_2O	0–18

Wherein Ln_2O_3 is the sum of the oxides, of active lasing lanthanides of atomic number 58–71, R^1O is the sum of oxides of Mg, Ca, Cr, Ba, Zn and Pb, and R_2O is the sum of oxides of Li, K, Rb and Cs; and

A waveguide region embedded in the substrate, the waveguide region having a higher refractive index than the substrate and the waveguide region having an inlet region through which light can enter and an outlet region through which light can exit.

Dated: March 5, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–5848 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of a Meeting To Discuss an Opportunity To Join a Cooperative Research and Development Consortium on High Resolution Diffraction and Reflectometry Standards

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) invites interested parties to attend a meeting on March 29, 2001 to discuss the possibility of setting up a cooperative research consortium. The objectives of this consortium are (1) To define the factors that limit accuracy and precision in high resolution X-ray diffraction and reflectometry analyses of semiconductor materials, and (2) to assist the consortium members in implementing high resolution X-ray diffraction and reflectometry measurements.

DATES: The meeting will take place on March 29, at 10:00 a.m. Interested parties should contact NIST to confirm their interest at the address, telephone number or FAX number shown below.

ADDRESSES: The meeting will take place in NIST North (820), Room 201, National Institute of Standards and Technology, Gaithersburg, MD 20899–8422.

FOR FURTHER INFORMATION CONTACT: Dr. Richard J. Matyi, Physics Building (221), Room A143, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. Telephone: 301–975–4272; FAX: 301–975–3038; e-mail: richard.matyi@nist.gov.

SUPPLEMENTARY INFORMATION: Any program undertaken will be within the scope and confines of The Federal Technology Transfer Act of 1986 (Public Law 99–502, 15 U.S.C. 3710a), which provides federal laboratories including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment, and facilities but no funds to the cooperative research program. This is not a grant program.

The R&D staff of each industrial partner in the consortium will be able to interact with NIST researchers on generic needs for high resolution X-ray diffraction and reflectometry measurements on semiconductor materials. Partners will have an opportunity to work with NIST researchers to identify the factors that limit accuracy and precision in high resolution X-ray diffraction and reflectometry analysis, and to participate in programs to improve the accuracy and precision of these measurements in their own facilities.

Dated: March 5, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01–5849 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101E]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council's Administrative Committee will hold a meeting.

DATES: The Administrative Committee will convene on Wednesday, March 28, 2001, from 1 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel, located at 8000 Tartak Street, Isla Verde, Carolina, Puerto Rico 00979.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Administrative Committee will hold a public meeting to discuss the items contained in the following agenda:

Call to Order
Adoption of Agenda
Budget Status
Retirement Plan
Scientific and Statistical Committee/ Advisory Panel Membership
Other Business

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926. at least 5 days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

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

[FR Doc. 01–5870 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030101C]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) committee formed to study reasonable and prudent alternatives (RPAs) for Steller sea lion protection in Alaska fisheries will meet.

DATES: The meeting will begin at 8 a.m. on Monday, March 26, and will continue through Wednesday, March 28.

ADDRESSES: The meeting will be held at the Hilton Hotel, in the Denali Room, 500 W. 3rd Avenue, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, North Pacific Fishery Management Council; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The committee will discuss recommendations for open and closure areas for the groundfish fisheries for the second half of 2001, and continue development of RPA alternatives for 2002 and beyond.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: March 5, 2001.

Richard W. Surdi,

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

[FR Doc. 01–5869 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board; Notice of Open Meeting

AGENCY: Office of Oceanic and Atmospheric Research, NOAA, DOC.

ACTION: Notice of open meeting.

SUMMARY: The Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education, and application of science to resource management. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

DATES: The meeting will be held Tuesday, March 20 2001, from 10:00 a.m. to 5:00 p.m., Wednesday, March 21, 2001, from 8:30 a.m. to 5:00 p.m., and Thursday, March 22, from 8:30 a.m. to 11:30 a.m.

ADDRESSES: The meeting on Tuesday, March 20 and Thursday, March 22 will be held at the Department of Commerce Herbert C. Hoover Building, 14th and Constitution Avenues, Washington, DC. On Wednesday, March 21, the meeting will be held at the NOAA Science Center, 1305 East West Highway, Silver Spring, Maryland.

Status: The meeting will be open to public participation with two 30-minute time periods set aside for direct verbal comments or questions from the public. The SAB expects that public statements

presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received in the SAB Executive Director's Office by March 12, 2001, in order to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after March 12 will be distributed to the SAB, but may not be reviewed prior to the meeting date. Approximately thirty (30) seats will be available for the public including five (5) seats reserved for the media. Seats will be available on a first-come, first-served basis.

Matters to be Considered: The meeting will include the following topics: (1) National Undersea Research Program Strategic Plan, (2) Reviews of the Office of Global Program's September 2000 Panel Meeting, the Report of the Panel Review of the National Environmental Satellite and Data Information Service's (NESDIS) Office of Research and Applications and the Report of the Panel on Strategies for Climate Monitoring, (3) the National Science Foundation's Geosciences Programs, (4) the National Sea Grant College Program, (5) Public Input Sessions with SAB discussion, (6) SAB Sub-Committee and Working Group Reports, (7) NOAA's Long-term Climate Monitoring Council, and (8) the U.S. Weather Research Program.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Uhart, Executive Director, Science Advisory Board, NOAA, Rm. 11142, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–713–9121, Fax: 301–713–3515, E-mail: Michael.Uhart@noaa.gov); or visit the NOAA SAB website a http://www.sab.noaa.gov.

Dated: March 5, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 01–5871 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–KD–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030501B]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research permit (1299); NMFS has issued modification #2 to permit 1190.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a scientific research permit from Dr. Raymond Carthy, of the Florida Cooperative Fish & Wildlife Research Unit; NMFS has issued modification #2 to permit 1190 to the Regional Administrator of the National Marine Fisheries Service Southwest Region (NMFS-SWR) (1190).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on April 9, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment: For permits 1299, 1190: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION: Authority Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

New Applications Received

Application 1299

The applicant requests a 3-year permit to take juvenile and adult turtles along the St. Joseph Peninsula, in St. Joseph Bay, Florida. The applicant proposes to examine the inter-nesting movements and habitat usage of adult loggerhead turtles along the northwestern coast of Florida, while also examining species composition, population densities and habitat utilization in coastal bays in the same area.

Permits and Modified Permits Issued

Permit #1190

Notice was published on August 31, 2000 (65 FR 52988) that the Regional Administrator, NMFS-SWR had applied for a modification to scientific research permit #1190. The modification request asked for an increase in the authorized take of all five listed turtle species. The increases were necessary due to higher numbers of turtles expected to be handled by observers expected under court mandated requirements. On August 4, 2000 a court order was issued and filed in U.S. District Court, District of Hawaii, requiring the National Marine Fisheries Service (NMFS) to increase its observer coverage to over 20% for the Hawaii longline fishery (historically, NMFS has had a 3%–5%

coverage level for the fishery). The modification increased the proposed numbers of turtles to be handled, measured, tagged and have samples collected by observers on longline vessels to: 40 green turtles; 100 leatherback turtles; 600 loggerhead turtles; 40 hawksbill turtles and 100 olive ridley turtles. The increases in maximum takes requested are proportional to the increase in observer coverage required.

The purpose of the research is to document and evaluate the incidental take of pelagic turtles by the longline fishery, to help estimate the impact of the fishery on listed turtles as individuals and as populations, and to determine methods to reduce that impact. Research will evaluate how incidental captures affect sea turtle anatomy and physiology as a function of season, location of take, water temperature, species, size, time of day, and gear configuration. The results of the research will help NMFS to better meet the goals and objectives of the Pacific Sea Turtle Recovery Plans, the Hooking Mortality Workshop, and the requirements of Section 7 Biological Opinions developed for this fishery, and ultimately, to fulfill ESA responsibilities to protect, conserve, and recover listed species.

Modification #2 to Permit #1190 was issued on February 20, 2001, authorizing take of listed species. Permit 1190 expires March 31, 2004.

Dated: March 2, 2001.

Margaret Lorenz,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5868 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.022701C]

Marine Mammals; File No.775–1600

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Micheal P. Sissenwine, Northeast Fisheries Science Center, NMFS,166 Water Street, Woods Hole, Massachusetts 02543–1026, has been issued a permit to take harbor seals (*Phoca vitulina*), gray seals (*Halichoerus grypus*), harp seals (*Phoca groenlandica*), and hooded seals (*Cystophora cristata*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before April 9, 2001.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (508)281–9250; fax (508)281–9371.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On October 27, 2000, notice was published in the **Federal Register** (65 FR 64432) that a request for a scientific research permit to take seven species of baleen whale, twenty species of odontocetes, and four species of pinnipeds had been submitted by the above-named organization.

The requested permit has been issued for the four species of pinniped only under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: March 6, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–5867 Filed 3–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Meeting

AGENCY: USSTRATCOM, Department of Defense.

ACTION: Notice.

SUMMARY: The Strategic Advisory Group (SAG) will meet in closed session on April 16 and 27, 2001. The mission of the SAG is to provide timely advice on scientific, technical, and policy-related issues to the Commander in Chief, U.S. Strategic Command, during the development of the nation's strategic war plans. At this meeting, the SAG will discuss strategic issues that relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified in accordance with Executive Order 12958, April 15, 1995. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense.

In accordance with section 10(d) of the Federal Advisory Committee Act, (5 U.S.C. App 2), it has been determined that this SAG meeting concerns matters listed in 5 USC 552b(c) and that, accordingly, this meeting will be closed to the public.

Dated: March 1, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01–5838 Filed 3–8–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

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

Name of Committee: Army Science Board (ASB).

Date of Meeting: 13, 14, and 15 March 2001.

Time of Meeting: 8:00 am to 5:00 pm.

Place: Main Conference Room, SAIC, 1710 Solutions Dr., McLean, VA.

Agenda: The Army Science Board's (ASB) Objective Force Soldier/Soldier Teams study will meet for the second of three Plenary Meeting to receive updates from panel breakouts, receive presentations of various subject topics as it pertains to the study, and discuss/plans for forthcoming meetings. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Mr. Mike Hendricks on (703) 617–7048.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 01–5783 Filed 3–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–235–000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 2, 2001.

Take notice that on February 26, 2001, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Third Revised Sheet No. 434 and Fourth Revised Sheet No. 435, with a proposed effective date of March 28, 2001.

National Fuel states that the purpose of the instant filing is to facilitate compliance with Order No. 637 and the revised reporting requirements in Section 161.3(1)(2) of the Commission's Regulations.

National Fuel states that copies of this filing were served upon its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–5831 Filed 3–8–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Oil and Hazardous Substance Contingency Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Oil and Hazardous Substances Pollution Contingency Plan, EPA ICR No. 1463.05, OMB No. 2050–0096, expiring on July 3, 2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 8, 2001.

ADDRESSES: Comments must be submitted to the Community Involvement and Outreach Center, Office of Emergency and Remedial Response, 1200 Pennsylvania Avenue, NW., Ariel Rios Building, Washington, DC 20460, Mail Code: 5204–G, 703–603–8889. Persons interested in obtaining a copy of the ICR without charge may call the telephone number above to request a free copy.

FOR FURTHER INFORMATION CONTACT: Lois Gartner, telephone number: 703–603–8889, facsimile number: 703–603–9100, e-mail address: gartner.lois@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those states and members of the public that voluntarily participate in the remedial phase of the Superfund process and those members of the public that voluntarily participate in community involvement activities during some or all phases of the Superfund process.

Title: National Oil and Hazardous Substances Pollution Contingency Plan (OMB Control No. 2050–0096, EPA ICR No. 1463.05) expiring on July 3, 2001.

Abstract: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund; 42 U.S.C. 9601 *et seq.*), as amended, establishes broad Federal authority to undertake removal and remedial actions in response to releases or threats of releases of hazardous substances and certain pollutants and contaminants into the environment. The National Contingency Plan sets forth requirements for carrying out the response authorities established under CERCLA. In addition, the Government Performance and Results Act of 1993 (GPRA) requires EPA to determine and report to Congress on its effectiveness, including community involvement activities.

For states, this ICR addresses the recordkeeping and reporting provisions of the NCP that affect those states that voluntarily participate in the remedial phase of the Superfund program. (Recordkeeping and reporting requirements of the pre-remedial phase—except those tied to community involvement—have been addressed in the ICR prepared for the revisions to the Hazard Ranking System (HRS) (OMB Control No. 2050–0095). Recordkeeping and reporting provisions for the removal program—except, again, those tied to community involvement—also are not included in this ICR because the Federal government has the lead for removal actions.) Remedial responses under the Superfund program fall into the pre-remedial phase (during which the extent of site contamination is assessed) and the remedial phase (during which investigations are conducted to identify and characterize contaminants present and to determine viable remedies for a site, the remedy is chosen and the cleanup or construction is completed). The NCP includes the following reporting and recordkeeping provisions for the remedial phase of the Superfund program:

(1) States that voluntarily take the lead in remedial activities at Superfund sites must conduct the activities in a manner consistent with CERCLA (40 CFR 300.515(a)). Therefore, at a state-lead site, the state must: develop a Remedial Investigation and Feasibility Study (RI/FS); prepare a Proposed Plan; issue a Record of Decision (ROD); complete community interviews; prepare a Community Involvement Plan (CIP), and provide information to the public; and

(2) States must identify and communicate potential state applicable or relevant and appropriate requirements (ARARs) at all Superfund sites within the state (40 CFR 300.400(g)).

In addition, this ICR addresses the recordkeeping and reporting provisions of the NCP that affect communities voluntarily providing their concerns to the lead agency about the Superfund process. This ICR also addresses the recordkeeping and reporting provisions

imposed on communities when those communities provide feedback on community involvement activities that may be used for GPRA reporting. Community involvement related to NCP requirements and GPRA reporting may occur during all phases of the Superfund process including, pre-remedial, remedial, removal (short-term response actions), and operation and maintenance (which may include such activities as ground water and air monitoring, inspection and maintenance of the treatment equipment remaining on site, and maintenance of any security measures or institutional controls.) Specifically, members of the community surrounding a Superfund site may participate in community interviews (40 CFR 300.43(c)) conducted by EPA in order to prepare a CIP or serve on Technical Assistance Grant (TAG) groups, as provided for in Superfund Amendments and Reauthorization Act (SARA) of 1986, as well as in Community Advisory Groups (CAG), as provided in Superfund Administrative Reforms. Community groups focused on the technical assistance provided through the Technical Outreach Services for Communities (TOSC) program may also participate. Participation may also take the form of attending informal and formal meetings, open houses and public availability sessions, responding to questionnaires and telephone interviews, and/or participation in focus groups.

EPA uses the information provided by the states to ensure state actions are consistent with the provisions of CERCLA and SARA and that their decisions are protective of human health and the environment. EPA uses the information gathered from private citizens to plan activities geared to educating them where necessary, keeping them informed of activities within the community, and ensuring they have had an opportunity to assume an active role in the decision making process that affects their community. EPA also uses information from private citizens to obtain feedback on the effectiveness of community involvement activities, in order to improve those activities as needed. EPA believes involvement of the members of the community surrounding a Superfund site is critical to ensuring effective site cleanups.

Burden Statement

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.

EPA estimates that 40 new sites will be added to the NPL each year over the three-year period of this ICR. Of those 40 sites, EPA estimates ten will be state-lead cleanups. It is estimated that states will incur an annual burden of 6,026 hours per site, for a cost $226,939, of which $226,826 is reimbursed by EPA. States are reimbursed from the CERCLA Hazardous Substances Trust Fund (the Fund) for state-lead activities via cooperative agreements with EPA as provided in CERCLA section 104(d)(1). States are not reimbursed from the Fund for identification of state ARARs. It is also estimated that communities will incur a collective annual burden of 539 hours per site, for a cost of $20,298 (assuming the value of their time at $37.66) or an estimated average annual burden of 11 hours per person. While EPA does not reimburse community members for their participation, this ICR nonetheless estimates the monetary value of burden their participation imposes on them.

The burden data in this section are based on estimates by EPA personnel knowledgeable of the remedial program's recordkeeping and reporting requirements and the costs and level of effort required to meet the requirements.

Estimated Unit Burdens to State Governments

A ''unit'' burden is the burden incurred by a respondent for performing an individual site-specific activity. States incur burdens at: (1) an estimated ten new state-lead sites per year for several reporting and recordkeeping activities; and (2) all of the estimated 40 NPL sites on an annual basis with RI/FS starts for identifying and reporting ARARs.

The burden is calculated using a weighted average hourly rate of $37.66 multiplied by the number of hours to undertake a given activity. For purposes of this ICR, wage rates for state government personnel are estimated to be comparable to those for Federal government personnel. Labor rates for government workers reflect the median GS level salaries for managerial, technical and clerical positions. These rates include direct salary and fringe benefits (calculated at 60 percent of direct salary.) The hourly rates, as of January 2001, are:

Management (GS 13, Step 5):$49.82/hour.

Technical (GS 11, Step 5): $34.96/hour.

Clerical: $23.61/hour.

Based on these assumptions, the weighted hourly wage rate for state and Federal personnel is $37.66((0.1)X(49.82) + (0.8)X(34.96) + (0.1)X(23.61)).

At a state-lead site, states incur a burden for the following activities:

- Development of the RI/FS—5,200 hours/yr/site, $195,832.
- Development of the Proposed Plan—160 hours/yr/site, $6,025.
- Preparation of the ROD—360 hours/yr/site, $13,557.
- Development of the CIP—150 hours/yr/site, $5,649.
- Providing information to the public—153 hours/yr/site, $5,761.

At all sites, states incur a unit burden of three hours per site per year, or a cost of $113, for providing information on state ARARs.

Estimated Unit Burdens to Community Members

During their participation in the Superfund process, community members may perform any or all of the following activities (as with burden estimates for state activities, an hourly rate of $37.66 is used to estimate the value of community members' time):

- Participate in interviews—20 hours/yr/site, $753.
- Attend informal and formal meetings, open houses, and public information availability sessions—240 hours/yr/site, $9,038.
- Participate in community groups—160 hours/yr/site with such groups. $6,025.
- Respond to surveys—47 hours/yr/site, $1,770.
- Participate in focus groups—72 hours/yr/site with such groups, $2,711.

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.

Comments

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Please send comments to the address appearing in the **ADDRESSES** segment of this notice.

Dated: February 22, 2001.

David Evans,

Acting Director, Office of Emergency and Remedial Response.

[FR Doc. 01–5861 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances

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: ''Notification of Episodic Releases of Oil and Hazardous Substances,'' OMB No. 2050–0046; expiration date February 28, 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 April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1049.09 and OMB Control No. 2050–0046, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at Farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1049.09. For technical questions about the ICR contact Lynn Beasley, (703) 603–9086.

SUPPLEMENTARY INFORMATION:

Title: Notification of Episodic Releases of Oil and Hazardous Substances, EPA ICR Number 1049.09, expiring February 28, 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 or vessel 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) limit. The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4. Section 311 of the CWA, as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The reporting of a hazardous substance release that is above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is necessary to mitigate or prevent damage to public health or welfare or the environment. The hazardous substance and oil release information collected under CERCLA section 103(a) and CWA section 311 also is 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. Release notification information, which is stored in the national Emergency Response Notification System (ERNS) database, is available to State and local government authorities as well as the general public. The database resides at the National Response Center. The web address for the National Response Center is: *http://www.nrc.uscg.mil/index.html.* State and local government authorities and the regulated community use release information for purposes of local emergency response planning. Members of the general 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 initially published on June 13, 2000 (65 FR 37128); three comments were received. That **Federal Register** document was subsequently withdrawn on August 22, 2000 (65 FR 50985) so that additional information could be included in the Information Collection Request. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was republished on December 5, 2000 (65 FR 75930); two comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 4.1 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: Facilities or vessels that manufacture, process, transport, or use specified hazardous substances and oil.

Estimated Number of Respondents: 23,726.

Frequency of Response: When a reportable release occurs.

Estimated Total Annual Hour Burden: 97,277 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: 0.

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. 1049.09 and OMB Control No. 2050–0046 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5857 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program

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: Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, OMB Control Number 2060–0287, expiration date February 28, 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 April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1684.05 and OMB Control No. 2060–0287, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1684.05. For technical questions about the ICR contact Nydia Yanira Reyes-Morales at 202–564–9264.

SUPPLEMENTARY INFORMATION:

Title: Non-road Compression-Ignition Engine and On-road Heavy Duty Engine Application for Emission Certification, and Participation in the Averaging, Banking, and Trading Program, OMB Control Number 2060–0287, EPA ICR Number 1684.05, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: This ICR is combining two previously existing ICRs (number 1851.01 OMB Control No. 2060–0404, and 1684.04 OMB Control No. 2060–0287) into ICR number 1684.05. The ICRs are being combined to incorporate all certification and averaging, banking and trading collection activities in the non-road and on-highway sectors into one ICR. The Burden Hours for 1851.01 was 53,168 with a cost of $ 1,606,196 and for 1684.04 was 78,005 Burden Hours and a cost of $ 0 Capital, O&M. The consolidated 1684.05 has 70,300 Burden Hours and a cost of $1,477,900.

Under Title II of the Clean Air Act (42 U.S.C. 7521 *et seq.*; CAA), EPA is charged with issuing certificates of conformity for those engines that comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system, and test data. This information is organized by ''engine family'' groups expected to have similar emission characteristics. There are also recordkeeping requirements.

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 December 11, 2000; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 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: Non-Road Compression-Ignition Engine Mfgs.

Estimated Number of Respondents: 66.

Frequency of Response: Quarterly, Annually.

Estimated Total Annual Hour Burden: 98,548.

Estimated Total Annualized Capital, O&M Cost Burden: $1,477,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1684.05 and OMB Control No. 2060–0287 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5858 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutants

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 the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutant, EPA ICR No. 1658.03, OMB Control Number 2060–0373, expiration date February 28, 2001. The ICR describes the nature of the information collection its burden and cost; where appropriate, it includes the actual date collection instrument.

DATES: Comments must be submitted on or before April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1658.03 and OMB Control No. 2060–0373, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1658.03. For technical questions about the ICR contact Katherine Kaufman at 919–541–0102.

SUPPLEMENTARY INFORMATION:

Title: Control Technology Determinations for Constructed and Reconstructed Major Sources of Hazardous Air Pollutant, OMB Control Number 2060–0373, EPA ICR Number 1658.03, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: Section 112(g)(2)(B) of the Clean Air Act as amended in 1990 requires that maximum achievable control technology (MACT), determined on a case-by-case basis, be met by constructed or reconstructed major sources of hazardous air pollutants. In order to receive a permit to construct or reconstruct a major source, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that their project meets all applicable statutory and regulatory requirements. Permitting agencies, either State, local or Federal, review and approve or disapprove the permit application. Specific activities and requirements are listed and described in the Supporting Statement for the ICR.

The information collected in the section 112(g) applications provides (for the purposes of compliance determination) documentation of the selection of a particular control technology for case-by-case MACT. Applications are reviewed by a state or local agency for which authority has been delegated by EPA to make the requisite determinations. In addition, EPA will review some applications as an oversight function.

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 was published on December 15, 2000. No comments were received concerning the ICR renewal.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 153 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: Entities potentially affected by this action are those who must submit an application for a permit to construct or reconstruct a major source of hazardous air pollution, permitting agencies who review the permit applications, and EPA staff who review some permitting authority decisions.

Estimated Number of Respondents: 3,000.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 92,210.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

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. 1658.03 and OMB Control No. 2060–0373 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5859 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6950–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Certification and Averaging, Banking, and Trading Program for Non-Road Spark-Ignition Engines At or Below 19 Kilowatts

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: Certification and Averaging, Banking, and Trading Program for Non-road Spark-Ignition Engines At or Below 19 Kilowatts, OMB Control Number 2060–0338, expiration date February 28, 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 April 9, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1695.07 and OMB Control No. 2060–0338, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1695.07. For technical questions about the ICR contact Joe Hresko at 202–564–9275.

SUPPLEMENTARY INFORMATION:

Title: Certification and Averaging, Banking, and Trading Program for Nonroad Spark-Ignition Engines At or Below 19 Kilowatts, OMB Control Number 2060–0338, EPA ICR Number 1695.07, expiration date February 28, 2001. This is a request for extension of a currently approved collection.

Abstract: This request is a renewal of an existing ICR (OMB #2060–0338) which covers applications for engine emission certification and the Averaging, Banking, and Trading (ABT) program by manufacturers of Spark Ignition (SI) nonroad engines. The information to be collected consists of descriptions of engine emission control systems, test results and sales information. This data is reviewed to verify that necessary tests have been performed and the manufacturers' product lines meet emission standards. The emission values achieved during certification testing greatly influences the ABT credits for an engine family. For example, if a manufacturer does a certification test for an engine and gets a value of 10 for a pollutant. It is common for a manufacturer to use this value in ABT calculations. Manufacturers electing to participate in the ABT are also required to submit information regarding the calculation, actual generation and usage of credits in the certification application, and final report. These reports are used for certification and enforcement purposes. Manufacturers will also maintain records for eight years on the engine families included in the program. For clarification purposes, throughout this ICR Supporting Statement the category of nonroad SI engines is comprised of non-handheld engines and handheld engines. It has been estimated that a total of 54 manufacturers will respond to this collection with an approximate cost of $6,573,440.

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 December 11, 2000 (65 FR 77373); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 73 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: Nonroad SI Engine Manufacturers.

Estimated Number of Respondents: 54.

Frequency of Response: Bi-annually, Annually.

Estimated Total Annual Hour Burden: 47,736.

Estimated Total Annualized Capital, O&M Cost Burden: $3,240,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1695.07 and OMB Control No. 2060–0338 in any correspondence.

Dated: February 27, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–5860 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6616–1]

Environmental Impact Statements; Notice of Availability

*Responsible Agency:*Office of Federal Activities, General Information (202) 564–7167 www.epa.gov/oeca/ofa.

Weekly receipt of Environmental Impact Statements

Filed February 26, 2001 Through March 02, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010060, Draft EIS, NPS, OK, Washita Battlefield National Historic Site, General Management Plan, Implementation, Roger Mill County, OK, Comment Period Ends: May 18, 2001, Contact: Sarah Craighead (580) 497–2742.

EIS No. 010061, Final EIS, FHW, NH, Manchester Airport Access Road Highway Improvement Project, Bedford-Manchester-Londonderry-Litchfield-Merrimack, Funding and NPDES Permit and COE Section 404 Permit, Hillsborough and Rockingham Counties, NH , Wait Period Ends: April 09, 2001, Contact: William F. O'Donnell (603) 228–3057.

EIS No. 010062, Final EIS, COE, CA, Adoption—CA–125 South Route Location, Adoption and Construction, between CA–905 on Otay Mesa to CA–54 in Spring Valley, Funding and COE Section 404 Permit, San Diego County, CA, Wait Period Ends: April 09, 2001, Contact: Terry Dean (858) 674–5386. Corps of Engineers (COE) has adopted the Department of Transportation's #000043 filed 02–10–2000. COE was not a Cooperating Agency for the above final EIS. Recirculation of the document is necessary under Section 1506.3(b) of the Council on Environmental Quality Regulations.

EIS No. 010063, Draft EIS, AFS, OR, Silvies Canyon Watershed Restoration Project, To Improve the Ecosystem Health of the Watershed, Grant and Harney Counties, OR , Comment Period Ends: April 23, 2001, Contact: Lori Bailey (541) 573–4300.

EIS No. 010064, Final EIS, BLM, NV, Marigold Mine Expansion Project, Implementation, COE Section 404 Permit, Special-Use-Permit, Humboldt County, NV, Wait Period Ends: April 09, 2001, Contact: Jeff Johnson (775) 623–1500.

EIS No. 010065, Final Supplement, AFS, WA, Huckleberry Land Exchange Consolidate Ownership and Enhance Future Conservation and Management, Updated Information,

Proposal to Exchange Land and Mineral Estates, Federal Land and Non-Federal Land, Mt. Baker-Snoqualmie National Forest, Skagit, Snohomish, King, Pierce, Kittitas, and Lewis Counties, WA, Wait Period Ends: April 09, 2001, Contact: Everett White (425) 744–3442.

EIS No. 010066, Final EIS, NPS, MD, Glen Echo Park Management Plan, Implementation, Town of Glen Echo, Potomac River Valley, part of the George Washington Memorial Parkway, Montgomery County, MD , Wait Period Ends: April 09, 2001, Contact: Audrey Calhoun (703) 289–2500.

EIS No. 010067, Draft EIS, FHW, TX, IH–10 West from Taylor Street to FM–1489, Construction and Reconstruction, Central Business District (CBD), Funding, Right-of-Way Permit and COE Section 404 Permit, Harris, Fort Bend and Waller Counties, TX, Comment Period Ends: April 23, 2001, Contact: James G. Darden (713) 802–5241.

EIS No. 010068, Final Supplement, NOA, Atlantic Sea Scallop Fishery Management Plan (FMP), Updated Information, Framework Adjustment 14 to adjust the annual Amendment 7 day-at-sea allocation for 2001 and 2002 and to re-open portions of the Hudson Canyon and Virginia/North Carolina Areas for Scallop Fishing, Wait Period Ends: March 23, 2001, Contact: George Darcy (978) 281–9331. Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementating the Procedural Provisions of the National Environmental Policy Act the US Environmental Protection Agency has Granted a 15-Day Wavier for the above EIS.

Amended Notice

EIS No. 010028, Draft EIS, FHW, IL, Illinois Route 3 (FAP–14) Relocation, Improved Transportation from Sauget to Venice, Funding, NPDES Permit and COE Section 404 Permit, Madison and St. Clair Counties, IL, Comment Period Ends: April 02, 2001, Contact: Ronald C. Marshall (217) 492–4640. Revision of FR notice published on 02/02/2001: CEQ Comment Date has been extended from 03/19/2001 to 04/02/2001.

Dated: March 6, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5912 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6616–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–J65046–WY Rating LO, Bridger-Teton National Forest, Oil and Gas Leasing in Management Areas: 21-Hoback Basin; 45 Moccasin Basin; 71 Union Pass and 72 Upper Basin River, Fremont, Sublette and Teton Counties, WY.

Summary: While EPA expressed lack of objections with the preferred alternative there was concern due to potential adverse impacts should alternative 2, 3 or 5 be selected.

ERP No. D–AFS–J65328–SD Rating EC2, Jasper Fires Value Recovery Area Project, Implementation, Revised Forest Plan for the Black Hills National Forest, Hell Canyon and Mystic Ranger District, Custer and Pennington Counties, SD.

Summary: EPA expressed environmental concerns over potential impacts to ground water and suggests that the FEIS include information to make this determination. In addition, potential for adverse impacts to old growth and snags as well as an analysis of the impacts from related salvage activity on other structures (fences, tanks, etc) should be addressed.

ERP No. D–FAA–F51047–00 Rating LO, Chicago Terminal Airspace Project (CTAP), For Proposed Air Traffic Control Procedures and Airspace Modification for Aircraft Operating To/From the Chicago Region, Including Chicago O'Hare International Airport, Chicago Midway Airport, Milwaukee Mitchell International Airport, IL, IN and WI.

Summary: EPA has no objection to the proposed action since documention indicates that no significant noise impacts or adverse impacts on other environmental resources are likely to occur following project implementation.

ERP No. D–NPS–G61040–TX Rating LO, Fort Davis National Historic Site, General Management Plan, Implementation, Fort Davis, TX.

Summary: EPA had no objections to the selection of the preferred alternative.

Final EISs

ERP No. F–BLM–J65318–00 Montana, North Dakota and Portions of South Dakota Off-Highway Vehicle Management and Plan Amendment, Implementation, MT, ND and SD.

Summary: While this plan attempts to balance environmental protection with recreational use EPA continues to express concerns about potential environmental degradation of non-system roads and trails on public lands.

Dated: March 6, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–5913 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–6]

Availability of ''Allocation of Fiscal Year 2001 Operator Training Grants''

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: EPA is announcing availability of a memorandum entitled ''Allocation of Fiscal Year 2001 Operator Training Grants'' issued on March 1, 2001. This memorandum provides National guidance for the allocation of funds used under section 104(g)(l) of the Clean Water Act.

ADDRESSES: Municipal Assistance Branch, U.S. EPA, 1200 Pennsylvania Avenue, NW (4204–M), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Curt Baranowski, (202) 564–0636 or baranowski.curt@epa.gov.

SUPPLEMENTARY INFORMATION: The subject memorandum may be viewed and downloaded from EPA's homepage, *www.epa.gov/owm/mab/owm0317.pdf.*

Dated: March 1, 2001.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01–5855 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–5]

Availability of ''Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2001 Appropriations Act and the FY 2001 Consolidated Appropriations Act''

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability.

SUMMARY: EPA is announcing availability of a memorandum entitled ''Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2001 Appropriations Act and the FY 2001 Consolidated Appropriations Act.'' This memorandum provides information and guidelines on how EPA will award and administer grants for the special projects and programs identified in the State and Tribal Assistance Grants (STAG) account of the Agency's fiscal year (FY) 2001 Appropriations Act (Public Law 106–377) and the FY 2001 Consolidated Appropriations Act (Public Law 106–554). The STAG account provides budget authority for funding identified water, wastewater and groundwater infrastructure projects, as well as budget authority for funding the United States-Mexico Border program and the Alaska Rural and Native Villages program. Each grant recipient will receive a copy of this document from EPA.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for electronic access of the guidance memorandum.

FOR FURTHER INFORMATION CONTACT: Valerie G. Martin, (202) 564–0623 or martin.valerie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The subject memorandum may be viewed and downloaded from EPA's homepage, http://www.epa.gov/owm/mab/owm0316.pdf.

Dated: February 27, 2001.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 01–5856 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6951–4]

Notice of Gulf of Mexico Programs Citizen's Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Act, Pub.L. 92463, EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Citizens Advisory Committee (CAC).

DATES: The CAC meeting will be held on Tuesday, March 27, 2001 from 1:00 to 5:30 p.m. and on Wednesday, March 28, 2001 from 9:00 a.m. to 1:30 p.m.

ADDRESSES: The meeting will be held at the River House, Stennis Space Center, Mississippi, 39529, (228) 688–3726.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Update on Gulf of Mexico Program Workplan and activities, presentation and discussion on Agricultural Best Management Practices, election of secretary, and roundtable discussions on top issues in each state.

The meeting is open to the public.

Dated: February 28, 2001.

Gloria D. Car,

Designated Federal Officer.

[FR Doc. 01–5862 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6948–4]

Public Participation in Activities Relating to the 1998 Agreement on Global Technical Regulations; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: EPA is holding a public workshop and soliciting public comments with regard to the development of the Agency's policy concerning its participation in the United Nations/Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations (WP.29) and the development of regulations under the 1998 ''Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts.'' This notice is also soliciting comment on the involvement of the public in the Agency's participation in the development of regulations under the 1998 Agreement. Finally, this notice sets forth the Agency's priorities in participating in the global regulatory harmonization process. The Agency intends to issue its policy following the receipt of comments solicited here.

The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop.

DATES: Public workshop: The public workshop will be held on March 19, 2001, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: Public workshop: The public workshop will be held in room 1332A of the EPA Headquarters, Ariel Rios Building North, 1300 Pennsylvania Avenue, NW, Washington DC.

Contact: Those persons wishing to participate in the workshop should contact Ms. Catrice Jefferson by telephone, (202) 564–1668, or email, ''jefferson.catrice@epa.gov'' no later than March 15, 2001.

Written Comments: Written comments to the Agency must be received by April 18, 2001. Comments must refer to docket number A–2001–08 and be submitted (preferably 2 copies) to EPA's Air Docket at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street S.W., Washington, D.C. 20460. The Docket Office is open between 8 a.m. and 5:30 p.m., Monday through Friday except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548, and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Ms. Catrice Jefferson, Office of Air and Radiation, Mail Code 6103A, U.S. Environmental Protection Agency, Washington, DC. 20460, Telephone: (202) 564–1668; Fax: (202) 564–1557; email ''jefferson.catrice@epa.gov''.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

A. The 1998 Agreement

The U.S. became the first signatory to the United Nations/Economic Commission for Europe (UN/ECE) Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/or Be Used on Wheeled Vehicles (the ''Agreement''). The 1998 Agreement entered into force on August 28, 2000. The Agreement provides for the establishment of global technical regulations regarding wheeled vehicle safety, environmental performance, energy sources and theft prevention.

B. Purpose of and Need for 1998 Agreement

The decision of the U.S. to become a Contracting Party to the 1998 Agreement and participate in a global regulation development process is a critical step toward a cooperative worldwide identification of best safety, environmental and energy practices.

Becoming a Contracting Party to the 1998 Agreement accomplishes several purposes for the U.S. and the EPA in particular. It gives the U.S. a vote in the establishment of voluntary global environmental regulations for wheeled vehicles, equipment and parts under the United Nations. Such participation enables the U.S. to take a leading role in the design and development of globally harmonized mobile source environmental regulations that can be adopted worldwide. Further, the 1998 Agreement ensures that U.S. mobile source regulatory standards will be considered in any effort to develop such harmonized global technical regulations for mobile sources.

C. Purpose of This Notice

The purpose of this notice is twofold. First, it announces the procedures that EPA intends to follow to ensure that its activities under the 1998 Agreement are open and transparent to the public. Second, it specifies the priorities that will guide the Agency during its participation in activities under the 1998 Agreement. Foremost of these priorities is to promote and establish environmental standards for mobile sources that reflect the best environmental practices around the world.

II. Highlights of 1998 Agreement

The key aspects of the 1998 Agreement are summarized below to aid persons unfamiliar with its provisions. The complete text of the Agreement can be found in docket A–2001–08 and on the Internet at the address provided herein.

- The Agreement establishes a global process under the United Nations, Economic Commission for Europe (UN/ECE), for developing and harmonizing global technical regulations ensuring high levels of environmental protection, safety, energy efficiency and anti-theft performance of wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles. (Preamble, Art. 1).
- Members of the ECE, as well as members of the United Nations that participate in ECE activities, are eligible to become Contracting Parties. Specialized agencies and organizations that have been granted consultative status by the UN/ECE may participate in that capacity without voting privilege. (Art. 2)
- The Agreement was entered into force on August 28, 2000, when the required minimum of eight (8) countries or regional economic integration organizations became Contracting Parties. (Art. 11) The current list of Contracting Parties is: the United States, Canada, Japan, France, the United Kingdom, the European Community, Germany, the Russian Federation, the People's Republic of China, and the Republic of Korea.
- The Agreement explicitly recognizes the importance of continuously improving and seeking high levels of safety and the right of national and subnational authorities, (e.g., California's authority under the Clean Air Act to set separate emission standards), to adopt and maintain technical regulations that are more stringently protective of health and the environment than those established at the global level. (Preamble)
- The Agreement explicitly states that one of its purposes is to ensure that actions under the Agreement do not promote, or result in, a lowering of environmental protection or safety within the jurisdiction of the Contracting Parties, including the subnational level. (Art. 1)
- To the extent consistent with achieving high levels of environmental protection and vehicle safety, the Agreement also seeks to promote global harmonization of wheeled vehicle regulations. (Preamble)
- The Agreement emphasizes that the development of global technical regulations will be transparent. (Art. 1)
- To complement the Agreement's transparency provisions, EPA will take steps to ensure transparency in its consideration of global regulations being developed under the Agreement. EPA will ensure that key documents developed under the Agreement are placed in the established public docket for this activity and on the Internet as they become available. Further, EPA will accept public comments on such documents.
- The Agreement provides two different paths to the establishment of global technical regulations. The first is the harmonization of existing national regulatory standards or their improvement. The second is the development of new global technical regulations where there are no existing regulatory standards. (Article 6.2 and 6.3)
- The process for developing a harmonized global technical regulation includes a technical review of existing regulations of the Contracting Parties, relevant UN/ECE regulations and international voluntary standards. If available, comparative assessments of the benefits of these regulations (also known as functional equivalence assessments) will be reviewed. (Art. 1.1.2, Article 6.2)
- The process for developing a new global technical regulation includes the assessment of technical and economic feasibility and a comparative evaluation of the potential benefits and cost effectiveness of alternative regulatory requirements and test method(s) by which compliance is to be demonstrated. (Article 6.3)
- To establish any global technical regulation, there must be a consensus vote. Thus, if any Contracting Party votes against a recommended global technical regulation, it would *not* be established. (Annex B, Article 7.2)
- The establishment of a global technical regulation *does not* obligate Contracting Parties to adopt that regulation. Contracting Parties retain the right to choose whether or not to adopt any technical regulation established as a global technical regulation under the Agreement. (Preamble, Article 7)
- Consistent with the recognition of that right, Contracting Parties have only a limited obligation when a global technical regulation is established under the Agreement. Any Contracting Party that voted to establish the regulation must initiate those national procedures that are used to adopt any domestic regulation. (Article 7)
- For the U.S., this would mean initiating the rulemaking process either by issuing an Advanced Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM). If the U.S. EPA were to adopt a global technical regulation into national law, it would do so in accordance with all applicable procedural and substantive statutory

provisions, including the Administrative Procedure Act, the Clean Air Act, the Noise Control Act and comparable provisions of other relevant statutes.

• The Agreement allows for global technical regulations to contain a ''global'' level of stringency for most parties and 'alternative' levels of stringency for developing countries. In this way, all countries can participate in the development, establishment and adoption of global technical regulations. The Agreement notes that a developing country may initially adopt one of the lower levels of stringency and later successively adopt higher levels of stringency. (Article 4)

III. Notice of EPA Participation Under the Global Agreement and Mechanisms for Public Involvement

The Agency believes that it must have flexibility so that its activities and procedures attendant to the 1998 Global Agreement can evolve easily and quickly as the U.S. gains experience in implementing the Agreement in a manner that advances environmental protection and involves the public.

EPA recognizes that its activities under the 1998 Agreement could lead to the modification of its existing regulations or the possible adoption of new globally harmonized regulations. Accordingly, EPA plans to provide the public with access to pertinent information developed under the global process. The EPA will also provide the public with adequate time to review and comment on any potential international regulatory activity that the US is considering for adoption. To this end, the Agency intends to provide:

A. Access to Information

The agency intends to publish an annual calendar of meetings and listing of global technical regulations under consideration by Working Party—29. As documents generated under the Global Agreement become available in English to EPA, the agency intends to place them in a docket and, whenever possible, make them Internet accessible as well.

B. Notice of Participation in Regulatory Activity Under the 1998 Global Agreement

The EPA intends to publish in the **Federal Register** a list of those regulatory activities under the Global Agreement where the U.S. intends to participate in their development. The Agency will provide in the notice a description of the issues and the basis for U.S. participation.

Many or all of these documents are currently available on the website of the UNECE World Forum for the Harmonization of Vehicle Regulations: *http://www.unece.org/trans/main/welcwp29.htm.*

C. Opportunity to Comment

The agency proposes to seek public comment at key points during the development of global technical regulations. In the case of a proposal submitted by the U.S. for a new global technical regulation or the harmonization of existing regulations, the EPA will give notice, as stated above, and request comment. However, if the contemplated international regulation concerns a top environmental priority which needs to be addressed by the issuance of a regulation in the U.S., then the Agency will publish a **Federal Register** notice under the appropriate environmental statute.

When the administrative body (Working Party 29) determines that a draft global regulation is suitable for submission to the Contracting Parties of the 1998 Agreement for their consideration, the EPA will seek public review and comment. The EPA will provide for adequate time for receipt and review of any comments before the U.S. exercises its vote on whether to adopt such regulation as a global regulation under the United Nations Agreement. It should be emphasized that a U.S. vote to adopt a regulation under the Agreement only obligates the U.S., or any other Contracting Party, to initiate its domestic regulatory process. The U.S., or any other Contracting Party, is not compelled to adopt the global regulation into domestic law.

D. Establishment of a Continuing Forum

The Agency seeks comment regarding the desirability of holding periodic public meetings to provide interested parties an opportunity to comment on any information they have gained from various sources including the **Federal Register** and the Internet.

IV. The Agency's Priorities in Participating in the Global Harmonization Process

The Agency reaffirms its commitment to the harmonization of environmental regulations for wheeled vehicles, equipment and components, including engines. However, it will, as a matter of U.S. policy, recognize the sovereign right of any country to set regulations that provide an appropriate level of protection for that country. To that end, the EPA is committed to the development or harmonization of global regulations that will raise the level of environmental protection on a worldwide basis. As a matter of policy, the U.S. will not consider the adoption of global regulations that would diminish the level of environmental protection of existing regulations in the United States solely to achieve harmonization.

The Agency is also developing a list of recommended regulations that it believes should be candidates for future harmonization actions. This list, which will be formally submitted to the United Nations under this Agreement and kept in a compendium of technical regulations, will include both final U.S. EPA regulations that we believe should be seriously considered for adoption by other countries as well as future technical regulations in areas where new requirements should be developed. Examples of regulations that could be included in the compendium include the Tier 2 program, the 2007 Heavy-duty diesel engine standards, the On-board diagnostic program, the development of driving cycles for on-highway motorcycles, and the next phase of standards for compression-ignition nonroad engines. We are interested in receiving comments on the types of actions EPA should be including in the compendium of regulations that will be submitted under the guidelines of the Agreement.

V. Public Workshop

All interested persons and organizations are invited to attend a workshop on the issues raised in this notice. The agency intends to conduct the workshop informally. The National Highway Traffic Safety Administration (NHTSA) which, together with EPA, negotiated the Agreement on behalf of the U.S., will participate in this workshop. An EPA official will briefly describe the topics discussed in this notice and then open the floor for public comment.

Any person planning to participate should contact Mr. Kenneth Feith at the address and telephone number given at the beginning of this notice, no later than 10 calendar days before the workshop.

VI. Comments

The Agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address specified above and follow the requirements stated therein.

Dated: February 16, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–5863 Filed 3–8–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 1, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0855.

Expiration Date: 08/31/2001.

Title: Telecommunications Reporting Worksheet and Associated Requirements, CC.

Docket No. 96–45.

Form No.: FCC Form 499–A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 5,000 respondents; 15 minutes—9.5 hours per respondent; 9.7 hours per response (avg.); 48,662 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $9,000.

Frequency of Response: On occasion; Annually; Semi-annually; Recordkeeping; Third Party Disclosure.

Description: The Telecommunications Act of 1996 directs the Commission to implement several Congressionally-mandated goals. These include the advancement of universal service, the administration of numbering, and the administration of local number portability. Specifically, section 251 of the Communications Act of 1934, as amended, requires all telecommunications carriers to bear the costs of numbering administration and number portability on a competitively neutral basis, as determined by the Commission. Similarly, section 254 of the Act directed the Commission to initiate a rulemaking to reform the system of universal service so that universal service is preserved and advanced as markets move toward competition. In addition, section 225 of the Communications Act of 1934 requires the Commission to provide for telecommunications relay services. Pursuant to the Communications Act of 1934, as amended, telecommunications carriers (and certain other providers of telecommunications services) must contribute to the support and cost recovery mechanisms for telecommunications relay services, numbering administration, number portability, and universal service. Contributors to the federal universal service support mechanisms, the TRS fund, the cost recovery mechanism for numbering administration, and the cost recovery mechanism for the shared costs of local number portability must file the revised Telecommunications Reporting Worksheet, FCC Form 499–A (April 2001 Worksheet). All of these entities must complete and file the April 2001 Worksheet on or before April 2, 2001. Data filed on the April 2001 Worksheet will be used to calculate contributions to the universal service support mechanisms, as well as the TRS fund, the cost recovery for numbering administration, and the cost recovery for the shared costs of local number portability. Information filed on the April 2001 Worksheet will also be used to satisfy the Commission's recently adopted registration requirement for new and existing carrier providing interstate telecommunications service pursuant to 47 CFR section 64.1195. In CC Docket No. 94–129, (FCC 00–255) released August 15, 2000, the Commission concluded that all new or and existing common carriers providing interstate telecommunications service must register with the Commission. The Commission determined that this registration requirement will enable it to better monitor the entry of carriers into the interstate telecommunications market and any associated increases in slamming activity, and will also enhance its ability to take appropriate enforcement action against carriers that have demonstrated a pattern or practice of slamming. The April 2001 Worksheet has been revised to collect this additional information. Where a facilities-based carrier is currently providing a reseller with service, the reseller must notify its underlying facilities-based carrier that it has submitted the registration information to the Commission, within a week of having done so. Contributors must use the April 2001 Worksheet for their filings due on April 2, 2001. Copies of the April 2001 Worksheet (FCC Form 499–A) and instructions may be downloaded from the Commission's Forms Web Page (*www.fcc.gov/formpage.html*). Copies may also be obtained from NECA at 973–560–4400. Small common carriers and small pay telephone providers should complete the table contained in Figure 1 of FCC Form 499–A to determine whether they meet the de minimis standard. Telecommunications providers that do not file because they are de minimis should retain Figure 1 and documentation of their contribution base revenues for 3 calendar years after the date each worksheet is due. These carriers may be required to file the table upon request by the Commission. If a reseller qualifies for the de minimis exemption, it must notify its underlying carriers that it is not contributing directly to universal service. Filers of the April 2001 Worksheet are invited to complete a one-page survey concerning the implementation of electronic filing.

Obligation to respond: Mandatory.

OMB Control No.: 3060–0681.

Expiration Date: 9/30/2003.

Title: Toll-Free Service Access Codes—CC Docket No. 95–165, 47 CFR Part 52, Subpart D, Sections 52.101–52.111.

Form No.: N/A.

Respondents: Business or other for-profit; Not-for-profit institutions.

Estimated Annual Burden: 168 respondents; 15 hours per response (avg.); 2520 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third party disclosures.

Description: Responsible Organizations (RespOrgs) requesting that specific toll free numbers be placed in unavailable status are required to submit written requests, with appropriate documentation, to the toll free database administrator. This requirement will hold those RespOrgs more accountable and will decrease abuses of the lag time process. It will prevent numbers from being held in unavailable status without demonstrated reasons, and will make more numbers available for subscribers who need and want them. Current industry guidelines already require that RespOrgs requesting that a toll free number be made unavailable submit written requests with appropriate documentation. The requirement simply codified the existing industry guidelines. The information is used to determine if a particular toll free number appropriately can be placed in unavailable status. This will prevent the fraudulent use of toll free numbers.

Obligation to respond: Required to obtain or retain benefits.

OMB Control No.: 3060–0298.

Expiration Date: 12/31/2003.

Title: Tariffs (Other than Tariff Review Plan)—Part 61.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 2000 respondents; 64.5 hours per response (avg.); 129,000 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $1,965,000.

Frequency of Response: On occasion.

Description: Sections 201–205 of the Communications Act of 1934, as amended, require that common carriers establish just and reasonable charges, practices and regulations for the service they provide. The schedules containing these charges, practices and regulations must be filed with the Commission, which is required to determine whether such schedules are just, reasonable and not unduly discriminatory. Part 61 of the Commission's Rules establishes the procedures for filing tariffs which contain the charges, practices, and regulations of the common carriers, supporting economic data and other related documents. The supporting data must also conform to other parts of the Commission's rules such as Parts 36 and 69. Part 61 prescribes the framework for the initial establishment of and subsequent revisions to tariffs. Tariffs that do not conform to Part 61 may be rejected. In addition to tariffs filed with the Commission, carriers may be required to post their schedules or rates and regulations. The information collected through a carrier's tariff is used by the Commission to determine whether the services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner. *Obligation to respond:* Mandatory.

OMB Control No.: 3060–0942.

Expiration Date: 01/31/2004.

Title: Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 108 respondents; 61.82 hours per response (avg.); 6,677 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion.

Description: In CC Docket Nos. 96–262, 94–1, 99–249, and 96–45, the Commission 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). The CALLS Proposal resolves major outstanding issues concerning access charges. In order to implement the CALLS Proposal, the Commission imposed several information collections. The Report and Order requires price cap LECS to modify their annual access tariff filings; the Report and Order requires each price cap or competitive LEC that wishes to receive support from the interstate access universal service support mechanism to submit quarterly to USAC data showing the number of lines it served in a study areas as of the last business day of the previous quarter. In addition to line count information, price cap LECs must file with USAC on June 30, 2000, October 15, 2000, April 16, 2001 and annually after that, price cap revenue data, prices for unbundled network element loops and line ports, and UNE zone boundary information. See 47 CFR section 54.802. The Report and Order requires price cap LECs who choose not to follow the voluntary portions of the CALLS Proposal to submit cost support information, which the Commission would use to set their access rate levels. The Commission will use the modified tariff information filed by the price cap LECs to ensure compliance with the various interstate access reforms of the CALLS Proposals. USAC will use the line count and other information to determine, on a per-line basis, the amount that the carrier will receive from the interstate access universal service support mechanism. The Commission will use the cost support information to ensure that the interstate access rates are just and reasonable, as required by section 201(b) of the Communications Act. *Obligation to respond:* Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5827 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

February 26, 2001.

SUMMARY: The Federal Communications Commissions, 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 April 9, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *lesmith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0308.

Title: Section 90.505, Development Operation, Showing Required.

Form Number: N/A.

Type of Review: Extension of a currently approved collection

Respondents: Businesses or other for-profit entities; and State, local, or tribal governments.

Number of Respondents: 100.

Estimated Time per Response: 2 hrs.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 200 hours.

Total Annual Costs: None.

Needs and Uses: This information collection, 47 CFR Section 90.505, is used to gather data on development programs for which a developmental authorization is sought. The FCC uses this information to evaluate the desirability of issuing such an authorization from spectrum use and interference potential considerations. If the information were not collected, the value of development programs would be severely limited.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–5826 Filed 3–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Federal Emergency Management Agency (FEMA) Individual Disaster Assistance Customer Satisfaction and Program Effectiveness Surveys.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0256.

Abstract: In response to Executive Order 12862 and the Government Performance and Results Act, the Response and Recovery Directorate (R&R) of the Federal Emergency Management Agency conducts surveys to obtain information about customer satisfaction and program effectiveness. The surveys help measure performance against standards and goals and helps interpret the effects of disaster-related policy changes or innovations. R&R will collect data via phone, mail and internet surveys and focus groups and plans to survey individual disaster applicants, state and local officials, other federal agencies, and voluntary agencies.

Affected Public: Individuals or households, Not-for-profit institutions, Federal Government, State, Local or Tribal Government, Business or other for-profit and Farms.

Number of Respondents: 96,720.

Estimated Total Annual Burden Hours: See Table Below.

Estimated Total Annual Cost to the Respondent: $386,880 or $4.00 per survey.

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Respondent Group	Survey	No. of respondents (A)	Frequency of Responses (B)	Burden Hours Per Respondent (C)	Annual Responses (AXB)	Total Annual Burden Hours (AXBXC)
Individuals or Households	Individual Assistance Survey	400	50	0.25	20000	5,000
	Inspection Services Survey	400	50	0.25	20000	5,000
	Teleregistration Survey (Proposed)	400	50	0.25	20000	5,000
	Helpline Survey (Proposed)	400	50	0.25	20000	5,000
	Disaster Recovery Center Survey	400	10	0.25	4000	1,000
	Community Relations Survey of Households	400	4	0.25	1600	400
	Office of Cerro Grande Fire Assistance Claims Survey of Households (Proposed)	800	1	0.25	800	200
	As Needed Surveys of Households (Proposed)	1000	4	0.25	4000	1,000
Non-households	Public Assistance Survey	30	60	0.25	1800	450
	Other Federal Agencies Survey (Proposed)	15	60	0.25	900	225
	Voluntary Agencies Survey (Proposed)	10	60	0.25	600	150
	Community Relations Survey of Non-Households	30	4	0.25	120	30
	Response and Recovery Regional Division Directors Survey	400	1	0.25	400	100
	Office of Cerro Grande Fire Assistance Claims Survey of Non-Households (Proposed)	500	1	0.25	500	125
	As Needed Surveys (Proposed)	500	4	0.25	2000	500
				TOTAL	**96,720**	**24,180**

BILLING CODE 6718–01–C

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472, telephone number (202) 646–2625, FAX

number (202) 646–3524, or e-mail address: muriel.anderson@fema.gov.

Dated: February 28, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–5846 Filed 3–8–01; 8:45am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: The Federal Emergency Management Agency/Federal Insurance Administration's Cover America II Project.

Type of Information Collection: Revision of a currently approved collection. approved collection.

OMB Number: 3067–0267.

Abstract: FEMA/Federal Insurance Administration will conduct research with consumers, business-owners and insurance agents to (1) establish flood insurance in the minds of consumers as the best method for recovering from flood damage, (2) promote flood insurance as must-have protection that is easily available and relatively inexpensive; and (3) stimulate demand for flood insurance by linking it to strong positive motivators, such as peace of mind and financial security.

Affected Public: Individuals or households, Business or Other For-Profit, Not For-Profit Institutions and State, Local or Tribal Government.

Number of Respondents: 6,490.

Estimated Total Annual Burden Hours: 2,164.

Cost to the Respondent: $44,000.

Comments: Interested persons are invited to submit written comments on the proposed information collection to David Rostkler, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Telephone number (202) 646–2625, FAX number (202) 646–3524, or email address: muriel.anderson@ fema.gov.

Dated: March 1, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–5847 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1354–DR]

Arkansas; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

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

EFFECTIVE DATE: March 1, 2001.

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

SUPPLEMENTARY INFORMATION: The notice is hereby given that, in a letter dated March 1, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106–390, 114 Stat. 1552 (2000), in a letter to Joe M. Allbaugh, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a severe winter ice storm beginning on December 12, 2000, and continuing through January 8, 2001, is of sufficient severity and magnitude that the provision of additional Federal assistance to ensure public health and safety is warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121.

Therefore, I amend the declaration of December 29, 2000, to provide that the Federal Emergency Management Agency (FEMA) may reimburse 100 percent of the costs of debris removal through April 28, 2001. This adjustment of the cost share may be provided to all counties under the major disaster declaration. You may extend this assistance for an additional period of time, if requested and warranted.

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

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

John W. Magaw,

Acting Deputy Director.

[FR Doc. 01–5840 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: February 23, 2001.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms and tornadoes on February 16, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Mississippi.

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

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

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

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

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

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Holmes, Lowndes, and Oktibbeha Counties for Individual and Public Assistance.

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

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–5842 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

Mississippi; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: February 27, 2001.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given of the reopening of the incident period for this disaster. The incident period for this declared disaster is now February 16, 2001 and continuing.

The notice is further amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 2001:

The counties of Bolivar, Lee, Leflore, Pontotoc, Prentiss, and Tallahatchie, and the contiguous counties of Alcorn, Attala, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Grenada, Humphreys, Itawamba, Lafayette, Madison, Monroe, Noxubee, Panola, Quitman, Sunflower, Tippah, Tishomingo, Union, Washington, Webster, Winston, Yalobusha, and Yazoo for Individual Assistance

The counties of Attala, Choctaw, Clay, Noxubee, Winston, and Yazoo for Public Assistance.

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

Joe M. Allbaugh,

Director.

[FR Doc. 01–5843 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1360–DR]

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

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA–1360–DR), dated February 23, 2001, and related determinations.

EFFECTIVE DATE: March 1, 2001.

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

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 23, 2001:

Leflore, Lee, Pontotoc, Prentiss, and Tallahatchie Counties for Public Assistance.

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

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 01–5844 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1356–DR]

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

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

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

EFFECTIVE DATE: January 29, 2001.

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

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 8, 2001:

Fannin County for Individual Assistance.

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

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–5841 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1361–DR]

Washington; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA–1361–DR), dated March 1, 2001, and related determinations.

EFFECTIVE DATE: March 1, 2001.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 1, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Washington, resulting from an earthquake on February 28, 2001 and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121(Stafford Act). I, therefore, declare that such a major disaster exists in the State of Washington.

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

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

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

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

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

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster:

King, Kitsap, Lewis, Mason, Pierce, and Thurston Counties for Individual Assistance and Public Assistance.

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

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

John W. Magaw,

Acting Deputy Director.

[FR Doc. 01–5845 Filed 3–8–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 10:00 a.m., Wednesday, March 14, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 6, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–5951 Filed 3–6–01; 4:14 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: AFIA IDA In-depth Participant Interview.

OMB No.: New Collection.

Description: Part of a Congressionally mandated evaluation of demonstrations carried out under AFIA to address the effects on savings behavior, differential savings rates, homeownership, education and self-employment. To identify lessons to be learned and whether the program should be made permanent.

Respondents: AFIA, IDA Demonstration Participants.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
In-depth Interview	540	1	2/3	360

Estimated Total Annual Burden Hours: 360.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: March 1, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–5777 Filed 3–8–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99E–1071]

Determination of Regulatory Review Period for Purposes of Patent Extension; Provigil

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Provigil and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Provigil (modafinil). Provigil is indicated to improve wakefulness in patients with excessive daytime sleepiness associated with narcolepsy. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Provigil (U.S. Patent No. 4,177,290) from Cephalon, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 10, 1999, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Provigil represented the first permitted commercial marketing or use of the product. Later, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Provigil is 1,975 days. Of this time, 1,250 days occurred during the testing phase of the regulatory review period, while 725 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective*: July 30, 1993. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 30, 1993.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act*: December 30, 1996. FDA has verified the applicant's claim that the new drug application (NDA) for Provigil (NDA 20–717) was initially submitted on December 30, 1996.

3. *The date the application was approved*: December 24, 1998. FDA has verified the applicant's claim that NDA 20–717 was approved on December 24, 1998.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 985 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written comments and ask for a redetermination by May 8, 2001. Furthermore, any interested person may petition FDA for a determination regarding whether the

applicant for extension acted with due diligence during the regulatory review period by September 5, 2001. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information 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. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 2001.

Jane A. Axlerad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 01–5812 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–1817]

Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors.'' This guidance describes the special controls FDA believes will provide reasonable assurance of the safety and effectiveness of these devices. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule reclassifying the home uterine activity monitors (HUAM's) from class III to class II.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies on a 3.5 diskette of the guidance document entitled ''Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Colin M. Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance document describes a means by which manufacturers of HUAM's may comply with the requirements of special controls for class II devices. Designation of this guidance as a special control means that manufacturers attempting to establish that their device is substantially equivalent to a predicate HUAM should demonstrate that the proposed device complies with either the specific recommendations of this guidance or some alternate control that provides equivalent assurances of safety and effectiveness.

The guidance document addresses such areas as: Intended use and indications for use; labeling; design controls; clinical data; patient registry; preclinical data including electrical safety testing, electromagnetic compatibility, software, device accuracy, material safety, and cleaning and disinfection.

This guidance document was issued for public comment in the **Federal Register** of July 30, 1999 (64 FR 41443), as a draft guidance entitled ''Home Uterine Activity Monitors; Guidance for the Submission of 510(k) Premarket Notifications.'' The document has been modified from the original draft version for purposes of clarity and adding detail regarding the device description, bench testing, and design controls.

II. Significance of Guidance

This guidance document represents the agency's current thinking on premarket notifications for HUAM's. 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 applicable statute, regulations, or both.

The agency has adopted good guidance practices (GGP's), and published the final rule which set forth the agency's regulations for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This guidance document is issued as a Level 1 final guidance in accordance with the GGP regulations.

III. Electronic Access

In order to receive ''Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors'' via your fax machine, call the CDRH Facts-on-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (820) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes ''Final Guidance for Industry and FDA Reviewers: Class II Special Controls Guidance for Home Uterine Activity Monitors,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh.

IV. Comments

Interested persons may, at any time, submit written comments regarding the guidance to the Dockets Management Branch (address above). Such comments will be considered when determining whether to amend the current guidance. 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. A copy of the 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.

Dated: January 31, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–5814 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0107]

Guidance for Industry: Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry (#121) entitled ''Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims.'' The guidance provides advice to industry about the process that the Center for Veterinary Medicine (CVM) plans to use to grant expedited review status (ERS) for applications for new animal drugs intended to reduce human pathogens in food-producing animals.

DATES: Submit written comments on the guidance at any time.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the full title of the guidance and the docket number found in brackets in the heading of this document. Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7580, e-mail: svaughn@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Expedited Review for New Animal Drug Applications for Human Pathogen Reduction Claims.'' The guidance advises industry about the process that CVM intends to use to grant expedited review status for applications for new animal drugs designed to reduce human pathogens in food-producing animals and to thereby potentially decrease the incidence of human illness. Specifically, it provides procedures for requesting and criteria for granting expedited review status for new animal drug applications and investigational new animal drug applications for new animal drugs that will have human pathogen reduction claims on their labels. The guidance reflects the agency's current thinking on these procedures and criteria.

This Level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). FDA has determined that obtaining public participation prior to issuance of this guidance is not appropriate. The goal of this guidance is to allow products to be approved more quickly if they potentially offer important advances in reducing human pathogens in food animals, and thereby may result in a decrease of the incidence of human illness, and are supported by appropriate data. Implementing the guidance immediately, prior to receiving public comment, will further advance this goal. The concern for public health is supported by Congress. The committee reports for the fiscal year 2001 agriculture appropriations bills (H. Rept. 106–619 and S. Rept. 106–288) state that: ''In view of the significant public health benefits of competitive exclusion products, the FDA should review new animal drug applications for these products on an expedited basis.''

While FDA will immediately implement this guidance, the agency is inviting public comment and will revise the document as appropriate. The guidance represents the agency's current thinking on the procedures for requesting and criteria for granting ERS for applications for new animal drugs designed to reduce human pathogens in food-producing animals. 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 statute and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written 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. A copy of the 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

Copies of this guidance document may be obtained on the Internet from the CVM home page at http://www.fda.gov/cvm/.

Dated: March 6, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–5952 Filed 3–6–01; 4:25 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–2728]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal

Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration and Supporting Regulations in 42 CFR, Section 405.2133; *Form No.:* HCFA–2728 (0938–0046); *Use:* This form captures the necessary medical information required to determine Medicare eligibility of an end stage renal disease claimant. It also captures the specific medical data required for research and policy decisions on this population as required by law. *Frequency:* Weekly, Monthly, Quarterly, Semi-annually, and Annually; *Affected Public:* Individuals or households, Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 60,000; *Total Annual Responses:* 60,000; *Total Annual Hours Requested:* 25,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room: N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 14, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5784 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10016]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Oxygen Consumer Survey: Medical Equipment and Supplies Consumer Survey; *Form No.:* HCFA–10016 (OMB# 0938–0807); *Use:* The Oxygen Consumer Survey and Medical Equipment and Supplies Consumer Survey will be used to collect information from Medicare beneficiaries who use oxygen equipment, hospital beds, wheelchairs, orthotics, and inhalation drugs used with a nebulizer. This information will be used to evaluate the Health Care Financing Administration's (HCFA's) Competitive Bidding Demonstration for Durable Medicare Equipment (DME) and Prosthetics, Orthotics, and Supplies (POS). In the demonstration, HCFA will use competitive bidding to set Medicare Part B fees for selected types of DME and POS.

The purpose of the evaluation is to determine whether the demonstration affects Medicare expenditures, access to care, quality of care, diversity of product selection, and industry competitiveness. The evaluation will also examine any problems associated with implementing competitive bidding for Part B services. Results of the evaluation will be used by HCFA and Congress to determine whether it is feasible to expand competitive bidding.

The research questions to be addressed by the surveys focus on access, quality, and product selection. Our information collection process will include fielding a survey for oxygen users and a survey for other medical equipment and supplies users before the demonstration begins and again after the new demonstration prices have been put into effect. Beneficiaries within the demonstration area will be surveyed; we will also survey beneficiaries within a control site that is similar to the demonstration site in terms of population, managed care penetration, volume of services, and number of beneficiaries. We will also control the socioeconomic factors when analyzing the date. This design will allow us to separate the effects of the demonstration from beneficiary-or site-specific effects.

This evaluation was expanded to a second site, San Antonio, Texas as of March 2000. The Balanced Budget Act of 1997 allowed for the demonstration to be conducted in up to three different regions. The demonstration has been ongoing in the first site, Polk County, Florida, since 1999. The baseline Polk County beneficiary surveys were conducted between March and June of 1999. The follow-up Polk County beneficiary surveys were conducted during the fall of 2000.

We are seeking approval for the new beneficiary surveys (Baseline and Follow-up) for the San Antonio demonstration and comparison site and any subsequent demonstration and comparison sites that include the same DME and POS products. The surveys for the second site, San Antonio, are almost identical to the surveys used in the first site, Polk County, Florida; *Frequency:* Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 2,500; *Total Annual Responses:* 725; *Total Annual Hours:* 725.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5785 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–39]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Home health Medicare Conditions of Participation (CoP) Information Collection Requirements and Supporting Regulations in 42 CFR 484; *Form No.:* HCFA–R–39 (OMB# 0938–0365); *Use:* 42 CFR 484 outlines Home Health Agency Medicare CoP to ensure HHAs meet the Federal patient health and safety regulations; *Frequency:* Annually; *Affected Public:* Business or other for-profit, not-for-profit institutions; *Number of Respondents:* 7,500; *Total Annual Responses:* 7,500; *Total Annual Hours:* 56,209.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5786 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–667]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Alternate Quality Assessment Survey; *Form No.:* HCFA–667 (OMB# 0938–0650); *Use:* The HCFA–667 is used in lieu of an onsite survey for those Clinical Laboratories Improvement Amendment (CLIA) laboratories with good performance as determined by their last onsite survey. This form is designed to determine current CLIA compliance as well as prepare laboratories for future onsite surveys. This system rewards good performance and facilitates quality assurance. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 10,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 22, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–5787 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1188–N]

Medicare Program; March 26, 2001, Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for March 26, 2001, from 8:30 a.m. until 5 p.m. e.s.t.

ADDRESSES: The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Paul Rudolf, M.D., J.D., Executive Director, Practicing Physicians Advisory Council, Room 435–H, Hubert H. Humphrey Building, 200 Independence Avenue,

SW., Washington, DC 20201, (202) 690–7874. News media representatives should contact the HCFA Press Office, (202) 690–6145. Please refer to the HCFA Advisory Committees Information Line (1–877–449–5659 toll free)/(410–786–9379 local) or the Internet (*http://www.hcfa.gov/fac*) for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine or surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Jerold M. Aronson, M.D.; Richard Bronfman, D.P.M.; Joseph Heyman, M.D.; Sandral Hullett, M.D.; Stephen A. Imbeau, M.D.; Angelyn L. Moultrie, D.O.; Derrick K. Latos, M.D. (Pending re-appointment); Dale Lervick, O.D.; Sandra B. Reed, M.D.; Amilu Rothhammer, M.D.; Victor Vela, M.D.; Kenneth M. Viste, Jr., M.D.; and Douglas L. Wood, M.D.

Council members will be updated on the status of recommendations made during the past year.

The agenda will provide for discussion and comment on the listed following topics:

- Benefits Improvement and Protection Act of 2000 (BIPA) provisions affecting payment to physicians.
- Risk adjustment update, and the uses of encounter data by physicians.
- Physician Regulatory Issues Team (the team will seek advice on physician issues and elicit suggestions for improving agency responsiveness).

For additional information and clarification on the topics listed, call the contact person in the ''For Further Information Contact'' section of this notice.

Individual physicians or medical organizations that represent physicians wishing to make 5-minute oral presentations on agenda issues should contact the Executive Director by 12 noon, March 19, 2001, to be scheduled. Presentations are limited to listed agenda issues only. The number of oral presentations may be limited by the time available. A written copy of the presenter's oral remarks should be submitted to the Executive Director no later than 12 noon, March 19, 2001, for distribution to Council members for review prior to the meeting. Physicians and organizations not scheduled to speak may also submit written comments to the Executive Director and Council members. The meeting is open to the public, but attendance is limited to the space available. Individuals requiring sign language interpretation for the hearing impaired or other special accommodation should contact John Lanigan at (202) 690–7418 at least 10 days before the meeting.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 CFR Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 7, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–6061 Filed 3–8–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources And Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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

Proposed Project: Healthy Schools, Healthy Communities Program Data Collection and Progress Report (OMB No. 0915–0188)—Revision.

This is a request for revision of approval of the Healthy Schools, Healthy Communities Program Data Collection, which contains the annual reporting requirements for the Healthy Schools, Healthy Communities grantees funded by the Bureau of Primary Health Care (BPHC), HRSA. Authorizing legislation is found in Public Law 104–299, Health Center Consolidation Act of 1996, enacting Section of the Public Health Service Act.

The Healthy Schools, Healthy Communities program provides comprehensive primary and preventive health care services. The purpose of the progress report is to collect data specific to school health services, such as service utilization, health problems and risk behaviors.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total burden hour
Progress Report	400	1	2	800

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before May 8, 2001.

Dated: March 3, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–5815 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 2001:

Name: Council on Graduate Medical Education (COGME).

Date and Time: April 11, 2001, 8:30 a.m.–4:30 p.m.; April 12, 2001, 8:30 a.m.–2:00 p.m.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

The meeting is open to the public.

Agenda: The agenda for the first day, April 11, will include: Welcome and opening comments from the Administrator, Health Resources and Services Administration, the Associate Administrator for Health Professions, and the Acting Executive Secretary of COGME. The Council will present a one-day stakeholders meeting in which presenters will be given the opportunity to respond to the recommendations put forth in the recently published COGME 15th Report, *Financing Graduate Medical Education in a Changing Health Care Environment.* Representative stakeholders have been invited to present their perspectives in a series of panels. This will be followed by the opportunity for other interested stakeholders to comment during an open forum. Those wishing to speak must contact Ms. Hannah Davis at 301–443–7095 no later than April 4 to be included in the open forum.

The agenda for the second day, April 12, will include a report on the recent Fifth International Medical Workforce Conference held in Australia. The GME Financing and Physician Workforce workgroups will meet and report back to the full Council. There will be a discussion of future Council projects.

Anyone requiring information regarding the meeting should contact Stanford M. Bastacky, D.M.D., M.H.S.A., Acting Executive Secretary, Council on Graduate Medical Education, Division of Medicine and Dentistry, Bureau of Health Professions, Room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–6326.

Agenda items are subject to change as priorities dictate.

Dated: March 5, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–5817 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program: Revised Amount of the Average Cost of a Health Insurance Policy

The Health Resources and Services Administration is publishing an updated monetary amount of the average cost of a health insurance policy as it relates to the National Vaccine Injury Compensation Program (VICP).

Subtitle 2 of Title XXI of the Public Health Service Act, as enacted by the National Childhood Vaccine Injury Act of 1986 and as amended, governs the VICP. The VICP, administered by the Secretary of Health and Human Services (the Secretary), provides that a proceeding for compensation for a vaccine-related injury or death shall be initiated by service upon the Secretary and the filing of a petition with the United States Court of Federal Claims. In some cases, the injured individual may receive compensation for future lost earnings, less appropriate taxes and the ''average cost of a health insurance policy, as determined by the Secretary.''

Section 100.2 of the VICP's implementing regulations (42 CFR Part 100) provides that the revised amounts of an average cost of a health insurance policy, as determined by the Secretary, are to be published from time to time in a notice in the **Federal Register**. The previously published amount of an average cost of a health insurance policy was $248.61 per month (64 FR 10664, March 5, 1999). This amount was based on data from a survey by the Health Insurance Association of America, updated by a formula using changes in the medical care component of the Consumer Price Index (CPI) (All Urban Consumers, U.S. City Average) for the period January 1, 1999, through September 30, 2000.

The Secretary announces that for the 12-month period, January 1, 1999, through December 31, 1999, the medical care component of the CPI increased 3.7 percent. According to the regulatory formula (§ 100.2), 2 percent is added to the actual CPI change for each year. Therefore, the adjusted CPI change results in an increase of 5.7 percent for this 12-month period. Applied to the baseline amount of $248.93, this results in the amount of $263.12 per month.

The CPI change for the 9-month period, January 1, 2000, through September 30, 2000, was 3.5 percent. According to the regulatory formula, three-quarters of the annual adjustment, or 1.5 percent, is added to the actual CPI change for this 9-month period. Therefore, according to the regulatory formula, the adjusted CPI change results in an increase of 5.0 percent for this 9-month period. Applied to the $263.12 amount, this results in a new amount of $276.28 per month.

Therefore, the Secretary announces that the revised average cost of a health insurance policy under the VICP is $276.28 per month. In accordance with § 100.2, the revised amount was effective upon its delivery by the Secretary to the United States Court of Federal Claims (formerly known as the United States Claim Court). Such notice was delivered to the Court on December 28, 2000.

Dated: March 2, 2001.

Claude Earl Fox,

Administrator.

[FR Doc. 01–5816 Filed 3–8–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–10]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0386; NAVY: Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; VA: Mr. Anatolij Kushnir, Director, Asset & Enterprise Development Service, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 419, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: March 2, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

Title V, Federal Surplus Property Program, Federal Register Report for 3/9/01

Suitable/Available Properties

Buildings (by State)

California

Bldg. 301
Naval Support Activity
Monterey Co: CA 93943–
Landholding Agency: Navy
Property Number: 77200020041
Status: Excess
Comment: 18,608 sq. ft., presence of asbestos/lead paint, needs major rehab.

Bldg. 371
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020080
Status: Unutilized
Comment: 29,800 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 402
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020081
Status: Unutilized
Comment: presence of lead paint, most recent use—storage, off-site use only.

Bldg. 417
Naval Warfare Systems Center
San Diego Co: CA 92152-
Landholding Agency: Navy
Property Number: 77200020082
Status: Unutilized
Comment: 110 TR, needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 418
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020083
Status: Unutilized
Comment: 288 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 426
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only.

Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Landholding Agency: Navy
Property Number: 77200020085
Status: Unutilized

Comment: 11,440 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.
Bldg. 210
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020086
Status: Unutilized
Comment: 17,708 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—police station, off-site use only.
Bldg. 541
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020087
Status: Unutilized
Comment: 3857 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—lab, off-site use only.
Bldg. 804
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020088
Status: Unutilized
Comment: 3119 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.
Bldg. 805
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020089
Status: Unutilized
Comment: 3732 sq ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only.
Bldg. 806
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020090
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.
Bldg. 807
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Landholding Agency: Navy
Property Number: 77200020091
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.
Bldgs. 23027, 23025
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200040023
Status: Unutilized
Comment: 400 sq. ft., metal siding, most recent use—loading facility, off-site use only.
Bldg. 12174
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110048
Status: Excess
Comment: 480 sq. ft., most recent use—change house, off-site use only.
Bldg. 16007
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110049
Status: Excess
Comment: 300 sq. ft., most recent use—firing station, off-site use only.
Bldg. 16009
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110050
Status: Excess
Comment: most recent use—camera station, off-site use only.
Bldg. 16025
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110051
Status: Excess
Comment: 4220 sq. ft., most recent use—offices, off-site use only.
Bldg. 16052
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110052
Status: Excess
Comment: 560 sq. ft., most recent use—storage, off-site use only.
Bldg. 31497
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110053
Status: Excess
Comment: most recent use—fragmentation pool, off-site use only.
Bldg. 31501
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110054
Status: Excess
Comment: 3666 sq. ft., most recent use—lab, off-site use only.
Bldg. 31520
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110055
Status: Excess
Comment: 693 sq. ft., most recent use—storage, off-site use only.
Bldg. 31522
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110056
Status: Excess
Comment: 144 sq. ft., most recent use—equip. bldg., off-site use only.
Bldg. 31584
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110057
Status: Excess
Comment: 113 sq. ft., most recent use—storage, off-site use only.
Bldg. 31585
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110058
Status: Excess
Comment: most recent use—testing tower, off-site use only.
Bldg. 31587
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110059
Status: Excess
Comment: most recent use—obsv. tower, off-site use only.
Bldg. 32527
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110060
Status: Excess
Comment: most recent use—equip. shelter, off-site use only.
Bldg. 32528
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110061
Status: Excess
Comment: 192 sq. ft., most recent use—control station, off-site use only.
Bldg. 32529
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110062
Status: Excess
Comment: 300 sq. ft., most recent use—control bldg., off-site use only.
Bldg. 32574
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110063
Status: Excess
Comment: most recent use—hazmat pad, off-site use only.
Bldg. 32575
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110064
Status: Excess
Comment: most recent use—hazmat pad, off-site use only.
Bldg. 7
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110074
Status: Unutilized
Comment: 47,442 sq. ft., needs rehab, presence of lead paint, most recent use—warehouse, off-site use only.
Bldg. 117
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110075
Status: Unutilized
Comment: 17,682 sq. ft., needs rehab, most recent use—machine shop, off-site use only.
Bldg. 149
Naval Station

San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110076
Status: Unutilized
Comment: 1617 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 245
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110077
Status: Unutilized
Comment: 1200 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—valve shop, off-site use only.

Bldg. 3123
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110078
Status: Unutilized
Comment: 3360 sq. ft., needs rehab, presence of asbestos, most recent use—cafeteria, off-site use only.

Bldg. 3327
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110079
Status: Unutilized
Comment: 240 sq. ft., needs rehab, presence of lead paint, most recent use—flame spray, off-site use only.

Bldg. 3442
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110080
Status: Unutilized
Comment: 1080 sq. ft., needs rehab, most recent use—picnic canopy, off-site use only.

Bldg. 3482
Naval Station
San Diego Co: CA 92136–
Landholding Agency: Navy
Property Number: 77200110081
Status: Unutilized
Comment: 280 sq. ft., needs rehab, off-site use only.

Connecticut

Bldgs. 31, 78, 91
Naval Submarine Base
New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030055
Status: Unutilized
Comment: total sq. ft. = 41,809, presence of asbestos, most recent use—storage/training/repair, off-site use only.

Bldg. 406
Naval Submarine Base
New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030056
Status: Unutilized
Comment: 13,546 sq. ft., needs rehab, presence of asbestos, most recent use—shop, off-site use only.

Bldg. 392
Naval Sub Base New London
Groton Co: CT 06349–
Landholding Agency: Navy
Property Number: 77200030065
Status: Unutilized
Comment: 996 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only.

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 77199240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 77199310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only.

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 160
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840002
Status: Excess
Comment: 6070 sq. ft., needs rehab, presence of lead paint, most recent use—storage/office, off-site use only.

Illinois

Milo Comm. Tower Site
350 N. Rt. 8
Milo Co: Bureau IL 56142–
Landholding Agency: GSA
Property Number: 54200020018
Status: Excess
Comment: 120 sq. ft. cinder block bldg.
GSA Number: 1–D–IL–795.

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Landholding Agency: GSA
Property Number: 54200020019
Status: Excess
Comment: 120 sq. ft. cinder block bldg. and a 300' tower GSA Number: 1–D–IL–724.

Army Reserve Center
PVT Perry F. Modrow
5020 State Street
E. St. Louis Co: St. Clair IL 62205–1398
Landholding Agency: GSA
Property Number: 54200030001
Status: Excess
Comment: 16,300 sq. ft. training center & 2656 sq. ft. garage, presence of lead paint
GSA Number: 1–D–IL–726.

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places.

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house.

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003

Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Maine

Bldg. 4
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930005
Status: Excess
Comment: 16,644 sq. ft., presence of asbestos/lead paint, most recent use—headquarters building, off-site use only.

Bldg. 8
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930006
Status: Excess
Comment: 7413 sq. ft., presence of asbestos/lead paint, most recent use—public works building, off-site use only.

Bldg. 12
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930007
Status: Excess
Comment: 25,354 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 41
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930008
Status: Excess
Comment: 10,526 sq. ft., presence of asbestos/lead paint, most recent use—security building, off-site use only.

Maryland

Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Landholding Agency: Navy
Property Number: 77200010032
Status: Unutilized
Comment: 4950 sq. ft., possible asbestos/lead paint, most recent use—wind tunnel, off-site use only.

Minnesota

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Landholding Agency: GSA
Property Number: 54199910009
Status: Excess
Comment: 1266 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage, zoning requirements.
GSA Number: 1–GR(1)–MN–475.

Missouri

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Landholding Agency: GSA
Property Number: 54199940001
Status: Excess
Comment: 7 warehouses and support buildings (540 to 216,000 sq. ft.) on 17.47 acres, major rehab, most recent use—storage/office, utilities easement.
GSA Number: 7–G–MO–637.

Natl Weather Svc Ofc
4100 Mexico Road
St. Peters Co: St. Charles MO 00000–
Landholding Agency: GSA
Property Number: 54200020015
Status: Excess
Comment: 4774 sq. ft., presence of asbestos, good condition, most recent use—office.
GSA Number: 7–C–MO–641.

New Hampshire

Bldg. 128
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830015
Status: Excess
Comment: 10,900 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 185
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830016
Status: Excess
Comment: 2310 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only.

Bldg. 314
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830017
Status: Excess
Comment: cement block bldg., needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 336
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830018
Status: Excess
Comment: metal bldg w/cement block foundation, off-site use only.

Bldg. 160
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910046
Status: Unutilized
Comment: 6080 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. 179
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020099
Status: Excess
Comment: 1452 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—quarters, off-site use only.

Bldg. 201
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020100
Status: Excess
Comment: 450 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. 304
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200020101
Status: Excess
Comment: 1320 sq. ft., presence of asbestos/lead paint, most recent use—garb. house, off-site use only.

Bldg. 10
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200030018
Status: Excess
Comment: 12,000 sq. ft., presence of asbestos/lead paint, most recent use—shop facility, off-site use only.

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/lead paint, off-site use only.

New Jersey

Old Bridge Housing
Route 9
Old Bridge Co: NJ 08857–
Landholding Agency: GSA
Property Number: 54199940010
Status: Excess
Comment: 12 three bedroom housing units, no long-term wastewater treatment system for property, presence of asbestos/lead paint, needs repair
GSA Number: 0–0–NJ–000.

Holmdel Housing Site
Telegraph Hill Road
Holmdel Co: Monmouth NJ 07733–
Landholding Agency: GSA
Property Number: 54200040005
Status: Excess
Comment: 12 housing units on 5.59 acres, 1196 sq. ft. each, extreme disrepair
GSA Number: 1–N–NJ–622.

Bldg. D1–A
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940024
Status: Unutilized
Comment: 1134 sq. ft., presence of lead paint, most recent use—smokehouse/lunchroom, off-site use only.

Bldg. HA–1A
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940025
Status: Unutilized
Comment: 120 sq. ft., most recent use—storage, off-site use only.

Bldg. C–16
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010014
Status: Unutilized
Comment: 34,811 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. C–25
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010015
Status: Unutilized
Comment: 4,448 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. C–40
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010016
Status: Unutilized
Comment: 6,924 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. 511
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010017
Status: Unutilized
Comment: 1,871 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldgs. 553, 554, 555
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010018
Status: Unutilized
Comment: guard towers, off-site use only.

Bldg. 557
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010019
Status: Unutilized
Comment: 9,670 sq. ft., presence of asbestos/lead paint, off-site use only.

New York

''Terry Hill''
County Road 51
Manorville NY
Landholding Agency: GSA
Property Number: 54199830008
Status: Surplus
Comment: 2 block structures, 780/272 sq. ft., no sanitary facilities, most recent use—storage/comm. facility, w/6.19 acres in fee and 4.99 acre easement, remote area
GSA Number: 1–D–NY–864.

Binghampton Depot
Nolans Road
Binghampton Co: NY 00000–
Landholding Agency: GSA
Property Number: 54199910015
Status: Excess
Comment: 45,977 sq. ft., needs repair, presence of asbestos, most recent use—office
GSA Number: 1–G–NY–760A.

Naval Reserve Center
Frankfort Co: Herkimer NY
Landholding Agency: GSA
Property Number: 54200040006
Status: Excess
Comment: 23,800 sq. ft., brick, good condition, most recent use—training center
GSA Number: 1–D–NY–874.

Pennsylvania

Uniontown Fed. Bldg.
34 West Peter Street
Uniontown Co: Fayette PA 15401–3336
Landholding Agency: GSA
Property Number: 54200110009
Status: Excess
Comment: 24,031 sq. ft., office space, possible lead paint/asbestos, historic property
GSA Number: 4–G–PA–789.

Bldg. 38
Naval Support Activity
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77200010020
Status: Unutilized
Comment: 6525 sq. ft., metal butler bldg., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 5
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030071
Status: Unutilized
Comment: 286,824 sq. ft., needs rehab, presence of asbestos, most recent use—warehouse, off-site use only.

Bldg. 47
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030072
Status: Unutilized
Comment: 16,343 sq. ft., presence of asbestos, most recent use—office, off-site use only.

Bldg. 55
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030073
Status: Unutilized
Comment: 5603 sq. ft., needs repair, presence of asbestos, most recent use—store, off-site use only.

Bldg. 531
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030074
Status: Unutilized
Comment: 5102 sq ft., presence of asbestos, most recent use—office, off-site use only.

Bldg. 996
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030075
Status: Unutilized
Comment: 1800 sq. ft., presence of asbestos, most recent use—storage, off-site use only.

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 97199210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access.

Rhode Island

Bldg. 1
Old Naval Hospital
One Riggs Road
Newport Co: RI 02841–
Landholding Agency: Navy
Property Number: 77200010022
Status: Unutilized
Comment: 49,189 sq. ft., presence of asbestos/lead paint, needs major repair, NEPA requirements, boiler plant which provides heat and hot water to bldg. will be shut down.

Bldg. K–61
Naval Station
Newport Co: RI 02841–
Landholding Agency: Navy
Property Number: 77200030079
Status: Unutilized
Comment: 32,836 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 685
Naval Station
Middletown Co: Newport RI 02842–
Landholding Agency: Navy
Property Number: 77200030080
Status: Unutilized
Comment: 25,090 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—navy lodge, off-site use only.

Virginia

Bldg. CEP–6
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200030063
Status: Excess
Comment: 1056 sq. ft., most recent use—storage, off-site use only.

Bldg. CEP–210
Naval Station
Norfolk Co: VA 23511–
Landholding Agency: Navy
Property Number: 77200030064
Status: Excess
Comment: 2346 sq. ft., off-site use only.

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized

Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arkansas

7 acres
Army Reserve
Installation 05572
West Memphis Co: Crittenden AR 72301–
Landholding Agency: GSA
Property Number: 54200040003
Status: Surplus
Comment: 7 acres, subject to existing easements
GSA Number: 7–D–AR–0557

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Idaho

25′ x 100′ Site
1520 N St. & 2290 E St.
Rogerson Co: Twin Falls ID 00000–
Landholding Agency: GSA
Property Number: 54200010007
Status: Unutilized
Comment: lot too small to meet minimum size for residence, zoning/agriculture, no sewer service
GSA Number: 9–A–ID–545.

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Nebraska

0.34 acres
Offutt AFB
adjacent to 36th St.
Bellevue Co: Sarpy NE 68113–
Landholding Agency: GSA
Property Number: 54200040002
Status: Surplus
Comment: 0.34 acres, subject to existing easements
GSA Number: 7–D–NE–0527.

Ohio

Jersey Tower Site
Tract No. 100 & 100E
Jersey Co: Licking OH 00000–
Landholding Agency: GSA
Property Number: 54199910013
Status: Surplus
Comment: 4.24 acres, subject to preservation of wetlands
GSA Number: 1–W–OH–813.

Licking County Tower Site
Summit & Haven Corner Rds.
Pataskala Co: Licking OH 43062–
Landholding Agency: GSA
Property Number: 54200020021
Status: Excess
Comment: Parcel 100 = 3.67 acres, Parcel 100E = 0.57 acres
GSA Number: 1–W–OH–813.

Pennsylvania

Gwen Site #868
Bonneauville
Smith Road
Gettysburg Co: Adams PA
Landholding Agency: GSA
Property Number: 54200040007
Status: Surplus
Comment: 13.85 acres, most recent use—to support communication
GSA Number: 4–D–PA–0788.

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Virginia

Land
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77200040034
Status: Unutilized
Comment: 4900 sq. ft. open space.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Wyoming

Flying J
Shoshone Project
Park Co: WY 82414–
Landholding Agency: GSA
Property Number: 54200020022
Status: Excess
Comment: approx. 46.35 acres, no utilities, most recent use—oil refinery.
GSA Number: 7–1–WY–0539A.

Suitable/Unavailable Properties

Buildings (by State)

Alabama

Residence 1223
204 Akin Drive
Tuskegee Co: Macon AL 36083–
Landholding Agency: GSA
Property Number: 54200020023
Status: Excess
Comment: 1375 sq. ft., brick veneer, most recent use—residential.
GSA Number: 4–A–AL–768.

California

112 Bldgs.—Skaggs Island
Naval Security Group
Skaggs Island Co: Sonoma CA
Landholding Agency: GSA
Property Number: 54199730001
Status: Excess
Comment: 32–13,374 sq. ft., temp. quonset huts to perm. wood/concrete most recent use—housing, admin., support facilities, remote location, below sea level, high maintenance.
GSA Number: 9–N–CA–1488.

Marine Culture Laboratory
Granite Canyon
34500 Coast Highway
Monterey CA 93940–
Landholding Agency: GSA
Property Number: 54199830011
Status: Surplus
Comment: 3297 sq. ft. office bldg. & lab on 4.553 acres, envir. clean–up plans scheduled.
GSA Number: 9–C–CA–1499.

Natl Weather Svc Station
Blue Canyon Airport
Emigrant Gap CA 95715–
Landholding Agency: GSA
Property Number: 54199840007
Status: Surplus
Comment: 3140 sq. ft., presence of asbestos, most recent use—ofc/ residential/storage, land agreements w/U.S. Forest Service exist, special use permit.
GSA Number: 9–C–CA–1521.

Naval & Marine Corps Readiness
1700 Stadium Way
Los Angeles Co: Los Angeles CA 90012–
Landholding Agency: GSA
Property Number: 54199910005
Status: Excess
Comment: 133,484 sq. ft., suffered seismic damage, presence of asbestos/lead paint, historic convenants, 45% of property will revert to City.
GSA Number: 9–N–CA–1523.

Eureka Federal Building
5th & H Streets
Eureka Co: CA 95501–
Landholding Agency: GSA
Property Number: 54199930024
Status: Surplus
Comment: 23,959 gross sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—post office/office, listed on the National Register of Historic Places.
GSA Number: 9–G–CA–1529.

Georgia

Federal Building

109 N. Main Street
Lafayette Co: Walker GA 30728–
Landholding Agency: GSA
Property Number: 54199910014
Status: Excess
Comment: approx. 4761 sq. ft., does not meeet ADA requirements for accessibility, easements/reservations restrictions, historic protective covenants.
GSA Number: 4–G–GA–858.

Illinois

Radar Communication Link
1/2 mi east of 116th St.
Co: Will IL
Landholding Agency: GSA
Property Number: 54199820013
Status: Excess
Comment: 297 sq. ft. concrete block bldg. with radar tower antenna, possible lead based paint, most recent use—air traffic control.
GSA Number: 2–U–IL–696.

Army Reserve Center
1881 East Fremont Street
Galesburg Co: Knox IL 61401–
Landholding Agency: GSA
Property Number: 54199940008
Status: Excess
Comment: 2 brick buildings (6117 & 1325 sq. ft.), utilities turned off, need repairs, most recent use—storage.
GSA Number: 1–D–IL–720.

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230005
Status: Underutilized
Comment: 4135 sq. ft. 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places.

Bldg. 122
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810006
Status: Unutilized
Comment: 37,135 sq. ft., presence of asbestos, most recent use—former dietetics bldg., National Register of Historic Places.

Maryland

Washington Court Apartments
Maryland Rt. 755
Edgewood Co: Harford MD 21040–
Landholding Agency: GSA
Property Number: 54199940005
Status: Excess
Comment: 55 bldgs. housing 276 apartments, (2 to 4 bedrooms), need repairs, presence of lead based paint, property published in error as available on 2/11/00.
GSA Number: 4–D–MD–559.

De LaSalle Bldg.
4900 LaSalle Road
Avondale Co: Prince George MD 20782–
Landholding Agency: GSA
Property Number: 54200020007
Status: Excess
Comment: 130,000 sq. ft., multi-story on 17.79 acres, extensive rehab required, presence of asbestos/lead paint/pigeon infestation, subj. to easements, eligible for Natl Register.
GSA Number: 4–G–MD–565A.

Cheltenham Naval Comm. Dtchmt.
9190 Commo Rd., AKA 7700 Redman Rd.
Clinton Co: Prince George MD 20397–5520
Landholding Agency: GSA
Property Number: 77199330010
Status: Excess
Comment: 32 bldgs., various sq. ft., most recent use—admin/comm, & 39 family housing units on 230.35 acres, presence of lead paint/asbestos, 20.09 acres leased to County w/improvements; GSA Number : 4–N–MD–544A.

Michigan

Detroit Job Corps Center
10401 E. Jefferson & 1438 Garland; 1265 St. Clair
Detroit Co: Wayne MI 42128–
Landholding Agency: GSA
Property Number: 54199510002
Status: Surplus
Comment: Main bldg. is 80,590 sq. ft., 5-story, adjacent parking lot, 2nd bldg. on St. Clair Ave. is 5140 sq. ft., presence of asbestos in main bldg., to be vacated 8/97; GSA Number : 2–L–MI–757.

Parcel 1
Old Lifeboat Station
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730011
Status: Excess
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places; GSA Number: 1–UU–MI–500.

Minnesota

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Landholding Agency: GSA
Property Number: 54199930003
Status: Excess
Comment: 4320 sq. ft. training center and 1316 sq. ft. vehicle maintenance shop, presence of environmental conditions; GSA Number: 1–D–MN–575.

Mississippi

Federal Building
236 Sharkey Street
Clarksdale Co: Coahoma MS 38614–
Landholding Agency: GSA
Property Number: 54199910004
Status: Excess
Comment: 15,233 sq. ft., courthouse; GSA Number: 4–G–MS–553.

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comment: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production.

North Carolina

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Landholding Agency: GSA
Property Number: 54199820002
Status: Excess
Comment: 31 bldgs., presence of asbestos, most recent use—admin., warehouse, production space and 10.04 acres parking area, contamination at site—environmental clean up in process; GSA Number : 4–D–NC–593.

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Landholding Agency: GSA
Property Number: 54200020012
Status: Excess
Comment: 10,455 sq. ft., most recent use—maintenance garage; GSA Number: NC076AB.

Goldsboro Federal Bldg.
134 North John Street
Goldsboro Co: Wayne NC 27530–
Landholding Agency: GSA
Property Number: 54200020016
Status: Excess
Comment: 24,492 sq. ft., presence of asbestos/lead paint.
GSA Number: 4–G–NC–736.

Ohio

Zanesville Federal Building
65 North Fifth Street
Zanesville Co: Muskingum OH
Landholding Agency GSA
Property Number: 54199520018
Status: Excess
Comment: 18750 sq. ft., most recent use—office, possible asbestos, eligible for listing on the Natl Register of Historic Places.
GSA Number: 2–G–OH–781A.

Oklahoma

Fed. Bldg./Courthouse
N. Washington & Broadway Streets
Ardmore Co: Carter OK 73402–
Landholding Agency: GSA
Property Number: 54199820009
Status: Excess
Comment: 4000 sq. ft. bldg. w/parking, 3 story plus basement, most recent use—office, subject to historic preservation covenants.
GSA Number: 7–G–TX–559.

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 77199530007
Status: Underutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house.

Tennessee

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930011
Status: Surplus
Comment: 48–64 sq. ft., most recent use—access control, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F

4 Bldgs.
Volunteer Army Ammunition Plant

Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930012
Status: Surplus
Comment: 144–2,420 sq. ft., most recent use—storage/rail weighing facilities/dock, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

200 bunkers
Volunteer Army Ammunition Plant
Storage Magazines
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930014
Status: Surplus
Comment: approx. 200 concrete bunkers covering a land area of approx. 4000 acres, most recent use—storage/buffer area, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930020
Status: Surplus
Comment: 10,000 sq. ft., most recent use—office, presence of asbestos, approx. 5 acres associated w/bldg., potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930021
Status: Surplus
Comment: 2000–12,000 sq. ft., potential use/lease restrictions, property was published in error as available on 2/11/00; GSA Number: 4–D–TN–594F.

3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930022
Status: Surplus
Comment: 256–15,204 sq. ft., 35.86 acres associated w/bldgs., most recent use—water distribution system, potential use/lease restrictions, property was published in error as available on 2/11/00; GSA Number: 4–D–TN–594F.

Naval Hospital
5720 Integrity Drive
Millington Co: Shelby TN 38054–
Location: Bldgs. 98, 100, 103, 105, 111, 114, 116, 117, 118
Landholding Agency: GSA
Property Number: 54200020005
Status: Excess
Comment: 9 bldgs., various sq. ft., need major rehab; GSA Number: 4–N–TN–648.

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 77199010109
Status: Unutilized
Comment: 3665 sq ft., 1 story, possible asbestos, most recent use-laundry.

West Virginia

Moundsville Federal Bldg.
7th Street
Moundsville Co: Marshall WV 26041–
Landholding Agency: GSA
Property Number: 54200020024
Status: Excess
Comment: 9674 sq. ft., good condition, presence of asbestos, most recent use—office space; GSA Number: 4–G–WV–535.

Old Post Office
Maple & King Streets
Martinsburg Co: Berkeley WV 25401–
Landholding Agency: GSA
Property Number: 54200030004
Status: Excess
Comment: 22,845 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, included on the Natl Register of Historic Places; GSA Number: 4–G–WV–537.

Former Army Rsv Ctr
201 Kanawha Avenue
Rainelle Co: WV 25962–1107
Landholding Agency: GSA
Property Number: 54200030006
Status: Excess
Comment: needs repair, possible asbestos/lead paint; GSA Number: 4–D–WV–536.

Wisconsin

Wausau Federal Building
317 First Street
Wausau Co: Marathon WI 54401–
Landholding Agency: GSA
Property Number: 54199820016
Status: Excess
Comment: 30,500 sq. ft., presence of asbestos, eligible for listing on the Natl Register of Historic Places, most recent use—office GSA Number: 1–G–WI–593.

Army Reserve Center
401 Fifth Street
Kewaunee Co: WI 54216–1838
Landholding Agency: GSA
Property Number: 54199940004
Status: Excess
Comment: 2 admin. bldgs. (15,593 sq. ft.), 1 garage (1325 sq. ft.), need repairs, property was published in error as available on 2/11/00; GSA Number: 1–D–WI–597.

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage.

Land (by State)

Arizona

0.322 acres
Madison Street Property
Yuma Co: AZ 00000–
Landholding Agency: GSA
Property Number: 54200020025
Status: Excess
Comment: 14,026 sq. ft., irregular in shape, most recent use—former railroad right-of-way.
GSA Number: 9–I–AZ–814.

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course.

Maryland

12.52 acres
Casson Neck
Cambridge Co: Dorchester MD 00000–
Landholding Agency: GSA
Property Number: 54200020020
Status: Excess
Comment: 12.52 acres, possible restrictions due to wetlands.
GSA Number: 4–U–MD–600A.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Mississippi

Proposed Site
Army Reserve Center
Waynesboro Co: Wayne MS 39367–
Landholding Agency: GSA
Property Number: 54200010005
Status: Excess
Comment: 7.60 acres, most recent use—pine plantation, periodic flooding, possible wetlands on 30–40% of property.
GSA Number: 4–D–MS–0555.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

North Carolina

6.45 acres
Portion of McKinney Lake Fish Hatchery
Millstone Church Road
Hoffman Co: Richmond NC 28347–
Landholding Agency: GSA
Property Number: 54200020011
Status: Excess
Comment: 6.45 acres, most recent use—outdoor horticulture classes.
GSA Number: 4–GR–NC–570.

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized

Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer.

Puerto Rico

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 54199420006
Status: Excess
Comment: 323 acres, cultural site.

Bahia Rear Range Light
Ocean Drive
Catano Co: PR 00632–
Landholding Agency: GSA
Property Number: 54199940003
Status: Excess
Comment: 0.167 w/skeletal tower, fenced, aid to navigation.
GSA Number: 1–T–PR–508.

Tennessee

1500 acres
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930015
Status: Surplus
Comment: scattered throughout facility, most recent use—buffer area, steep topography, potential use restrictions, property was published in error as available on 2/11/00.
GSA Number: 4–D–TN–594F.

44 acres
VA Medical Center
3400 Lebanon Rd.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: VA
Property Number: 97199740003
Status: Underutilized
Comment: intermittent use, partially landlocked, flooding.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 77199010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Land—CD area
Naval Base Norfolk
Norfolk VA 23511–2797
Landholding Agency: Navy
Property Number: 77199830022
Status: Unutilized
Comment: 2 acres, open space.

Suitable/To Be Excessed

Buildings (by State)

Puerto Rico

Bldg. 561
Former Ramey AFB
Aguadilla PR 00604–
Landholding Agency: Navy
Property Number: 77199630001
Status: Unutilized
Comment: 102666 sq. ft. bldg. on 5.006 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos.

Unsuitable Properties

Buildings (by State)

Alabama

Sand Island Light House
Gulf of Mexico
Mobile AL
Landholding Agency: GSA
Property Number: 54199610001
Status: Excess
Reason: Inaccessible.
GSA Number: 4–U–AL–763.

Mobile Point Light
Gulf Shores Co: Baldwin AL 36542–
Landholding Agency: GSA
Property Number: 54199940011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 4–U–AL–767.

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area.

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area.

Arizona

Portion
Colorado River Basin
Salinity Project
Yuma Co: AZ 00000–
Landholding Agency: GSA
Property Number: 54200030005
Status: Surplus
Reason: Secured Area.
GSA Number: 9–I–AZ–810.

Bldg. 958
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200040001
Status: Excess
Reason: Extensive deterioration.

Bldg. 1216
Marine Corps Air Station
Yuma Co: AZ 85369–
Landholding Agency: Navy
Property Number: 77200040002
Status: Excess
Reason: Extensive deterioration.

Bldg. 676
Marine Corps Air Station
Yuma Co: AZ 85369-
Landholding Agency: Navy
Property Number: 77200040003
Status: Excess
Reason: Extensive deterioration.

California

Old SF Mint
88 5th Street
San Francisco Co: CA 94103–
Landholding Agency: GSA
Property Number: 54199910017
Status: Excess
Reason: Extensive deterioration.
GSA Number: 9–G–CA–1531.

Bldg. 210
Naval Station, San Diego
San Diego CA 92136–
Landholding Agency: Navy
Property Number: 77199830001
Status: Excess
Reason: Extensive deterioration.

Bldg. 444
Naval Station
San Diego CA 92136–5294
Landholding Agency: Navy
Property Number: 77199830122
Status: Excess
Reason: Extensive deterioration.

Bldg. 209
Naval Station, San Diego
San Diego CA 92136–5065
Landholding Agency: Navy
Property Number: 77199840001
Status: Excess
Reason: Extensive deterioration.

Bldgs. 20106, 20195
Naval Air Weapons Station
China Lake Co: CA 93555–
Landholding Agency: Navy
Property Number: 77199930001
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldgs. 40, 62
Naval Air Station, North Island
Imperial Beach Co: CA 91932–
Landholding Agency: Navy
Property Number: 77199930024
Status: Excess
Reason: Extensive deterioration.

Bldg. 5UT4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930081
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5US4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930082
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 127
Marine Corps Recruit Depot
San Diego Co: CA 92140–

Landholding Agency: Navy
Property Number: 77199930083
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5A6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930084
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5A7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930085
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5A8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930086
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5A9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930087
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5B6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930088
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5B7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930089
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5B8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930090
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5B9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930091
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5C6
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930092
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5C7
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930093
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5C8
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930094
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5C9
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930095
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5D1
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930096
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5D2
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930097
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5D3
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930098
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5D4
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5D5
Marine Corps Recruit Depot
San Diego Co: CA 92140–
Landholding Agency: Navy
Property Number: 77199930100
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 206
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930105
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 432
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930106
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 433
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930107
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 435
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930108
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 456
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930109
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 921
Naval Weapons Station Seal Beach
Seal Beach Co: CA 90740–5000
Landholding Agency: Navy
Property Number: 77199930110
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 201
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 205
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 227
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 230
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 232
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 337
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940007
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 338
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 339
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 349

Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940010
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 362
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 363
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 410
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940013
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 438
Naval Weapons Station
Fallbrook Co: CA 92028–3187
Landholding Agency: Navy
Property Number: 77199940014
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q100
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940067
Status: Excess
Reason: Extensive deterioration.

Bldg. Q102
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940068
Status: Excess
Reason: Extensive deterioration.

Bldg. 106
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940069
Status: Excess
Reason: Extensive deterioration.

Bldg. 111
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940070
Status: Excess
Reason: Extensive deterioration.

Bldg. 112
Naval Amphibious Base
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940071
Status: Excess
Reason: Extensive deterioration.

Bldg. 613
NAS, North Island
Coronado Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940072
Status: Excess
Reason: Extensive deterioration.

Bldg. 55
Naval Amphibious Base
Imperial Beach Co: CA 92118–
Landholding Agency: Navy
Property Number: 77199940073
Status: Excess
Reason: Extensive deterioration.

Bldg. 154
Naval Air Station
North Island Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200010037
Status: Excess
Reason: Extensive deterioration.

OT68
Space & Navy Warfare
Systems Center
San Diego Co: CA 92152–5001
Landholding Agency: Navy
Property Number: 77200010076
Status: Unutilized
Reason: Floodway

Bldg. 1234
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010077
Status: Excess
Reason: Extensive deterioration.

Bldg. 1439
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010078
Status: Excess
Reason: Extensive deterioration.

Bldg. 1443
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010079
Status: Excess
Reason: Extensive deterioration.

Bldg. 2231
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010080
Status: Excess
Reason: Extensive deterioration.

Bldg. 2232
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010081
Status: Excess
Reason: Extensive deterioration.

Bldg. 2582
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010082
Status: Excess
Reason: Extensive deterioration.

Bldg. 2583
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010083
Status: Excess
Reason: Extensive deterioration.

Bldg. 21544
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010084
Status: Excess
Reason: Extensive deterioration.

Bldg. 21549
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010085
Status: Excess
Reason: Extensive deterioration.

Bldg. 25131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010086
Status: Excess
Reason: Extensive deterioration.

Bldg. 32927
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010087
Status: Excess
Reason: Extensive deterioration.

Bldg. 130167
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010088
Status: Excess
Reason: Extensive deterioration.

Bldg. 130175
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010089
Status: Excess
Reason: Extensive deterioration.

Bldg. 201076
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010090
Status: Excess
Reason: Extensive deterioration.

Bldg. 201487
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010091
Status: Excess
Reason: Extensive deterioration.

Bldg. 1684
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010092
Status: Excess
Reason: Extensive deterioration.

Bldg. 16146
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010093
Status: Excess
Reason: Extensive deterioration.

Bldg. 43332
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010094

Status: Excess
Reason: Extensive deterioration.

Bldg. 43333
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010095
Status: Excess
Reason: Extensive deterioration.

Bldg. 43334
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010096
Status: Excess
Reason: Extensive deterioration.

Bldg. 43335
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010097
Status: Excess
Reason: Extensive deterioration.

Bldg. 43336
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010098
Status: Excess
Reason: Extensive deterioration.

Bldg. 43337
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010099
Status: Excess
Reason: Extensive deterioration.

Bldg. 52651
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200010100
Status: Excess
Reason: Extensive deterioration.

Bldg. 17A
Marine Corps Logistics Base
Barstow Co: San Bernardino CA 92311
Landholding Agency: Navy
Property Number: 77200020001
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 62327
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020024
Status: Excess
Reason: Extensive deterioration.

Bldg. 3314
Marine Corps Air Station
Miramar Co: CA 92145–
Landholding Agency: Navy
Property Number: 77200020025
Status: Excess
Reason: Extensive deterioration.

Bldgs. 5157, 5158
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020045
Status: Unutilized
Reason: Secured Area.

Facility 13181
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020046
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facility 14220
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020047
Status: Unutilized
Reasons: Secured Area Extensive deterioration.

Facility 24151
Camp Pendleton
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 22074
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020092
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 62324
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020093
Status: Unutilized
Reason: Extensive deterioration.

Bldg. H–62
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020094
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1442
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020106
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1651
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020107
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 13162
Marine Corps Base
Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020108
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14100
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020109
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 25131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200020110
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 23025
Marine Corps Air Station
Miramar Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200030001
Status: Unutilized
Reason: Secured Area.

Bldg. 23027
Marine Corps Air Station
Miramar Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200030002
Status: Unutilized
Reason: Secured Area.

Bldg. 731
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030003
Status: Excess
Reason: Extensive deterioration.

Bldg. 731A
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030004
Status: Excess
Reason: Extensive deterioration.

Bldg. 865
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030005
Status: Excess
Reason: Extensive deterioration.

Bldg. 868
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030006
Status: Excess
Reason: Extensive deterioration.

Bldg. 474
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030007
Status: Excess
Reason: Extensive deterioration.

Bldg. 5021
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030008
Status: Excess
Reason: Extensive deterioration.

Bldg. 5022
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030009
Status: Excess

Reason: Extensive deterioration.
Bldg. 5025
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030010
Status: Excess
Reason: Extensive deterioration.
Bldg. 5113
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–
Landholding Agency: Navy
Property Number: 77200030011
Status: Excess
Reason: Extensive deterioration.
Bldg. 5114
Naval Const. Battalion Ctr
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030012
Status: Excess
Reason: Extensive deterioration.
Bldgs. 82 & 84
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030013
Status: Excess
Reason: Extensive deterioration.
Bldg. 6–1
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030014
Status: Excess
Reason: Extensive deterioration.
Bldg. 479
Naval Construction Battalion Ctr.
Port Hueneme
Oxnard Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030015
Status: Excess
Reason: Extensive deterioration.
Bldg. 1131
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030025
Status: Excess
Reason: Extensive deterioration.
Bldg. 1132
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030026
Status: Excess
Reason: Extensive deterioration.
Bldg. 1141
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030027
Status: Excess
Reason: Extensive deterioration.
Bldg. 1145
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030028
Status: Excess
Reason: Extensive deterioration.
Bldg. 1256
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030029
Status: Excess
Reason: Extensive deterioration.
Bldg. 1362
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030030
Status: Excess
Reason: Extensive deterioration.
Bldg. 1363
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030031
Status: Excess
Reason: Extensive deterioration.
Bldg. 1622
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030032
Status: Excess
Reason: Extensive deterioration.
Bldg. 1623
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030033
Status: Excess
Reason: Extensive deterioration.
Bldg. 13115
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030034
Status: Excess
Reason: Extensive deterioration.
Bldg. 13125
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030035
Status: Excess
Reason: Extensive deterioration.
Bldg. 13142
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030036
Status: Excess
Reason: Extensive deterioration.
Bldg. 16134
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030037
Status: Excess
Reason: Extensive deterioration.
Bldg. 16135
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030038
Status: Excess
Reason: Extensive deterioration.
Bldg. 16136
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030039
Status: Excess
Reason: Extensive deterioration.
Bldg. 16137
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030040
Status: Excess
Reason: Extensive deterioration.
Bldg. 43432
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030041
Status: Excess
Reason: Extensive deterioration.
Bldg. 62408
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200030042
Status: Excess
Reason: Extensive deterioration.
Bldg. 801
Naval Air Station
Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77200030043
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 41
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030044
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 103
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030045
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 259
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030046
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 260
Naval Const. Battalion Ctr
Port Hueneme Co: CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030047
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 274
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030048
Status: Unutilized
Reason: Extensive deterioration.
Bldg. 462
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy

Property Number: 77200030049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 488
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030050
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1150
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030051
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1156
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030052
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1275
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030053
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1321
Naval Const. Battalion Ctr
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200030054
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 21091
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030058
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 21127
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030059
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9919
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030060
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9920
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number: 77200030061
Status: Unutilized
Reason: Extensive deterioration.

Bldg. OT33
Old Town Campus
Naval Space & Warfare Systems
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200040004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. OT–5
Old Town Campus
Naval Space & Warfare Systems
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200040005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1393
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040024
Status: Excess
Reason: Extensive deterioration.

Bldg. 25155
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040025
Status: Excess
Reason: Extensive deterioration.

Bldg. 25158
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040026
Status: Excess
Reason: Extensive deterioration.

Bldg. 25159
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200040027
Status: Excess
Reason: Extensive deterioration.

Bldg. 12041
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110065
Status: Excess
Reason: Extensive deterioration.

Bldg. 12052
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110066
Status: Excess
Reason: Extensive deterioration.

Bldg. 16066
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110067
Status: Excess
Reason: Extensive deterioration.

Bldg. 16074
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110068
Status: Excess
Reason: Extensive deterioration.

Bldg. 16085
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110069
Status: Excess
Reason: Extensive deterioration.

Bldg. 16086
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110070
Status: Excess
Reason: Extensive deterioration.

Bldg. 16100
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110071
Status: Excess
Reason: Extensive deterioration.

Bldg. 16115
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110072
Status: Excess
Reason: Extensive deterioration.

Bldg. 16117
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Landholding Agency: Navy
Property Number: 77200110073
Status: Excess
Reason: Extensive deterioration.

Bldg. 1235
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110082
Status: Excess
Reason: Extensive deterioration.

Bldg. 1682
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110083
Status: Excess
Reason: Extensive deterioration.

Bldg. 1683
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110084
Status: Excess
Reason: Extensive deterioration.

Bldg. 1691
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110085
Status: Excess
Reason: Extensive deterioration.

Bldg. 16109
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110086
Status: Excess
Reason: Extensive deterioration.

Bldg. 16110
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110087
Status: Excess
Reason: Extensive deterioration.

Bldg. 16128
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110088
Status: Excess
Reason: Extensive deterioration.

Bldg. 33378
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110089
Status: Excess
Reason: Extensive deterioration.

Bldg. 33566
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110090
Status: Excess
Reason: Extensive deterioration.

Bldg. 33967
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110091
Status: Excess
Reason: Extensive deterioration.

Bldg. 41318
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110092
Status: Excess
Reason: Extensive deterioration.

Bldg. 41319
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110093
Status: Excess
Reason: Extensive deterioration.

Bldg. 43454
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110094
Status: Excess
Reason: Extensive deterioration.

Bldg. 43455
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110095
Status: Excess
Reason: Extensive deterioration.

Bldg. 1231
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110096
Status: Excess
Reason: Extensive deterioration.

Bldg. 1687
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110097
Status: Excess
Reason: Extensive deterioration.

Bldg. 2622
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110098
Status: Excess
Reason: Extensive deterioration.

Bldg. 31523
Marine Corps Base
Camp Pendleton Co: CA 92055–
Landholding Agency: Navy
Property Number: 77200110099
Status: Excess
Reason: Extensive deterioration.

Bldg. 467
Marine Corps Recruit Depot
San Diego Co: CA 92132–
Landholding Agency: Navy
Property Number: 77200110100
Status: Unutilized
Reason: Secured Area.

Connecticut

DG1–DG8, DG10–DG–27
Dolphin Gardens
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77199930025
Status: Unutilized
Reason: Extensive deterioration

Bldg. 480
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200010075
Status: Unutilized
Reason: Secured Area 10
Bldgs./84.62 acres
Naval Weapons Ind. Rsv. Pl.
Bloomfield Co: Hartford CT 06002–0002
Landholding Agency: Navy
Property Number: 77200020096
Status: Unutilized
Reason: Secured Area

Bldg. 308
Naval Submarine Base
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77200030016
Status: Unutilized
Reason: Extensive deterioration

Florida

Cape St. George Lighthouse
St. George Island Co: Franklin FL 32328–
Landholding Agency: GSA
Property Number: 54199940012
Status: Excess
Reasons: Floodway Extensive deterioration
GSA Number: 4–U–FL–1167.

Boca Grande Range
Rear Light
Gasparilla Island Co: Lee FL 33921–
Landholding Agency: GSA
Property Number: 54199940013
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1169.

Sanibel Island Light
Sanibel Co: Lee FL 33957–
Landholding Agency: GSA
Property Number: 54199940014
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1162.

Bldg. 648
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920087
Status: Unutilized
Reason: Secured Area.

Bldg. 1882
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920088
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3228
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920089
Status: Unutilized
Reason: Secured Area.

Bldg. 3604
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920090
Status: Unutilized
Reason: Secured Area.

Bldg. 3605
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920091
Status: Unutilized
Reason: Secured Area.

Bldg. 3626
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920092
Status: Unutilized
Reason: Secured Area.

Bldg. 3674
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199920093
Status: Unutilized
Reason: Secured Area

Bldg. A–146
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930027
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–232
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–4020
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3451
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77199940066
Status: Unutilized
Reason: Secured Area.

Bldg. 1558
NAS Jacksonville
Jacksonville Co: Duval FL 32212–

Landholding Agency: Navy
Property Number: 77200010001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 592
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010002
Status: Unutilized
Reasons: Secured Area;
Extensive deterioration.

Bldg. 610
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010003
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7L
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010004
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7M
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010005
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7N
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010006
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 70
NAS Jacksonville
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200010007
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. A–952
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010034
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–962
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–1105
Naval Air Station
Boca Chica
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77200010036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 44
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010038
Status: Unutilized
Reason: Secured Area.

Bldg. 58
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010039
Status: Unutilized
Reason: Secured Area.

Bldg. 365
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010040
Status: Unutilized
Reason: Secured Area.

Bldg. 455
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010041
Status: Unutilized
Reason: Secured Area.

Bldg. 467
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010042
Status: Unutilized
Reason: Secured Area.

Bldg. 475
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010043
Status: Unutilized
Reason: Secured Area.

Bldg. 605A
Naval Air Station
Pensacola Co: Escambia FL 43508–
Landholding Agency: Navy
Property Number: 77200010044
Status: Unutilized
Reason: Secured Area.

Bldg. 689
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010045
Status: Unutilized
Reason: Secured Area.

Bldg. 802A
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010046
Status: Unutilized
Reason: Secured Area.

Bldg. 835
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010047
Status: Unutilized
Reason: Secured Area.

Bldg. 859B
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010048
Status: Unutilized
Reason: Secured Area.

Bldg. 859C
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010049
Status: Unutilized
Reason: Secured Area.

Bldg. 869
Naval Air Station
Pensacola Co: Escambia FL 32598–
Landholding Agency: Navy
Property Number: 77200010050
Status: Unutilized
Reason: Secured Area.

Bldg. 1713
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010051
Status: Unutilized
Reason: Secured Area.

Bldg. 2437
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010052
Status: Unutilized
Reason: Secured Area.

Bldg. 2462
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010053
Status: Unutilized
Reason: Secured Area.

Bldg. 3446
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010054
Status: Unutilized
Reason: Secured Area.

Bldg. 3478
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010055
Status: Unutilized
Reason: Secured Area.

Bldg. 3878
Naval Air Station
Pensacola Co: Escambia FL 32508–
Landholding Agency: Navy
Property Number: 77200010056
Status: Unutilized
Reason: Secured Area.

Bldg. 7H
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020064
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7J
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy

Property Number: 77200020065
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7K
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020066
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 106
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020067
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 135
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020068
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 142
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020069
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 584
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020070
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 610
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020071
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 702
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020072
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 703
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020073
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 725
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020074
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 740A
Naval Air Station
Jacksonville Co: Duval FL 32212–
Landholding Agency: Navy
Property Number: 77200020075
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 54
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200020076
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 211
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200020077
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 62
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020111
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 94
NAS Jacksonville
Altoona Co: Marion FL 32702–
Landholding Agency: Navy
Property Number: 77200020112
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 114
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040006
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 133
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040007
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 141
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040008
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

16 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 142, 151, 153, 156, 164, 170, 171, 176, 178, 180, 182–187
Landholding Agency: Navy
Property Number: 77200040009
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

11 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 103, 105, 112, 113, 115–119, 121, 122
Landholding Agency: Navy
Property Number: 77200040010
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

23 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 143–150, 152, 154, 155, 157, 158, 160–163, 165, 166, 168, 169, 179, 181
Landholding Agency: Navy
Property Number: 77200040011
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 173, 174, 175, 177, 188
Landholding Agency: Navy
Property Number: 77200040012
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

6 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 130–132, 134–136
Landholding Agency: Navy
Property Number: 77200040013
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldgs. 159, 167, 172
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Landholding Agency: Navy
Property Number: 77200040014
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 124, 127, 138–140
Landholding Agency: Navy
Property Number: 77200040015
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 107, 109, 111, 120, 123
Landholding Agency: Navy
Property Number: 77200040016
Status: Underutilized

Reasons: Within airport runway clear zone; Secured Area.

5 Bldgs.
Naval Air Station
Whiting Field
Milton Co: Santa Rosa FL 32570–
Location: 102, 104, 106, 108, 110
Landholding Agency: Navy
Property Number: 77200040017
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 36
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 348
Naval Station
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1801
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040035
Status: Unutilized
Reasons:
Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1802
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1803
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040037
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Bldg. 1859
Naval Station Mayport
Mayport Co: Duval FL 32228–
Landholding Agency: Navy
Property Number: 77200040038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area; Extensive deterioration.

Georgia

Stored Products Insects
R&D Lab
3401 Edwin Street
Savannah Co: Chatham GA 31403–
Landholding Agency: GSA
Property Number: 54200010003
Status: Excess
Reason: Floodway
GSA Number: 4–A–GA–861.

Range Rear Light
Blythe Island
Brunswick Co: Glynn GA 31525–
Landholding Agency: GSA
Property Number: 54200020001
Status: Excess
Reason: Extensive deterioration
GSA Number: 4–U–GA–863.

Bldg. 3012
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199910001
Status: Unutilized
Reason: Extensive deterioration.

Facility 5001
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199940016
Status: Unutilized
Reason: Secured Area.

Facility 5002
Naval Submarine Base
Kings Bay Co: Camaden GA 31547–
Landholding Agency: Navy
Property Number: 77199940017
Status: Unutilized
Reason: Secured Area.

Facility 5003
Naval Submarine Base
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 77199940018
Status: Unutilized
Reason: Secured Area.

Facility 5935
Naval Submarine Base
Kings Bay Co: Camden GA 31547
Landholding Agency: Navy
Property Number: 77199940019
Status: Unutilized
Reason: Secured Area.

Guam

Structures 312, 1792
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930002
Status: Excess
Reason: Secured Area.

Structures 2020, 2021
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930003
Status: Excess
Reason: Secured Area.

Bldg. 3171
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930004
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 264
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930048
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 4400
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4402
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930058
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4414
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930059
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4425
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930060
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldgs. 4426–4428
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77199930061
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 26
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020049
Status: Unutilized
Reason: Secured Area.

Bldg. 264
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020050
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 3112
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020051
Status: Unutilized
Reason: Secured Area.

Bldg. 3116
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051

Landholding Agency: Navy
Property Number: 77200020052
Status: Unutilized
Reason: Secured Area.

Bldg. 3117
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020053
Status: Unutilized
Reason: Secured Area.

Bldg. 3118
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020054
Status: Unutilized
Reason: Secured Area.

Bldg. 3120
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020055
Status: Unutilized
Reason: Secured Area.

Bldg. 3121
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020056
Status: Unutilized
Reason: Secured Area.

Bldg. 4400
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 4402
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020058
Status: Unutilized
Reason: Secured Area.

Bldg. 4414
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020059
Status: Unutilized
Reason: Secured Area.

Bldg. 4425
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020060
Status: Unutilized
Reason: Secured Area.

Bldgs. 4426, 4427, 4428
U.S. Naval Forces, Marianas
Waterfront Annex Co: GU 96540–0051
Landholding Agency: Navy
Property Number: 77200020061
Status: Unutilized
Reason: Secured Area.

Hawaii

Portion, Bellows AFS
DE #1, Parcel 5A
Waimanalo Co: Oahu HI 96795–
Landholding Agency: GSA
Property Number: 54199930025
Status: Surplus
Reason: Floodway;
GSA Number: 9–D–HI–574.

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Extensive Deterioration; Secured Area.

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230013
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 77199230014
Status: Unutilized
Reasons: Extensive Deterioration; Secured Area.

Bldg. 6, Pearl Harbor
Richardson Recreational Area.
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199410003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199410004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530009
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 77199530010
Status: Excess
Reason: Secured Area.

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199530011
Status: Excess
Reason: Secured Area.

Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199620032
Status: Excess
Reason: Extensive deterioration.

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199640036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 40
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 50
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q76
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830030
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q334
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S380
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830032
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S381
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830033
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q410
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830034
Status: Unutilized
Reason: Extensive deterioration.

Bldg. Q422
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 429
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830036

Status: Unutilized
Reason: Extensive deterioration.

Bldg. 431
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830037
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 447
Naval Magazine Lualualei
Co: Oahu HI 96792–4301
Landholding Agency: Navy
Property Number: 77199830038
Status: Unutilized
Reason: Extensive deterioration.

Facility S–721
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840042
Status: Excess
Reason: Secured Area.

Facility S–897
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840043
Status: Excess
Reason: Secured Area.

Facility S–937
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840044
Status: Excess
Reason: Secured Area.

Facility 19
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199840045
Status: Excess
Reason: Secured Area.

Facility 63
Naval Computer & Telecomm. Station
Wahiawa Co: HI 96786–
Landholding Agency: Navy
Property Number: 77199920013
Status: Excess
Reason: Extensive deterioration.

Facility SX30
Navy Public Works Center
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199920027
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Idaho

Moore Hall U.S. Army Rsve Ctr
1575 N. Skyline Dr.
Idaho Falls Co: Bonneville ID 83401–
Landholding Agency: GSA
Property Number: 21199720207
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–ID–544.

Illinois

Navy Family Housing
18-units
Hanna City Co: Peoria IL 61536–
Landholding Agency: GSA
Property Number: 54199940018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–N–IL–723.

Bldg. 415
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840023
Status: Unutilized
Reason: Secured Area.

Bldg. 1015
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840024
Status: Unutilized
Reason: Secured Area.

Bldg. 1016
Naval Training Center
201 N. Decatur Ave.
Great Lakes IL
Landholding Agency: Navy
Property Number: 77199840025
Status: Unutilized
Reason: Secured Area.

Bldg. 910
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920055
Status: Unutilized
Reason: Secured Area.

Bldg. 800
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920056
Status: Unutilized
Reason: Secured Area.

Bldg. 1000
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920057
Status: Unutilized
Reason: Secured Area.

Bldg. 1200
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920058
Status: Unutilized
Reason: Secured Area.

Bldg. 1400
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920059
Status: Unutilized
Reason: Secured Area.

Bldg. 1600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920060
Status: Unutilized
Reason: Secured Area.

Bldg. 2600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920061
Status: Unutilized
Reason: Secured Area.

Indiana

Bldg. 3
Naval Surface Warfare
Naval Investigation Ofc.
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010057
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
157, 166, 171
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#22, 2792, 2794
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010059
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#158, 167, 172
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010060
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 162, 163
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010061
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 169D, 169E
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010062
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Bldgs.
Naval Surface Warfare
#173, 2171, 2172, 2179
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010063
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Bldgs.
Naval Surface Warfare
#2174, 2175, 2176, 2193, 2784
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010064
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 2500, 2501
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010065
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

3 Bldgs.
Naval Surface Warfare
#2502, 2503, 2715
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010066
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

10 Bldgs.
Naval Surface Warfare
#2803, 2855–2863
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010067
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 2905, 3074
Naval Surface Warfare
Crane Co: Lawrence IN 47522–
Landholding Agency: Navy
Property Number: 77200010068
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration.

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration.

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration.

Kansas

Sunflower AAP
DeSoto Co: Johnson KS 66018–
Landholding Agency: GSA
Property Number: 54199830010
Status: Excess
Reason: Extensive deterioration.
GSA Number: 7-D-KS–0581.

Maine

Aircraft Hangar #2
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199810015
Status: Excess
Reason: Extensive deterioration.

Bldg. 13
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840005
Status: Excess
Reason: Extensive deterioration.

Bldg. 15
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840006
Status: Excess
Reason: Extensive deterioration.

Bldg. 16
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840007
Status: Excess
Reason: Extensive deterioration.

Bldg. 90
Naval Security Group Activity
Winter Harbor Co: ME 00000–
Landholding Agency: Navy
Property Number: 77200020098
Status: Excess
Reason: Extensive deterioration.

Maryland

15 Bldgs.
Naval Air Warfare Center
Patuxent River Co: St. Mary's MD 20670–5304
Landholding Agency: Navy
Property Number: 77199730062
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 163
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Landholding Agency: Navy
Property Number: 77200010033
Status: Unutilized
Reason: Extensive deterioration.

Massachusetts

Frederick Murphy Federal Ctr
424 Trapelo Road
Waltham Co: MA 00000–
Landholding Agency: GSA
Property Number: 54199920005
Status: Surplus
Reason: Extensive deterioration.
GSA Number: 1–G–MA–0848.

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration.

Michigan

15 Offshore Lighthouses
Great Lakes MI
Landholding Agency: GSA
Property Number: 54199630014
Status: Excess
Reason: Extensive deterioration.

Parcel 14, Boat House
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730014
Status: Excess
Reason: Extensive deterioration.
GSA Number: 1–U–MI–500

Round Island Passage Light
Lake Huron
Lake Huron Co: Mackinac MI
Landholding Agency: GSA
Property Number: 54199730019
Status: Excess
Reason: Inaccessible.
GSA Number: 1–U–MI–444B.

Tract 100–1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 54199840003
Status: Excess
Reason: No legal access
GSA Number: 1–D–MI–659A.

Tracts 100–2, 100–3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: GSA
Property Number: 54199840004
Status: Excess
Reason: No legal access
GSA Number: 1–D–MI–659A.

Federal Bldg.
Benton Harbor 174/5 Territorial Road
Benton Harbor Co: Berrien MI 49022–
Landholding Agency: GSA
Property Number: 54200020003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–G–MI–796.

Navy Housing
64 Barberry Drive
Springfield Co: Calhoun MI 49015–
Landholding Agency: GSA
Property Number: 54200020013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–N–MI–795.

Stroh Army Reserve Center
17825 Sherwood Ave.
Detroit Co: Wayne MI 00000–
Landholding Agency: GSA
Property Number: 54200040001
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–D–MI–798.

Minnesota

Naval Ind. Rsv Ordnance Plant
Minneapolis Co: MN 55421–1498
Landholding Agency: GSA
Property Number: 54199930004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–N–MN–570.

Nike Battery Site, MS–40
Castle Rock Township
Farmington Co: Dakota MN 00000–
Landholding Agency: GSA
Property Number: 54200020004
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: 1–I–MN–451–B.

Mississippi

Bldg. 78

Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830047
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 113
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830048
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 147
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830049
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 187
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501–5001
Landholding Agency: Navy
Property Number: 77199830050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 7
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 75
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 179
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Structure 262
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930013
Status: Unutilized
Reason: Secured Area.

Bldg. 279
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 326
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 412
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 49
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010024
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 130
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010025
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 368
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010026
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 390
CBC Gulfport
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200010027
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 43
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030076
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 44
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030077
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 164
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77200030078
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway.

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Steam Line/Support Structure
Marine Corps Support Activity
Kansas City Co: Jackson MO 64147–
Landholding Agency: Navy
Property Number: 77200030017
Status: Unutilized
Reason: Extensive deterioration.

Nevada

Former Weather Service Office
Winnemucca Airport
Winnemucca Co: Humbolt NV 89445–
Landholding Agency: GSA
Property Number: 54199810001
Status: Excess
Reason: Within airport runway clear zone.
GSA Number: 9–C–NV–509.

6 Bldgs.
Dale Street Complex
300, 400, 500, 600, Block Bldg, Valve House
Boulder City Co: NV 89005–
Landholding Agency: GSA
Property Number: 54200020017
Status: Excess
Reason: Extensive deterioration
GSA Number: LC–00–01–RP.

New Hampshire

Bldg. 89
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830086
Status: Unutilized
Reason: Secured Area.

Bldg. 99
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830088
Status: Unutilized
Reason: Secured Area.

Bldg. 115
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830089
Status: Unutilized
Reason: Secured Area.

Bldg. 178
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830090
Status: Unutilized
Reason: Secured Area.

Bldg. 298
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000

Landholding Agency: Navy
Property Number: 77199830091
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. H–21
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830092
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Dry Dock 1
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840012
Status: Underutilized
Reason: Secured Area.

Dry Dock 3
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840013
Status: Underutilized
Reason: Secured Area.

Berth 2
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840014
Status: Underutilized
Reason: Secured Area.

Berth 11
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199840015
Status: Underutilized
Reason: Secured Area.

Parcel #1
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910002
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #2
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910003
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #3
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910004
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. 55
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199940020
Status: Unutilized
Reason: Secured Area.

Bldg. 150
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199940021
Status: Unutilized
Reason: Secured Area.

New Jersey

Telephone Repeater Site
U.S. Coast Guard
Monmouth Beach Co: Monmouth Beach NJ 07750–
Landholding Agency: GSA
Property Number: 54199910001
Status: Excess
Reason: Extensive deterioration
GSA Number: 1–U–NJ–628.

Parcel A–1, Bldg. 228
Raritan Center
2890 Woodbridge Avenue
Edison Co: NJ 08837–
Landholding Agency:
GSA
Property Number: 54200020009
Status: Excess
Reasons: landlocked; Extensive deterioration
GSA Number: 1–Z–NJ–440–O.

Bldg. 188
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199830065
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 473
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199920024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 474
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199920025
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 220, 234, 236
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199930017
Status: Unutilized
Reason: Extensive deterioration.

28 Sheds
Naval Weapons Station
Colts Neck Co: NJ 07722–
Landholding Agency: Navy
Property Number: 77199940026
Status: Unutilized
Reason: Extensive deterioration.

Bldg. FA–1
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. GB–1
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. R–18
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010010
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–62
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–412
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–457
Naval Weapons Station
Colts Neck Co: Earle NJ 07722–
Landholding Agency: Navy
Property Number: 77200010013
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1042
Naval Air Eng. Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200040039
Status: Unutilized
Reason: Extensive deterioration.

Hangar 1
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110101
Status: Underutilized
Reason: Secured Area.

Bldg. B–33
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110102
Status: Underutilized
Reason: Secured Area.

Bldg. B–487A
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77200110103
Status: Excess
Reason: Secured Area.

New Mexico

Bldg. N149
Naval Air Warfare
White Sands Co: NM 88002–
Landholding Agency: Navy
Property Number: 77200110104
Status: Excess
Reason: Extensive deterioration.

New York

Offshore Lighthouses
Great Lakes NY
Landholding Agency: GSA
Property Number: 54199630015
Status: Excess
Reason: Extensive deterioration.

North Carolina

Structure 7

Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110105
Status: Unutilized
Reason: Extensive deterioration.

Structure 103
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC
Landholding Agency: Navy
Property Number: 77200110106
Status: Unutilized
Reason: Extensive deterioration.

Structure 110
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110107
Status: Unutilized
Reason: Extensive deterioration.

Structure 115
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110108
Status: Unutilized
Reason: Extensive deterioration.

Structure 1099
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110109
Status: Unutilized
Reason: Extensive deterioration.

Structure 3990
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110110
Status: Unutilized
Reason: Extensive deterioration.

Structure 8040
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110111
Status: Unutilized
Reason: Extensive deterioration.

Structure 8050
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110112
Status: Unutilized
Reason: Extensive deterioration.

Structure 8077
Marine Corps Air Station
Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77200110113
Status: Unutilized
Reason: Extensive deterioration.

Bldg. TC462
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110114
Status: Excess
Reason: Secured Area.

Bldg. TC817
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110115
Status: Excess.
Reason: Secured Area.

Bldg. 202
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110116
Status: Excess
Reason: Secured Area.

Bldg. 206
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77200110117
Status: Excess
Reason: Secured Area.

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration.

Ohio

Toledo Harbor Lighthouse
Lake Erie
Toledo Co: Lucas OH 43611–
Landholding Agency: GSA
Property Number: 54199710014
Status: Excess
Reason: Inaccessible
GSA Number: 1–U–OH–801.

Toledo Federal Building
234 Summit Avenue
Toledo Co: Lucas OH 43604–
Landholding Agency: GSA
Property Number: 54199810014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–G–H–804.

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration.

Oregon

Portion, Former Kingsley Field
Air Force Base
Arnold Ave. & Joe Wright Rd.
Klamath Falls Co: Klamath OR 97603–
Landholding Agency: GSA
Property Number: 54199810003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 10–D–OR–434–J.

Troutdale Materials Lab
Troutdale Co: Multnomah OR 97060–9501
Landholding Agency: GSA
Property Number: 54199830009
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–OR–729.

Pennsylvania

Bldg. 524
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830023
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 152
Naval Air Station Willow Grove
Willow Grove Co: Montgomery PA 19113–
Landholding Agency: Navy
Property Number: 77199930018
Status: Excess
Reason: Extensive deterioration.

Bldg. 185
Naval Air Station Willow Grove
Willow Grove Co: Montgomery PA 19113–
Landholding Agency: Navy
Property Number: 77199930019
Status: Excess
Reason: Extensive deterioration.

Bldg. 603
Naval Support Station
Mechanicsburg Co: Cumberland PA 17055–0788
Landholding Agency: Navy
Property Number: 77199940015
Status: Unutilized
Reason: Extensive deterioration.

Facility 22
Naval Support Station
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77199940060
Status: Excess
Reason: Extensive deterioration.

Bldg. 85
Naval Support Activity
Philadelphia Co: PA 19111–5098
Landholding Agency: Navy
Property Number: 77200010021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030066
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030067
Status: Unutilized

Reason: Extensive deterioration.

Bldg. 52
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030068
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 84
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030069
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 950
Navy Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77200030070
Status: Unutilized
Reason: Extensive deterioration.

Puerto Rico

Dry Dock & Ship Repair Fac.
U.S. Navy
San Juan PR
Landholding Agency: GSA
Property Number: 54199710012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Floodway
GSA Number: 1–N–PR–491.

B–38
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830075
Status: Unutilized
Reason: Extensive deterioration.

Rhode Island

Bldg. 52
Gould Island, Naval Station
Newport Co: RI 00000–
Landholding Agency: Navy
Property Number: 77199930020
Status: Excess
Reasons: Not accessible by road; Extensive deterioration.

South Carolina

Bldg. 49
Naval Public Works Center
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020062
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 38
Naval Air Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020105
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

4 Industrial Bldgs.
Naval Weapons Station Charleston
88, 92, 94, 354
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020113
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Heat Plant Bldgs.
Naval Weapons Station Charleston
89, 95, 355, 438
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020114
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

8 Security Bldgs.
Naval Weapons Station Charleston 313, 859, 860, 897, 918, 1654, 1655, 3217
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020115
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

8 Storage Bldgs.
Naval Weapons Station Charleston
307, 353, 799, 831, 861, 933, 984, 994
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020116
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

6 Bldgs.
Naval Weapons Station Charleston
183, 855, 868, 968, 3238, 408
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200020117
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2012
Naval Weapons Station
Charleston
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200030057
Status: Excess
Reason: Extensive deterioration.

Bldg. 7
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040030
Status: Unutilized
Reason: Secured Area.

Bldg. 314
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040031
Status: Unutilized
Reason: Secured Area.

Bldg. 316
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445–
Landholding Agency: Navy
Property Number: 77200040032
Status: Unutilized
Reason: Secured Area.

Tennessee

22 Bldgs.
Volunteer Army Ammunition Plant
Warehouses (Southern Portion)
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930016
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–594F.

17 Bldgs.
Volunteer Army Ammunition Plant
Acid Production
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930017
Status: Surplus
Reasons: Within 2000 ft. of flammable or explosive material contamination
GSA Number: 4–D–TN–594F.

41 Facilities
Volunteer Army Ammunition Plant
TNT Production
Chattanooga Co: Hamilton TN 37421–
Landholding Agency: GSA
Property Number: 54199930018
Status: Surplus
Reason: Contamination
GSA Number: 4–D–TN–594F.

5 Facilities
Volunteer Army Ammunition Plant
Waste Water Treatment
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930019
Status: Surplus
Reason: Extensive deterioration
GSA Number: 4–D–TN–594F.

6 Bldgs.
Volunteer Army Ammunition Plant
Offices (Southern Portion)
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930023
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4–D–TN–594F.

20 Bldgs.
Naval Support Activity
Millington Co: Shelby TN 38054-
Location: 766, 1597–1598, 5238, 435–446, S239, S75, 1211, 1379
Landholding Agency: Navy
Property Number: 77199940027
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Texas

Station Port Mansfield
Port Mansfield Co: Willary TX 78598-
Landholding Agency: GSA
Property Number: 54199930008
Status: Surplus
Reason: Floodway
GSA Number: 7–U–TX–1057.

Portion-Port O'Connor Housing
1125 Brook Hollow Drive
Port Lavaca Co: Calhoun TX 77979–
Landholding Agency: GSA
Property Number: 54199940006
Status: Excess
Reason: Extensive deterioration
GSA Number: 7–U–TX–1056.

Bldgs. 1561, 1562, 1563
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1190
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820053
Status: Unutilized
Reason: Secured Area.

Bldg. 1820
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127–6200
Landholding Agency: Navy
Property Number: 77199820054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Facilities 105 and 105C
Naval Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199910012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 101
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940052
Status: Excess
Reason: Extensive deterioration.

Bldg. 198
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940053
Status: Excess
Reason: Extensive deterioration.

Bldg. 1104
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940054
Status: Excess
Reason: Extensive deterioration.

Bldg. 1198
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940055
Status: Excess
Reason: Extensive deterioration.

Bldg. 1823
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940056
Status: Excess
Reason: Extensive deterioration.

Bldg. H–9
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940057
Status: Excess
Reason: Extensive deterioration.

Bldg. H–45
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940058
Status: Excess
Reason: Extensive deterioration.

Bldg. H–54
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5021
Landholding Agency: Navy
Property Number: 77199940059
Status: Excess
Reason: Extensive deterioration.

Virginia

Bldg. O2
Naval Weapons Station
Yorktown Co: York VA 23691–Landholding Agency: Navy
Property Number: 77199810073
Status: Excess
Reason: Extensive deterioration.

Bldg. 2208
Naval Medical Clinic
Quantico VA
Landholding Agency: Navy
Property Number: 77199820001
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 358, 359
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820023
Status: Excess
Reason: Extensive deterioration.

Bldg. CAD–43
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820024
Status: Excess
Reason: Extensive deterioration.

Bldg. CAD–102
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820025
Status: Excess
Reason: Extensive deterioration.

Bldg. CAD–102A
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820026
Status: Excess
Reason: Extensive deterioration.

Bldg. CAD–127
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199820027
Status: Excess
Reason: Extensive deterioration.

CAD–40
Cheatham Annex
Williamsburg VA 23185–Landholding Agency: Navy
Property Number: 77199830084
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 3074
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199920026
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 449
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess
Reason: Extensive deterioration.

Bldg. 450
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess
Reason: Extensive deterioration.

Bldg. 451
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess
Reason: Extensive deterioration.

Bldg. 453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess
Reason: Extensive deterioration.

Bldg. 454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess
Reason: Extensive deterioration.

Bldg. 708
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920073
Status: Excess
Reason: Extensive deterioration.

Bldg. 709
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess
Reason: Extensive deterioration.

Bldg. 710
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess
Reason: Extensive deterioration.

Bldg. 711
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess
Reason: Extensive deterioration.

Bldg. 712
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess
Reason: Extensive deterioration.

Bldg. 713
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess
Reason: Extensive deterioration.

Bldg. 714

Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess
Reason: Extensive deterioration.

Bldg. 715
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess
Reason: Extensive deterioration.

Bldg. 716
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess
Reason: Extensive deterioration.

Bldg. 717
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920082
Status: Excess
Reason: Extensive deterioration.

Bldg. 718
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess
Reason: Extensive deterioration.

Bldg. 1454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess
Reason: Extensive deterioration.

Bldg. 3170
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199940064
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1252, 1277
Marine Corps Base
Quantico Co: VA 22134–
Landholding Agency: Navy
Property Number: 77199940065
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 7
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 12
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 24
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 34
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 108
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 299
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 400
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 436
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 442, 443
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 530
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 532
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 646–651
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 758, 759
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 764
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 784
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 786
Naval Weapons Station Yorktown
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 788
Naval Weapons Station
Yorktown Co: VA 23691
Landholding Agency: Navy
Property Number: 77200020025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 790
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 814
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1955–1957
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1960, 1961, 1964
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020029
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldgs. 1980, 1981
Naval Weapons Station
Yorktown Co: VA 23691–
Landholding Agency: Navy
Property Number: 77200020030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 160
Cheatham Annex
Williamsburg Co: VA 23185–5830
Landholding Agency: Navy
Property Number: 77200020031
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 1453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–5000
Landholding Agency: Navy
Property Number: 77200020063
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 2185
Marine Corps Base
Quantico Co: VA 00000–
Landholding Agency: Navy
Property Number: 77200040018
Status: Excess
Reason: Extensive deterioration.

Washington

Bldg. 844
Former Park Place Enlisted Club
808 Burwell St.
Bremerton Co: Kitsap WA 98314–
Landholding Agency: GSA
Property Number: 54199840002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–WA–1164.

Federal Building
403 West Lewis Street
Pasco Co: Franklin WA 99301–
Landholding Agency: GSA
Property Number: 54200030003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–G–WA–1178.

Ft. Lawton Comsite
California Ave.
Seattle Co: King WA
Landholding Agency: GSA
Property Number: 54200040009
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–C–WA–1189.

Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–6499
Landholding Agency: Navy
Property Number: 77199730039
Status: Unutilized
Reason: Secured Area.

Bldg. 604
Manchester Fuel Department
Port Orchard WA 98366–
Landholding Agency: Navy
Property Number: 77199810170
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 288
Fleet Industrial Supply Center
Bremerton WA 98314–5100
Landholding Agency: Navy
Property Number: 77199810171
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 47
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820056
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 48
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199820057
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Coal Handling Facilities
Puget Sound Naval Shipyard
#908, 919, 926–929
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199820142
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 193
Puget Sound Naval Shipyard
Bremerton WA 98310–
Landholding Agency: Navy
Property Number: 77199820143
Status: Unutilized
Reason: Contamination.

Bldg. 202
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 2649
Naval Air Station Whidbey Island
Oak Harbor WA 98278–
Landholding Agency: Navy
Property Number: 77199830020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldgs. 35, 36
Naval Radio Station T Jim Creek
Arlington Co: Snohomish WA 98223–
Landholding Agency: Navy
Property Number: 77199830076
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 918
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77199840020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 894
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77199920085
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 73
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199920152
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 210A
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930021
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 511
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930022
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 527
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930023
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 97
Naval Air Station
Whidbey Island
Oak Harbor Co: WA 98278–
Landholding Agency: Navy
Property Number: 77199930040
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 331
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 786
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration.

Bldg. 15
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930071
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 119
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930072
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 853
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930073
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 854
Naval Air Station, Whidbey Island
Oak Harbor Co: WA 98278–3500
Landholding Agency: Navy
Property Number: 77199930074
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 166
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930101
Status: Excess
Reason: Secured Area.

Bldg. 287
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930102
Status: Excess
Reason: Secured Area.

Bldg. 418
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930103
Status: Excess
Reason: Secured Area.

Bldg. 858
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77199930104
Status: Excess
Reason: Secured Area.

Bldg. 17
Naval Radio Station
Jim Creek
Arlington Co: WA 98223–8599
Landholding Agency: Navy
Property Number: 77200010073
Status: Excess
Reasons: Secured Area; Extensive deterioration.

Bldg. 47
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77200010074
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Whitney Point Complex
Brinnon Co: Jefferson WA 98320–9899
Landholding Agency: Navy
Property Number: 77200010102
Status: Excess
Reason: Extensive deterioration.

Bldg. 398
Naval Station
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200020038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 976
Naval Station
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

8 Bldgs.
Naval Station 902, 903, 905, 907, 909–911, 915
Bremerton Co: WA 98314–5020
Landholding Agency: Navy
Property Number: 77200020040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 109
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 157
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 161
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 170
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 262
Naval Weapons Station
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200030024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 482
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040019
Status: Excess
Reason: Secured Area.

Bldg. 529
Puget Sound Naval Shipyard
Bremerton Co: WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess
Reason: Secured Area.

Wisconsin

2 Offshore Lighthouses
Great Lakes WI
Landholding Agency: GSA
Property Number: 54199630016
Status: Excess
Reason: Extensive deterioration.

Land (by State)

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway.

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway.

California

Space Surv. Field Station
Portion/Off Heritage Road
San Diego CA 90012–1408
Landholding Agency: Navy
Property Number: 77199820049
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Land
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77199940001
Status: Underutilized
Reason: Secured Area.

PCL–4 (11.60 acres)
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77200020095
Status: Underutilized
Reason: Secured Area.

Connecticut

FAA Direction Finder
11 Quarry Rd.
Killingly Co: CT 06241–
Landholding Agency: GSA
Property Number: 54200110008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–CT–544.

District Of Columbia

Square 62
2216 C St., NW
Washington Co: DC 20037–
Landholding Agency: GSA
Property Number: 54200040004
Status: Excess
Reason: contamination
GSA Number: 4–G–DC–0478.

Florida

(P) Ponce de Leon Inlet
2999 N. Peninsula Ave.
New Smyrna Beach Co: Volusia FL 32169–
Landholding Agency: GSA
Property Number: 54199940015
Status: Excess
Reason: Floodway
GSA Number: 4–U–FL–1170.

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible.

Guam

Submerged Lands
Ritidian Point GU
Landholding Agency: GSA
Property Number: 54199640003
Status: Excess
Reason: Inaccessible
GSA Number: 9–N–GU–437.

Kentucky

9 Tracts
Daniel Boone National Forest
Co: Owsley KY 37902–
Landholding Agency: GSA
Property Number: 54199620012
Status: Excess
Reason: Floodway
GSA Number: 4–G–KY–607.

Maryland

6 Acres
Naval Air Station
Patuxent River Co: MD 20670–
Landholding Agency: Navy
Property Number: 77199940023
Status: Unutilized
Reason: Secured Area.

Land—5000 sq. ft.
Naval Air Station
Patuxent River Co: MD 20670–1603
Landholding Agency: Navy
Property Number: 77200010023
Status: Unutilized
Reason: Secured Area.

Massachusetts

Comm. Annex #1
(Former)
Granby Co: Hampshire MA 01033–
Landholding Agency: GSA
Property Number: 54200010002
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1–D–MA–0856.

USCG Loran Station
Siasconset Co: Nantucket MA 02564–0880
Landholding Agency: GSA
Property Number: 54200040008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–U–MA–858.

Michigan

Port/EPA Large Lakes Rsch Lab
Grosse Ile Twp Co: Wayne MI
Landholding Agency: GSA
Property Number: 54199720022
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1–Z–MI–554–A.

Minnesota

3.85 acres (Area #2)
VA Medical Center 4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: landlocked.

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area.

New Hampshire

Parcel #4
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010028
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #5
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010029
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #6
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010030
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Parcel #7
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77200010031
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area.

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area.

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area.

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area.

North Carolina

0.85 parcel of land
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 77199740074
Status: Unutilized
Reason: Secured Area.

0.1291 acres
Camp Lejeune
off Dogwood
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 77200010069
Status: Unutilized
Reason: Secured Area.

0.1291 acres
Camp Lejeune
off Brewster Rd.
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 77200010070
Status: Unutilized
Reason: Secured Area.

Ohio

Lewis Research Center
Cedar Point Road
Cleveland Co: Cuyahoga OH 44135–
Landholding Agency: GSA
Property Number: 54199610007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.
GSA Number: 2–Z–OH–598–I.

Pennsylvania

Novak Estate Land
off the Parkway West
Moon Township Co: Allegheny PA 15222–
Landholding Agency: GSA
Property Number: 54200010006
Status: Excess
Reason: Inaccessible
GSA Number: 4–G–PA–787.

Washington

Tract B–201
Geiger Heights Lagoon
Spokane Co: WA 99210–
Landholding Agency: GSA
Property Number: 18199930014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9–D–WA–1180.

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 77199640019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

Wisconsin

0.51 acre
Portion, Fox River Proj.
Kaukauna Co: Outgamie WI 00000–
Landholding Agency: GSA
Property Number: 54200030007
Status: Excess
Reason: landlocked
GSA Number: 1–D–WI–533–A

Wyoming

Cody Industrial Area
Cody Co: Park WY 82414–
Landholding Agency: GSA
Property Number: 54199740008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 7–I–WY–0539

[FR Doc. 01–5545 Filed 3–8–01; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits 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.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''victoria_davis@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by April 9, 2001.

ADDRESSES: Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Edward B. Pivorun, Clemson University, Clemson, South Carolina TE039303–0.

The applicant requests authorization to take (harass) the Carolina northern flying squirrel, *Glaucomys sabrinus,* for the purpose of conducting a small mammal survey of specific locations within the Great Smoky Mountains National Park. Captured individuals will be ear tagged for identification purposes.

Applicant: Geological Survey of Alabama, Thomas E. Shepard, Tuscaloosa, Alabama TE039314–0.

The applicant requests authorization to take (capture and release) the Cahaba shiner, *Notropis cahabae,* for the purpose of identifying the current distributions in the Locust Fork system.

Applicant: Timothy A. Micale, Falls Creek, Pennsylvania, TE039258–0.

The applicant requests authorization to take through interstate commerce, five unsexed hatchling captive bred American Crocodiles, *Crocodylus acutus,* for the purposes of expanding the knowledge of captive propagation of the species. The American Crocodiles will be shipped by air on Delta dash from Mr. Jerry Motta of Bushnell, Florida.

Dated: February 22, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–5805 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–038221

Applicant: Central Nebraska Public Power and Irrigation District, Gothenburg, Nebraska.

The applicant requests a permit to take American burying beetles (*Nicrophorus americanus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038344

Applicant: Turner Endangered Species Fund, Atlanta, Georgia.

The applicant requests a permit to take gray wolves (*Canis lupus*)

throughout the species' range in conjunction with recovery activities for the purpose of enhancing species survival and recovery.

Permit Nos. TE–038450, TE–038460, TE–038461, TE–038463–038469, and TE–038471–384501

Applicant: Forty private landowners, Montana and central Idaho.

The applicants request a permit to take gray wolves (*Canis lupus*) in the nonessential experimental population area of Montana and central Idaho to reduce conflicts with livestock operations for the purpose of enhancing species survival and recovery.

Permit No. TE–038510

Applicant: City of Wichita, Wichita, Kansas.

The applicant requests a permit to take Arkansas River shiners (*Notropis girardi*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038527

Applicant: Scott Campbell, Kansas Biological Survey, Lawrence, Kansas.

The applicant requests a permit to take Topeka shiners (*Notropis topeka*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. TE–038530

Applicant: Mike Fitzgerald, Ecosphere Environmental Services, Durango, Colorado.

The applicant requests a permit to take southwest willow flycatchers (*Empidonax traillii extimus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery.

Permit No. 704930

Applicant: Assistant Regional Director, Ecological Services, Region 6, U.S. Fish and Wildlife Service, Denver, Colorado.

The permittee requests renewal of this current permit for take activities for all listed species in the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. This permit possessed by the Regional Director allows Fish and Wildlife Service employees and subpermittees to lawfully conduct threatened or endangered species activities, in conjunction with recovery activities throughout the species' range for the purpose of enhancing survival and recovery as outlined in Fish and Wildlife Service employee's position descriptions.

Written data or comments in regard to the applications should be sent to the address provided below. Documents and other information submitted in conjunction with this application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice—U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486 (Attn: ARD–Ecological Services); phone (303) 236–7400 or fax (303) 236–0027.

Dated: March 2, 2001.

John A. Blankenship,

Regional Director, Denver, Colorado.

[FR Doc. 01–5806 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sisseton and Wahpeton Mississippi Sioux Enrollment Application Deadline

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the deadline for filing enrollment applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution to the lineal descendants authorized under 25 U.S.C. 1300d–3(b). This notice is published in accordance with the enrollment regulations contained in 25 CFR 61.4(s)(2).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, MS–4631–MIB, 1849 C Street, NW., Washington, DC 20240. Telephone number: (202) 208–2475.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Sisseton and Wahpeton Mississippi Sioux Enrollment Application Deadline

The regulations governing the enrollment application process were published in the **Federal Register** on April 23, 1999, 64 FR 19896. The three-step process for establishing the application deadline date was set forth as follows:

Step 1. On August 23, 1999, we will count all applications that we have received.

Step 2. We will note the date on which we complete processing 90 percent of the applications that we receive by August 23, 1999.

Step 3. The application deadline will be 90 days after the date in Step 2.

On August 23, 1999, we received 2,597 enrollment applications. On February 1, 2001, we completed processing 2,338 applications which is 90 percent of the applications received as of August 23, 1999. The deadline date for filing enrollment applications to share in the Sisseton and Wahpeton Mississippi Sioux judgment fund distribution to the lineal descendants is hereby established as of close of business on Wednesday, May 2, 2001.

Application forms filed by mail must be postmarked no later than midnight on May 2, 2001. Where there is no postmark date showing on the envelope or the postmark is illegible, applications forms mailed from within the United States, including Alaska and Hawaii, received more than 15 days and application forms mailed from outside of the United States received more than 30 days after May 2, 2001, in the office of the Great Plains Region Director (formerly the Aberdeen Area Director) will be denied for failure to file in time.

Applications forms filed by personal delivery must be received in the office of the Great Plains Region Director no later than 4:30 p.m. Central Daylight Savings time on May 2, 2001.

The enrollment applications can be obtained from the Bureau of Indian Affairs website at *http://www.doi.gov/bureau-indian-affairs.html* or by mail from the Great Plains Region Office, Bureau of Indian Affairs, 115 4th Avenue, SE, Aberdeen, SD 57401.

Dated: February 28, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–5833 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO640 1020 XQ 24 1E]

Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council call for nominations.

SUMMARY: The purpose of this notice is to solicit public nominations for each of the Bureau of Land Management (BLM) Resource Advisory Councils (RACs) that

have member terms expiring this year. The RACs provide advice and recommendations to BLM on land use planning and management of the public lands within their geographic areas. Public nominations will be considered for 45 days after the publication date of this notice.

The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM.

Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils that are established and authorized consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by the FACA, RAC members appointed to the RAC must be balanced and representative of the various interests concerned with the management of the public lands. These include three categories:

Category One—Holders of federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests, dispersed recreation, and wild horse and burro groups;

Category Three—Holders of State, county or local elected office, employees of a State agency responsible for management of natural resources, academicians involved in natural sciences, representatives of Indian tribes, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State or States in which the RAC has jurisdiction. Nominees will be evaluated based on their education, training, and experience and their knowledge of the geographical area of the RAC. Nominees should have demonstrated a commitment to collaborative resource decisionmaking. All nominations must be accompanied by letters of reference from represented interests or organizations, a completed background information nomination form, as well as any other information that speaks to the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State. Nominations for RACs should be sent to the appropriate BLM offices listed below.

Alaska

Alaska RAC

Theresa McPherson, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, Alaska 99513–7599, (907) 271–3322

Arizona

Arizona RAC

Deborah Stevens, Arizona State Office, BLM, 222 N. Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215

California

Central California RAC

Larry Mercer, Bakersfield Field Office, BLM, 3801 Pegasus Avenue, Bakersfield, California 93308, (661) 391–6000

Northeastern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 257–0456

Northwestern California RAC

Jeff Fontana, Eagle Lake Field Office, BLM, 2950 Riverside Drive, Susanville, California 96130, (530) 257–0456

Colorado

Front Range RAC; Southwest RAC; Northwest RAC

Sheri Bell, Colorado State Office, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215, (303) 239–3671

Idaho

Upper Columbia RAC; Upper Snake RAC; Lower Snake RAC

Jerry Rohnert, Idaho State Office, BLM, 1387 Vinnell Way, Boise, Idaho 83709, (208) 373–4017

Montana and Dakotas

Eastern Montana RAC; Central Montana RAC; Western Montana RAC; Dakotas RAC

Jodi Weil, Montana State Office, BLM, 5001 Southgate Drive, Billings, Montana 59101, (406) 896–5258

Nevada

Mojave-Southern RAC; Northeastern Great Basin RAC; Sierra Front Northwestern RAC

Bob Stewart, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, Nevada 89502–7147, (775) 861–6586

New Mexico

New Mexico RAC

Mary White, New Mexico State Office, BLM, P.O. Box 27115 Sante Fe, New Mexico 87502–0115, (505) 438–7404

Oregon/Washington

Eastern Washington RAC; John Day/Snake RAC; Southeast Oregon RAC

Pam Robbins, Medford District Office, BLM, 3040 Biddle Road, Medford, Oregon 97504, (541) 618–2456

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 324 South State Street, Suite 301, P.O. Box 45155, Salt Lake City, Utah 84145–0155, (801) 539–4195

DATES: All nominations should be received by the appropriate BLM State Office by April 23, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie Wilson, U.S. Department of the Interior, Bureau of Land Management, Intergovernmental Affairs, MS–LS–406, Washington, DC, 20240; 202–452–0377.

Dated: March 1, 2001.

Nina Rose Hatfield,

Acting Director, Bureau of Land Management.

[FR Doc. 01–5687 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1990–EX]

Final Environmental Impact Statement; Glamis/Marigold Mine Expansion Project, Humboldt Co., NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is given that the Winnemucca Field Office of the Bureau of Land Management (BLM) has prepared, by third party contractor, a Final Environmental Impact Statement on the Glamis/Marigold Mine Expansion Project, located in Humboldt County, Nevada.

EFFECTIVE DATES: The Final Environmental Impact Statement will be distributed and made available to the public on March 9, 2001. The period of availability for public review for the Final Environmental Impact Statement ends April 9, 2001. At that time a Record of Decision will be issued regarding the Proposed Action.

ADDRESSES: A copy of the Final Environmental Impact Statement can be obtained from: Bureau of Land Management, Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, Nevada 89445.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Johnson, Project Manager, at the above Winnemucca Field Office address or telephone (775) 623–1500.

SUPPLEMENTARY INFORMATION: The Final Environmental Impact Statement has been produced in its entirety the analysis originally presented in the Draft Environmental Impact Statement (issued February 11, 2000). The Final Environmental Impact Statement analyzes the direct, indirect and cumulative impacts related to expansion of existing mine facilities (pits, overburden dumps & heap leach pads) and development of the 8-North and 5-North deposits. Development of these deposits includes construction of two new pits, overburden disposal areas, additional heap leach facilities, new tailing impoundment, drainage diversions, haul and exploration roads and ancillary facilities.

Alternatives analyzed include the Proposed Action, No Action, and the 8-South Partial Pit Backfill alternative. The Bureau of Land Management's preferred alternative is the 8-South Partial Pit backfill as described in the Final Environmental Impact Statement. The Final Environmental Impact Statement also responds to issues raised during the scoping period and comments received on the Draft Environmental Impact Statement.

Dated: February 22, 2001.

Douglas Dodge,

Acting Associate Field Manager.

[FR Doc. 01–5655 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1610–DH]

Notice To Terminate Future Planning Action on the Sonoma-Gerlach and Paradise-Denio Management Framework Plan Amendment and Draft Environmental Impact Statement for the Black Rock Desert, Nevada

AGENCY: Bureau of Land Management, Winnemucca Field Office, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management has terminated any future planning action on the Sonoma-Gerlach and Paradise-Denio Management Framework Plan Amendment and Draft Environmental Impact Statement (SG/PDMFPDEIS) for the Black Rock Desert. The decision to terminate this planning effort was made as a result of the recently enacted Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 or Public Law 106–554. The recently enacted legislation states that ''Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act.'' Because the area specially designated by Public Law 106–554 overlaps the earlier planning area and is significantly larger, and to comply with the management plan criteria established in the Act, the existing planning effort will be terminated and a new site-specific Resource Management Plan will be developed for the National Conservation Area and associated Wilderness Areas.

Public input and issue identification obtained through the SG/PDMFPDEIS planning effort will be incorporated into the NCA plan where applicable.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT: Jeff Johnson, Planning/Environmental Coordinator, Winnemucca Field Office, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445, or call (775) 623–1500.

SUPPLEMENTARY INFORMATION: A separate Notice of Intent will be published in the **Federal Register** to initiate the planning effort associated with the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000.

Dated: February 27, 2001.

Douglas S. Dodge,

Associate Field Manager, Winnemucca, Nevada.

[FR Doc. 01–5891 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–01–1220–AA: GP01–0113]

Notice of Meeting of the Oregon Trail Interpretive Center Advisory Board

AGENCY: National Historic Oregon Trail Interpretive Center, Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given that a meeting of the Advisory Board for the National Historic Oregon Trail Interpretive Center will be held on Thursday, April 19, 2001 from 8:00 a.m. to 12:00 noon in the Library Room at the Best Western Sunridge Inn, One Sunridge Lane, Baker City, Oregon. Public comments will be received from 12:00 noon to 12:15 p.m., April 19, 2001. Topics to be discussed are, Approval of Minutes, Standing Committees' Report, District Manager's Report, Center Director's Report and Board recommendations for FY2001–2002.

DATES: The meeting will begin at 8:00 a.m. and end at 12:00 noon, April 19, 2001.

FOR FURTHER INFORMATION CONTACT: David B. Hunsaker, Bureau of Land Management, National Historic Oregon Trail, Interpretive Center, P.O. Box 987, Baker City, OR 97814, (Telephone 541–523–1845)

Jerry L. Taylor,

(Acting) District Manager.

[FR Doc. 01–5893 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW130586]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

February 26, 2001.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW130586 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $158 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW130586 effective November 1, 2001, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above.

Carmen E. Lovett,

Acting Chief, Leasable Minerals Section.

[FR Doc. 01–5788 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–5854–EU; N–54086 and N–66239]

Notice of Realty Action: Public Law 106–113, as Amended, Non-Competitive Sale of Public Lands and the Conveyance of Public Lands for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTIONS: A Non-Competitive Sale of Public Lands and A Recreation and Public Purpose Conveyance in Nye County, Nevada.

SUMMARY: The following described public lands in Amargosa Valley, Nye County, Nevada, were segregated on September 5, 1997, for exchange purposes under serial number N–61968. That segregation on the lands listed below will be terminated upon publication of this notice in the **Federal Register**. Public Law 106–113, as amended, provides for the non-competitive sale of approximately 342.46 acres of public land and the Recreation and Public Purposes Act of June 14, 1926 conveyance of 470.10 acres of public lands, to Nye County, Nevada. Approximately 10.66 acres of public land abutting the legislative sale area will be conveyed under Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) and Public Law 106–248. Two separate realty actions are proposed in this notice. Both proposed realty actions affect public land in Amargosa Valley at the intersection of U.S. Highway 95 and Nevada State Route 373, known as Lathrop Wells, Nye County, Nevada.

First Realty Action (N–66239) The following described public land has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is Section 203 and Section 209 of FLPMA and Public Law 106–113.

Mount Diablo Meridian, Nevada

T. 15 S., R. 50 E., section 18, Lots 39, 41, E½NW¼, E½W½NW¼, NE¼SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, SE¼NW¼SW¼, E½NE¼SE¼SW¼, NE¼NW¼SE¼SW¼, E½SE¼, NW¼SE¼, N½SW¼SE¼, E½SE¼SW¼SE¼, NW¼SE¼SW¼SE¼.
T. 15 S., R. 50 E., section 19, Lots 8, 59, 61, 63, 65, 67, 70.

Sale Area Contains a Total of 353.12 Acres, More or Less.

This parcel of land, situated in Nye County, Nevada, is being offered in accordance with Public Law 106–113 as a non-competitive sale to Nye County for a period of five years, beginning November 29, 1999, the date of enactment of the legislation and expiring on November 28, 2004. That portion of sale area located within section 19 will be conveyed under the authority of FLPMA and Public Law 106–248. The sale of the above described public land could occur in either one sales transaction or under multiple sales transactions. This land is not required for any federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Right-of-way CC–018078 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

3. Right-of-way CC–018323 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

4. Oil, gas, and saleable mineral estates.

And will be subject to:

1. Right-of-way CC–21488 issued to Nevada Bell March 10, 1950, under the Act of October 21, 1976; 090 Stat 2776.

2. Right-of-way CC–021745 issued to Nevada Bell May 23, 1944, under the Act of October 21, 1976 for a telephone line.

3. Right-of-way Nev-058116 issued to Valley Electric Association, under the Act of February 15, 1901; 031 Stat 0790,for power line purposes.

4. Mining Claims NMC647491 and NMC647492 both filed by Bartz Lawrence on April 18, 1992.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

Second Realty Action (N–54086): The following described public land has been examined and found suitable for conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act (R&PP), as amended (43 U.S.C. 869 *et seq.*), and Public Law 106–113, as amended. Nye County proposes to lease the following public lands to the Nevada Science and Technology Center, a non-profit corporation, for the development of the Nevada Space Museum, outdoor exhibit areas, and associated facilities.

Mount Diablo Meridian

T. 15 S., R. 49 E., section 13, Lots 2, 9, 7, 5, 3, 12, 14, NE¼, E½NW¼, NW¼NW¼.
T. 15 S., R. 50 E., section 18, Lots 6–24, 26–29, 34, 37.

R&PP Area Contains a Total of 470.10 Acres, More or Less.

This land is not required for any federal purpose. The conveyance is consistent with current Bureau planning for this area and would be in the public interest. The patent when issued will be subject to the provision of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior and contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Right-of-way CC–018078 issued to Nevada Department of Transportation, under the Act of November 9, 1921; 042 Stat 0216, for a Federal Aid Highway.

3. All minerals will be reserved to the United States of America, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe. and will be subject to:

1. Right-of-way CC–21488 issued to Nevada Bell March 10, 1950, and amended, January 7, 1994, under the Act of October 21, 1976; 090 Stat 2776.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments pertaining to either of the above actions to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Sale Comments: Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, these realty actions will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

R&PP Classification Comments: Interested parties may submit comments involving the suitability of the land for the Nevada Science and Technology Center, outdoor exhibit area, and associated facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use of uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

R&PP Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the Bureau of Land Management followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a Space Museum, outdoor exhibit area, and associated facilities.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in the Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for conveyance until after the classification becomes effective.

Dated: February 23, 2001.

Rex Wells,

Assistant Field Manager, Las Vegas, NV.

[FR Doc. 01–5892 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–190–1610–DM–024B]

Notice of Intent To Participate in a Multi-Jurisdictional Land-Use Planning Effort, With Environmental Impact Analysis, for the Coast Dairies Property, Santa Cruz County, CA, and Prepare an Amendment to the Hollister Resource Management Plan

AGENCY: Bureau of Land Management.

ACTION: Notice of intent to participate in a multi-jurisdictional land-use planning effort, with environmental impact analysis, for the Coast Dairies Property, Santa Cruz County, California, and prepare an amendment to the Hollister Resource Management Plan.

SUMMARY: The U.S. Department of the Interior's Bureau of Land Management (BLM) provides formal notice that it will participate in a multi-jurisdictional land-use planning effort with the California Department of Parks and Recreation (DPR) and the Trust for Public Land (TPL), a California non-profit public corporation. The planning effort is being conducted by the TPL for the Coast Dairies Property located in northern Santa Cruz County, California. As part of this planning effort, the BLM will prepare an amendment to the Hollister Resource Management Plan (RMP). The RMP amendment will be conducted in order to assess the feasibility of transferring part or all of the property to BLM, or BLM and DPR, for joint management between BLM and DPR, and to include the implementation of the final planning decision, if appropriate, under the Hollister RMP. This planning effort will include the preparation of a companion environmental impact analysis. This notice also announces the first public scoping meeting associated with the planning effort and that subsequent meetings will be held.

DATES: A scoping meeting will be held beginning at 10 a.m., on March 10, 2001, at the Loudon Nelson Community Center Auditorium, 301 Center Street, Santa Cruz, California. Written comments will be accepted on topics related the scoping meeting until April 10, 2001. Subsequent meetings will be announced in regional and local news media and the webpages listed below, as these dates are established. At this time, the draft plan and the BLM's draft Hollister RMP amendment are anticipated to be available for public review and comment in summer 2002, and the final plan and proposed Hollister RMP amendment will be completed by winter 2002. It is anticipated that notice of a Record of Decision and the final Hollister RMP amendment will be published in the **Federal Register** in winter 2002/2003.

ADDRESSES: Comments should be sent to the Field Manager, USDI Bureau of Land Management, 20 Hamilton Court, Hollister, CA 95023, ATTN: Coast Dairies Planning Project

FOR FURTHER INFORMATION CONTACT: Rick Hanks, BLM, at (831) 630–5036.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management and the California Department of Parks and Recreation intend to cooperate and collaborate with the Trust for Public Land in a land-use planning effort that will result in the development of the Long-Term Resource Protection and Use Plan (plan) for the Coast Dairies Property. The Coast Dairies Property (property) is approximately 7,000 acres located in northern Santa Cruz County, California. The property is currently held by the Coast Dairies & Land Co. (CDLC)., which in turn is owned by TPL. The purpose of the plan is to assess the value of the natural, cultural, and social resource attributes and develop management strategies that can best balance and protect the identified values.

TPL is now developing a Long-Term Resource Protection and Use Plan for the Coast Dairies property. It is the intent of this planning effort that, upon successful completion of the plan and the planning process, the property would be transferred to BLM and DPR for joint long-term stewardship for the benefit of the American people, provided that the completed plan is consistent with the laws and authorities of each of the two public agencies. This cooperative undertaking provides the opportunity for the two public agencies, BLM and DPR, to be involved from the beginning with the planning effort associated with a unique parcel of private land. BLM will prepare an amendment to the Hollister RMP in order to ensure that the Long-Term Resource Protection and Use Plan

process is consistent with BLM's statutory and regulatory requirements.

The plan will include information necessary for the planning documents of each of the two public agencies. This information will assist the agencies' preparation of environmental documents that meet the requirements of the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA) to support a final decision of whether or not to accept the property and adoption of the agencies' respective management plans. The BLM and DPR will each serve as the lead agency in their respective NEPA/CEQA processes.

TPL and CDLC have entered into a Memorandum of Understanding (MOU), completed in August 8, 2000, with BLM and DPR that commits these agencies to engage in the Coast Dairies planning process. The MOU also indicates that if BLM and DPR were to take the property, the plan would be accepted by the agencies as conditions or restrictions that would protect the land and guide the agencies' long-term policy for the property.

The plan will be prepared consistent with the following vision statement:

It is the purpose of the Coast Dairies Steering Committee to protect and preserve in perpetuity those intrinsic natural and pastoral qualities that make this 7,000-acre± coastal area important to the people of the region, the local community, the state, and the nation.

Sound long-term stewardship of this land will be achieved through cost-effective, adaptive management of the property designed to conserve and enhance its biological, open space and agricultural values, restore wetland riparian, native grassland, forested and other sensitive habitats, and provide compatible recreation.

Adaptive management—continual monitoring of the property's resources as the basis for decisions related to the land's use—will allow for responsible stewardship of the natural and economic resources of the property. It will also create valuable opportunities for education in the field of integrating traditional economic and recreational activities, including sustainable coastal agriculture, with programs designed to protect native biodiversity and other natural landscape values.

In addition to adherence to this vision statement, the plan will generally be designed in accordance with the following conservation objectives:

- Conserve and enhance the biological and open space values afforded by the resources, size, and connectivity of the property;
- Restore key resources such as stream, riparian, and watershed habitats and coastal prairies;
- Protect natural forested areas from commercial harvest, except to the extent determined necessary or desirable for public safety or the health of the forest;
- Create opportunities for public access for recreation and enjoyment that maximize the potential for linkages with nearby lands and are compatible with protection of existing uses and natural resource values;
- Maintain and enhance the feasibility of continued agricultural use in ways that are consistent with protection of natural resource values; and,
- Allow for other economic uses of the land, provided they are consistent with overriding biological and open space conservation needs and objectives.

During the planning process, alternatives will be developed that will identify a reasonable range of options for protecting resources while allowing certain specified sustainable uses. BLM and DPR will identify/cooperating agencies for the environmental analysis portion of the planning effort. In addition, the public will be invited to participate in the scoping process, review of the draft and proposed plans, and attend public comment meetings.

Herrick E. Hanks,

Assistant Field Manager, Hollister Field Office.

[FR Doc. 01–6065 Filed 3–8–01; 8:45 am]

BILLING CODE 3710–FS–M

DEPARTMENT OF THE INTERIOR

National Park Service

Santa Cruz Island Primary Restoration Plan Draft Environmental Impact Statement, Channel Islands National Park, Santa Barbara County, California; Notice of Availability

SUMMARY: Pursuant to § 102(2)(c) of the National Environmental Policy Act of 1969 (Public Law 81–190 as amended), the National Park Service, Department of the Interior, has undertaken a conservation planning and environmental impact analysis effort assessing the potential impacts of restoring Santa Cruz Island by eradicating feral pigs from the island. A draft Environmental Impact Statement (DEIS) has been prepared which analyzes the foreseeable effects of implementing proposed actions that accomplish the following objectives: (1) Restore native plant communities; (2) protect plant species that have been listed as endangered or threatened under the Endangered Species Act; (3) reduce the spread of noxious weeds; (4) protect the native Island fox; (5) protect archeological sites; and (6) conserve soil resources on the island. The proposed action was developed in coordination with The Nature Conservancy, owners of 75% of Santa Cruz Island. The actions proposed in this DEIS are necessary because of the adverse ecological impacts the pigs are having on Santa Cruz Island.

Proposal: The proposal for eradicating pigs from Santa Cruz Island is to divide the island into six fenced zones and to sequentially eradicate pigs zone by zone. Approximately 45 miles of fence would be constructed along existing fence lines, thereby creating six distinct management units of about 12,000 acres each. Complete eradication would be achieved in each of the zones in a coordinated effort lasting approximately one year using trained, professional hunters. The techniques and tools for achieving the eradication goal would be similar to other pig eradication efforts such as neighboring Santa Rosa Island and Santa Catalina Island. A helicopter may occasionally be used to transport hunters or serve as a hunting platform.

The eradication campaign would occur in four distinct phases. Phase I (Administration, Infrastructure, and Acquisition) includes putting in place the necessary staff to oversee, manage, direct, and carry out the project including fencing and hunting contractors. It also includes bolstering current housing structures and establishing adequate communications on the island. Necessary equipment and supplies would also be secured at this time. Phase II (Fencing) involves constructing six distinct zones of pig-proof fence across the island. Hunting and trapping in a zone may begin as soon as the zone fence is completed, and prior to the next sequential zone fence being completed. Phase III (Hunting) involves eradicating pigs within a zone, then moving to the next zone in sequential order. Eradication techniques include trapping and baiting, as well as ground hunting with dogs. Once hunting commences, it is estimated that a near complete island-wide eradication could be achieved within six years. Phase IV (Final Hunting and Monitoring) is perhaps the most important, as the intention is to exhaustively search the island for remnant pigs and pig sign. A systematic protocol of monitoring for remnant feral pigs would be developed for the island. Monitoring of the island would continue for five years after elimination of the ''last pig'' in order to insure success. Long term ecological monitoring to assess ecosystem changes due to pig eradication would continue into the foreseeable future.

It has been determined that in order to successfully eradicate pigs from Santa Cruz Island that fennel will have to be controlled in areas where it has formed large dense thickets. These dense thickets of fennel create a safe harbor for pigs to escape from being hunted, and thus potential failure of the project. Fennel would be burned in the fall with a follow-up treatment of herbicide (Garlon 3A) in the two springs following the burn. The Nature Conservancy developed this protocol in an extensive 600-acre test program in the Central Valley of Santa Cruz Island. The fire and herbicide treatment would involve application by hand, from a vehicle, and from a helicopter.

Alternatives: After identifying the significant environmental issues associated with the proposed action, the Park began developing alternatives to the proposed action. Modifying the eradication strategies to address the environmental issue concerns was the basis used to develop alternatives. In all, three alternatives were developed, including the *''No Action'' Alternative* (which maintains the existing minimal management). The two ''action'' alternatives are as follows: *Alternative Two,* ''Simultaneous Island-wide Eradication of Pigs'', involves eradicating pigs island-wide without the use of fenced zones. A simultaneous island-wide operation would require several teams of hunters and dogs repeatedly working sections of the island. This is considered to be a high intensity effort for a short period of time, approximately 2–3 years in duration to have near complete eradication island-wide. *Alternative Three* would eradicate pigs from eastern Santa Cruz Island but only exclude pigs from selected sensitive resources on central and western Santa Cruz Island. Selected sensitive resources including archeological sites, and threatened and endangered plant species, would be protected from pigs by constructing and maintaining pig-proof fence around these selected sensitive sites.

SUPPLEMENTARY INFORMATION: Public meetings will be held in the area, with confirmed dates and locations to be announced on the park's website. The DEIS is now available for public review (distribution began during mid-February); copies can be obtained at the park, on the Park's website *(http:www.nps.gov/chis/homepage/restoringsci.html)*, Ventura's Foster Library, and Santa Barbara's Central Library. After a reasonable number of printed copies have been made available, CD copies will be the preferred method of distribution of the DEIS. Inquiries and comments regarding the DEIS should be directed to: Superintendent, Channel Islands National Park, 1901 Spinnaker Dr, Ventura, California 93001. The telephone number for the park is (805) 658–5700.

All written comments must be postmarked on or before May 8, 2001 (as soon as this date has been determined it will be confirmed on the park's website). Persons wishing to express any new concerns about management issues and future land management direction are encouraged to address these to the Superintendent, as noted above. If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always, NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision: After the formal draft EIS review period has concluded, all comments and suggestions received will be considered in preparing a final EIS. The park expects to complete the final EIS during July 2001. Its availability will be announced in the **Federal Register** and in local and regional news media. Subsequently a Record of Decision would be executed no sooner than 30 (thirty) days after release of the final EIS. The official responsible for the final decision is the Regional Director, Pacific West Region; the official responsible for implementation is the Superintendent, Channel Islands National Park.

Dated: February 14, 2001.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 01–5948 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan/Environmental Impact Statement, Glen Echo Park, MD

ACTION: Availability of the Final Management Plan/Environmental Impact Statement for Glen Echo Park.

SUMMARY: In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a Management Plan/Environmental Impact Statement (MP/EIS) for Glen Echo Park, Glen Echo, Maryland.

DATES: 30-day no-action period will follow the Environmental Protection Agency's notice of availability of the MP/EIS.

ADDRESSES: Public reading copies of the MP/EIS will be available for review at the following locations:

In Maryland: Glen Echo Park, 7300 MacArthur Boulevard, Glen Echo, Maryland 20812; Bethesda Public Library, 7400 Arlington Road, Bethesda, Maryland 20814; Davis Public Library, 6400 Democracy Boulevard, Bethesda, Maryland 20817; Gaithersburg Public Library, 18330 Montgomery Village Avenue, Gaithersburg, Maryland 20879; Little Falls Public Library, 5501 Massachusetts Avenue, Bethesda, Maryland 20816; Potomac Public Library, 99 Maryland Avenue, Rockville, Maryland 20850; Silver Spring Public Library, 8901 Colesville Road, Silver Spring, Maryland 20910; Wheaton Public Library, 11701 Georgia Avenue, Wheaton, Maryland 20902.

In Virginia: Arlington Central Library, 1015 North Quincy Street, Arlington, Virginia 22201; Chantilly Library, 4000 Stringfellow Road, Chantilly, Virginia 20151; Fairfax City Regional Library, 3915 Chain Bridge Road, Fairfax, Virginia 20130; Pohick Public Library, 6450 Sydenstricker Road, Burke, Virginia 22015.

The responsible official is Terry R. Carlstrom, Regional Director, National Capital Region, National Park Service.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 01–5934 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Manzanar National Historic Site Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Manzanar National Historic Site Advisory Commission will be held at 1 p.m. on Friday April 27, 2001 at the Sierra Baptist Church Social Hall, 346 North Edwards Street (U.S. Highway 395), Independence, California, to hear presentations on issues related to the

planning, development, and management of Manzanar National Historic Site.

The Advisory Commission was established by Public Law 102–248, to meet and consult with the Secretary of the Interior or his designee, with respect to the development, management, and interpretation of the site, including preparation of a general management plan for the Manzanar National Historic Site.

Members of the Commission are as follows:

Rose Ochi, Chairperson
William Michael, Vice Chairperson
Keith Bright
Martha Davis
Sue Kunitomi Embrey
Gann Matsuda
Vernon Miller
Mas Okui
Dennis Otsuji
Glann Singley
Richard Stewart

The main agenda will include:

- Status reports on the development of Manzanar National Historic Site by Superintendent Debbie Bird;
- General discussion of miscellaneous matters pertaining to future Commission activities and Manzanar National Historic Site development issues;
- Public comment period.

This meeting is open to the public. It will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Commission. For a copy of the minutes, contact the Superintendent, Manzanar National Historic Site, PO Box 426, Independence, CA 93526.

Dated: February 13, 2001.

Misty Knight,

Superintendent, Manzanar National Historic Site.

[FR Doc. 01–5950 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Natural Landmarks Committee of the National Park Advisory Board; Meeting

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the National Landmarks Committee of the National Park System Advisory Board will be held at 9:00 a.m. on the following dates and at the following location.

DATES: May 8 and May 9, 2001.

LOCATION: Ann Pamela Cunningham Building, Mount Vernon, Mount Vernon, Virginia 22121.

FOR FURTHER INFORMATION CONTACT: Patricia Henry, National Historic Landmarks Survey, National Register, History, and Education (2280); National Park Service, 1849 C Street, NW., Room NC–400; Washington, DC 20240. Telephone (202) 343–8163.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the National Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the full National Park System Advisory Board (meeting on May 21–23, 2001) of the qualifications of properties being proposed for National Historic Landmark (NHL) designation, and to recommend to the National Park System Advisory Board those properties that the Landmarks Committee finds meet the criteria for designation as National Historic Landmarks. The members of the National Landmarks Committee are:

Mr. Parker Westbrook, CHAIR
Dr. Allyson Brooks
Dr. Ian W. Brown
Mr. S. Allen Chambers, Jr.
Dr. Elizabeth Clark-Lewis
Mr. Jerry L. Rogers
Dr. Richard Guy Wilson
Ms. Marie Ridder

The meeting will include presentations and discussions on the national historic significance and the historic integrity of a number of properties being nominated for National Historic Landmark designation. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file for consideration by the committee written comments concerning nominations and matters to be discussed pursuant to 36 CFR part 65.

Comments should be submitted to Carol D. Shull, Chief, National Historic Landmarks Survey and Keeper of the National Register of Historic Places; National Register, History, and Education (2280); National Park Service; 1849 C Street, NW., Room NC–400; Washington, DC 20240.

The committee will consider the following nominations:

Alaska
  Sheldon Jackson School
California
  Fresno Sanitary Landfill
  Hume Lake Dam
Connecticut
  Samuel Wadsworth Russell House
District of Columbia
  John Philip Souza School
Illinois
  S.R. Crown Building
  Nicholas Jarrot Mansion
Maryland
  J.C. Lore Oyster House
Massachusetts
  Gibson House
Montana
  Fort Peck Dam
New York
  Dutch Reformed Church
  Priscilla
  Modesty
  Rudolph Oyster House
North Carolina
  Bethania Historic District
Pennsylvania
  Merchant's Exchange Building
Texas
  Randolph Field Historic District
Virginia
  New Kent County Schools
Washington
  Grand Coulee Dam
Wyoming
  Tygart River Reservoir Dam

The Committee will also consider the following boundary adjustments, added documentation and withdrawals of designation:

California
  Coso Rock Art District (Boundary and Name Change)
  Mendocino Woodlands National Recreational Demonstration Area (Boundary Increase)
Missouri
  USS Inaugural (Withdrawal of Designation)
Ohio
  Hotel Breakers (Withdrawal of Designation)
Texas
  USS Cabot (Withdrawal of Designation)

Dated: March 1, 2001.

Carol D. Shull,

Chief, National Historic Landmarks Survey and Keeper of the National Register of Historic Places; National Park Service, Washington, DC.

[FR Doc. 01–5935 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing

in the National Register were received by the National Park Service before February 17, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 26, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

COLORADO

Denver County

Overland Cotton Mill, 1314 W. Evans Ave., Denver, 01000288

FLORIDA

Broward County

Gilliam, Sam, House, 11 SW 15th St., Ft. Lauderdale, 01000289

Sarasota County

Blackburn Point Bridge, Blackburn Point Rd. at Gulf Intracoastal Waterway, Osprey, 01000290

NEW YORK

Columbia County

Copake Grange Hall, Empire Rd., S of Old Rte 22, Copake, 01000291

Dutchess County

Maple Grove, 301 S. Rd., US 9, Poughkeepsie, 01000293

Monroe County

Emmanuel Presbyterian Church, Jefferson Ave. at 9 Shelter St., Rochester, 01000295

Warren County

Hamlet of Warrensburgh Historic District, (Warrensburgh, New York MPS) Roughly along Schroon River and the Camp Echo Lake, Warrenburgh, 01000292

Westchester County

Homestead, The, 36 Mead St., Waccabuc, 01000294

Yates County

Garrett Memorial Chapel, Skyline Dr., Bluff Point, 01000296

SOUTH CAROLINA

Bamberg County

Denmark High School, N. Palmetto Ave., Denmark, 01000297

Orangeburg County

Cope Depot, Cope Rd., Cope, 01000298

WISCONSIN

Iowa County

Thomas Stone Barn, 7777 WI 18–151, Brigham, 01000299

WYOMING

Carbon County

Willis House, 621 Winchell Ave., Encampment, 01000300

[FR Doc. 01–5937 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 24, 2001. Pursuant to 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by March 26, 2001.

Paul R. Lusignan,

Acting Keeper of the National Register of Historic Places.

ARKANSAS

Clark County

Thompson, C.E., General Store and House, (Arkansas Highway History and Architecture MPS), 3100 Hollywood, Arkadelphia, 01000302

Pulaski County

Bragg Guesthouse, 1615 Cumberland, Little Rock, 01000301

COLORADO

Conejos County

S.P.M.D.T.U. Concilio Superior, 603 Main St., Antonito, 01000322

DISTRICT OF COLUMBIA

District of Columbia

Meridian Manor, 1424 Chapin St., NW, Washington, 01000324

FLORIDA

Alachua County

Lake Pithlachocco Canoe Site, N end of Newman's Lake, Gainesville, 01000303

Polk County

Roosevelt School, 115 East St. N, Lake Wales, 01000306

GEORGIA

Tattnall County

Smith—Nelson Hotel, 118 S. Main St., Reidsville, 01000305

MASSACHUSETTS

Middlesex County

Dutton—Holden Homestead, 28 Pond St., Billerica, 01000307

Suffolk County

Dorchester—Milton Lower Mills Industrial District (Boundary Increase, Roughlys Adams, River, Medway Sts., Millers Lane, Eliot and Adams Sts., Boston, 01000304

MONTANA

Broadwater County

Crow Creek Water Ditch, Helena National Forest—Headwaters Resource Area, Townsend, 01000323

Silver Bow County

Matt's Place Drive-In, 2339 Placer St., Butte, 01000308

NEW YORK

Columbia County

Turtle House, 14 Fabiano Blvd., Greenport, 01000309

SOUTH CAROLINA

Horry County

Galivants Ferry Historic District, Jct. of US 501, Pee Dee Rd., and Galivants Ferry Rd., Galivants Ferry, 01000321

Orangeburg County

Springfield High School, Brodie St., bet. SC 4 and Georgia St., Springfield, 01000313

Pickens County

Morgan House, 416 Church St., Central, 01000312

Spartanburg County

Hotel Oregon, 247 and 249 Magnolia St., Spartanburg, 01000311

TEXAS

Bexar County

Harris, Ethel Wilson, House, 6519 San Jose Dr.—San Antonio Missions NHP, San Antonio, 01000325

UTAH

Box Elder County

Holmgren Farmstead, 460 N 300 E, Tremonton, 01000319

Kane County

Johnson, William Derby, Jr., House, (Kanab, Utah MPS) 54 S. Main St., Kanab, 01000315

Rider—Pugh House, (Kanab, Utah MPS) 17 W 100 S, Kanab, 01000316
Stewart—Woolley House, (Kanab, Utah MPS) 106 W 100 N, Kanab, 01000314

SALT LAKE COUNTY

Salt Lake Northwest Historic District, Roughly bounded by 1100 West, 600 North, 500 West, and North Temple, Salt Lake City, 01000320

Uintah County

Smith, Francis ''Frank'' and Eunice, House, 1847 N 3000 W, Vernal, 01000317

VERMONT

Chittenden County,

Richmond Congregational Church, Jct. of Bridge and Church St., Richmond, 01000326

WISCONSIN

Milwaukee County

Gimbels Parking Pavilion, 555 N. Plankinton Ave., Milwaukee, 01000310

Sheboygan County

Kohler Company Factory Complex, 444 Highland Dr., Kohler, 01000318

[FR Doc. 01–5949 Filed 3–8–01; 8:45 am]
BILLING CODE 4310–70–U

DEPARTMENT OF THE INTERIOR

National Park Service

CORRECTION-Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Kawaihae, Kohala, Island of Hawaii, HI, in the Possession of the Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Kawaihae, Kohala, Island of Hawaii, HI, in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI.

This notice corrects the list of culturally affiliated groups cited in the Notice of Inventory Completion published April 5, 2000. The list of culturally affiliated groups is corrected by adding the following groups: the Kekumano ‘Ohana, the Keohokalole ‘Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu‘ukohola Heiau, the Native Hawaiian Advisory Council, the Pu‘uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai‘i, and the Van Horn Diamond ‘Ohana. Paragraphs seven and eight of the April 5, 2000, notice are corrected by substituting the following two paragraphs:

Based on the style and type of the associated funerary object and unassociated funerary objects from this lava tube complex, manner of interments, and recovery locations, these individuals have been determined to be Native American. In consultation with the Hawai‘i Island Burial Council, Hui Malama I Na Kupuna O Hawai‘i Nei, and the Office of Hawaiian Affairs, the Bernice Pauahi Bishop Museum decided that no attempt would be made to determine the age of the human remains. Due to the lack of identifiable individuals, the museum has been unable to make any lineal descent determinations. Museum officials believe that the claims of the Hawai‘i Island Burial Council, Hui Malama I Na Kupuna O Hawai‘i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano ‘Ohana, the Keohokalole ‘Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu‘ukohola Heiau, the Native Hawaiian Advisory Council, the Pu‘uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai‘i, and the Van Horn Diamond ‘Ohana** address and encompass individual, family, and community interests.

Based on the above mentioned information, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of a minimum of 18 individuals of Native American ancestry. Officials of the Bernice Pauahi Bishop Museum have also determined that, pursuant to 43 CFR 10.2(d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary object and the Hawai‘i Island Burial Council, Hui Malama I Na Kupuna O Hawai‘i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano ‘Ohana, the Keohokalole ‘Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu‘ukohola Heiau, the Native Hawaiian Advisory Council, the Pu‘uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai‘i, and the Van Horn Diamond ‘Ohana**.

This notice also corrects the list of organizations to which this is notice is sent by deleting Henry A. Auwae and Melvin Kalahiki, Jr., adding the groups listed above, providing new contact information, and providing a new response date. The last paragraph of the April 5, 2000, notice is corrected by substituting the following paragraph: This notice has been sent to officials of the Hawai‘i Island Burial Council, Hui Malama I Na Kupuna O Hawai‘i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano ‘Ohana, the Keohokalole ‘Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu‘ukohola Heiau, the Native Hawaiian Advisory Council, the Pu‘uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai‘i, and the Van Horn Diamond ‘Ohana.** Representatives of any other tribe that believes itself to be culturally affiliated with these human remains and objects should contact **Guy Kaulukukui, Assistant NAGPRA Program Manager, Bernice Pauahi Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 847–8274**, before April 9, 2001. Repatriation of the human remains and associated funerary objects to the Hawai‘i Island Burial Council, Hui Malama I Na Kupuna O Hawai‘i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano ‘Ohana, the Keohokalole ‘Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu‘ukohola Heiau, the Native Hawaiian Advisory Council, the Pu‘uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai‘i, and the Van Horn Diamond ‘Ohana** may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5940 Filed 3–8–01; 8:45 am]
BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

CORRECTION—Notice of Intent To Repatriate Cultural Items from Kawaihae, Kohala, Island of Hawaii, HI, in the Possession of the Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI, that meet the definition of ''unassociated funerary objects'' under Section 2 of the Act.

This notice corrects a typographic error in paragraph 15 of the notice of Intent to Repatriate published April 5, 2000. Paragraph 15 of the April 5, 2000, notice is corrected by substituting the following paragraph:

The 20 cultural items include samples of cordage, mat, and bark cloth. In 1985, these cultural items from a lava tube complex in Kawaihae, Kohala, HI were donated to the Bernice Pauahi Bishop Museum by Catherine Summers, who **compiled** these samples from museum collections.

This notice also corrects the list of culturally affiliated groups cited in the Notice of Intent to Repatriate published April 5, 2000. The list of culturally affiliated groups is corrected by adding the following groups: the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana. Paragraph 17 of the April 5, 2000, notice is corrected by substituting the following paragraph:

Based on the above mentioned information, officials of the Bernice Pauahi Bishop Museum have determined that, pursuant to 43 CFR 10.2(d)(2)(ii), these 168 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, and the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana**.

Finally, this notice corrects the list of organizations to which this notice is sent by deleting Henry A. Auwae and Melvin Kalahiki, Jr., adding the groups listed above, providing new contact information, and providing a new response date. The last paragraph of the April 5, 2000, notice is corrected by substituting the following paragraph: This notice has been sent to officials of the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana**. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and objects should contact **Guy Kaulukukui, Assistant NAGPRA Program Manager, Bernice Pauahi Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 847–8274,** before April 9, 2001. Repatriation of these objects to the Hawai'i Island Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, the Department of Hawaiian Homelands, the Office of Hawaiian Affairs, **the Kekumano 'Ohana, the Keohokalole 'Ohana, the Hawaiian Genealogy Society, Na Papa Kanaka O Pu'ukohola Heiau, the Native Hawaiian Advisory Council, the Pu'uhonua O Waimanalo, the Royal Hawaiian Academy of Traditional Arts, the Nation of Hawai'i, and the Van Horn Diamond 'Ohana** may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5941 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Effigy Mounds National Monument, Harpers Ferry, IA.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Effigy Mounds National Monument, Harpers Ferry, IA. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with representatives of the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Sac and Fox Tribe of the Mississippi in Iowa; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; and the Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota. A NAGPRA delegate from the Minnesota Indian Affairs Council, a non-Federally recognized Indian group, was present at the consultation meeting sponsored by Effigy Mounds National Monument and was a representative on behalf of the Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota.

In 1952, human remains representing 12 individuals were recovered during

legally authorized National Park Service sponsored excavations at Mound #57, a site located within Effigy Mounds National Monument boundaries. These 12 sets of human remains are comprised of 8 adults and 4 children. No known individuals were identified. The three associated funerary objects include one copper breastplate, one sandstone drill pivot, and one piece of obsidian. On August 3, 2000, these sets of human remains and associated funerary objects were returned to Effigy Mounds National Monument after having been in the possession of an individual (now deceased) since the 1950s. Based on archeological context, these 12 individuals were identified as Native American.

In 1952, human remains representing one individual were recovered during legally authorized National Park Service-sponsored excavations at Mound #27, a site located within Effigy Mounds National Monument boundaries. This set of human remains is comprised of 12 teeth from a child who was approximately 8 or 9 years old. No known individual was identified. No associated funerary objects are present. On August 3, 2000, this set of human remains was returned to Effigy Mounds National Monument after having been in the possession of an individual (now deceased) since the 1950s. Based on archeological context, this set of human remains was identified as Native American.

In 1957, human remains representing one individual were recovered from a mound on private lands near Effigy Mounds National Monument. This set of human remains is comprised of 94 bone fragments from a bundle burial. These human remains were given to Effigy Mounds National Monument in 1962, and were transferred to the National Park Service's Midwest Archeological Center in 1973. No known individual was identified. No associated funerary objects are present. Based on archeological context, these human remains were identified as Native American.

In 1998, human remains representing one individual were received by and taken into the possession of Effigy Mounds National Monument. These human remains are comprised of a cranium and mandible, which were mailed to the monument by an anonymous individual who claimed to have purchased the skull for an art class and was told it came from the mounds in the area of Effigy Mounds National Monument. No known individual was identified. No associated funerary objects are present. Based on physical attributes of the skull, the Office of the State Archaeologist in Iowa identified these remains as Native American.

On the basis of archeological context, material culture, and geographic location, the mounds at Effigy Mounds National Monument have been identified as belonging to the Late Woodland Period culture (1700–750 B.P.). The Oneota culture (800–300 B.P.), which replaced the Effigy Mounds culture, occupied the area surrounding Effigy Mounds National Monument and is identified as being clearly ancestral to the Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Otoe-Missouria Tribe of Oklahoma, Ho-Chunk Nation of Wisconsin, and Winnebago Tribe of Nebraska. Linguistic, oral tradition, temporal and geographic evidence reasonably indicates that the following Sioux Indian tribes possess ancestral ties to the Effigy Mounds National Monument region and the human remains and associated funerary objects described above: Upper Sioux Indian Community of the Upper Sioux Reservation, Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake), Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota, and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation.

The Treaty of September 21, 1832 (Stat. L. VII, 374) between the Sauk and Fox and the United States, a cession required of the Sauk and Fox as indemnity for the expenses of the Black Hawk War, demonstrates that the Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, and Sac and Fox Nation of Oklahoma are the aboriginal occupants of the lands encompassing the present-day Effigy Mounds National Monument. Based upon an examination of the historical and geographical information, the Effigy Mounds National Monument superintendent determined that the Sac and Fox Tribe of the Mississippi in Iowa, Sac and Fox Nation of Missouri in Kansas and Nebraska, and Sac and Fox Nation of Oklahoma share a historic and continuing affiliation with Effigy Mounds National Monument lands, but do not possess a cultural affiliation with the human remains and associated funerary objects described above.

Based on the above-mentioned information, the Effigy Mounds National Monument superintendent has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 15 individuals of Native American ancestry. The Effigy Mounds National Monument superintendent also has determined that, pursuant to 43 CFR 10.2 (d)(2), the three objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the Effigy Mounds National Monument superintendent determined that, pursuant to 43 CFR 10.2 (e), there is the relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Winnebago Tribe of Nebraska; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota.

This notice has been sent to officials of the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Sac and Fox Tribe of the Mississippi in Iowa; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac and Fox Nation, Oklahoma; Winnebago Tribe of Nebraska; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; and Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Phyllis Ewing, Superintendent, Effigy Mounds National Monument, 151 Highway 76, Harpers Ferry, IA 52146–7519, telephone (319) 873–3491, before April 9, 2001. Repatriation of the human remains and associated funerary objects to the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ho-Chunk Nation of Wisconsin; Winnebago Tribe of Nebraska; Upper Sioux Indian

Community of the Upper Sioux Reservation, Minnesota; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota; or Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota will begin after that date if no additional claimants come forward.

Dated: February 14, 2001

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5944 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of Energy, Richland Operations Office, Richland, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of Energy, Richland Operations Office, Richland, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the U.S. Department of Energy, Richland Operations Office professional staff and contract specialists in archeology, ethnography, and human osteology, in consultation with representatives of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

In 1968, human remains representing one individual were recovered from site 45–BN–128, Benton County, WA, by Dr. David Rice, Washington State University, Pullman, WA, during an archeological survey. No known individual was identified. The seven associated funerary objects are fragments of dentalium shells, one of which exhibits intricately etched designs.

Site 45–BN–128 is a burial site located on an island about 4 miles downriver from Tacht, a major Native American village. Tacht, located near the East White Bluffs townsite, was occupied until 1943 by members of the Wanapum Band, as well as members of other tribes whose descendants now reside on the Yakama, Umatilla, Colville and Nez Perce reservations. Artifacts observed at the burial site included chipped stone tools, a bone needle, glass trade beads, and shell beads.

Based on skeletal morphology, the archeological context, the condition of the human remains, and the associated funerary objects, these human remains have been identified as Native American dating prior to European contact. Historic documents, ethnographic sources, and oral history indicate that the Wanapum Band, also known as the Priest Rapids Indians, occupied this section of the Columbia River since precontact times. The treaties of 1855 and other historic documents, ethnographic sources, and oral history identify site 45–BN–128 as located on the ceded lands boundary between the Confederated Tribes of the Umatilla Reservation, Oregon, and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington, in an area routinely visited by bands associated with both groups. Bands associated with the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation, Washington, are also known to have used the area routinely.

In 1974–75, human remains representing one individual were recovered from Taks'sah' (45–BN–157), Benton County, WA, during legally-authorized archeological excavations conducted by the Mid-Columbia Archaeological Society under the direction of Dr. David Rice, University of Idaho, Moscow, ID. The remains were transferred to the U.S. Department of Energy, Richland Operations Office in 1994. No known individual was identified. The eight associated funerary objects are stone flakes.

Taks'sah', also known as Jaeger's Island, was a principle Wanapum sedentary village that was occupied until 1943. Based on skeletal morphology, the archeological context, the condition of the human remains, and the associated funerary objects, these human remains have been identified as Native American dating prior to European contact. Historic documents, ethnographic sources, and oral history indicate that the Wanapum Band occupied this section of the Columbia River since precontact times. The treaties of 1855 and other historic documents, ethnographic sources, and oral history identify site 45–BN–157 as located within the ceded lands of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington, in an area routinely visited by bands associated with this tribe. Bands associated with the Confederated Tribes of the Umatilla Reservation, Oregon; the Confederated Tribes of the Colville Reservation, Washington; and the Nez Perce Tribe of Idaho are also known to have used the area routinely.

In 1987, human remains representing one individual were recovered from site 45–BN–163, Benton County, WA, during archeological surface collection by Hanford Cultural Resources Laboratory staff. No known individual was identified. No associated funerary objects are present.

Site 45–BN–163 is a housepit containing materials typically associated with the late precontact settlement of the area, including fire-cracked rock, cobble tools, notched pebble sinkers, corner-notched projectile points, flakes, and shell. These remains were recovered in an area traditionally associated with the Wanapum Band and within the ceded lands of the Confederated Tribes of the Umatilla Reservation, Oregon. Bands associated with the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Nez Perce Tribe of Idaho; and the Confederated Tribes of the Colville Reservation, Washington, are also known to have used this area routinely.

Based on the above-mentioned information, officials of the U.S. Department of Energy, Richland Operations Office have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of three individuals of Native American ancestry. Officials of the U.S. Department of Energy, Richland Operations Office also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 15 objects listed above are reasonably

believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the U.S. Department of Energy, Richland Operations Office have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

This notice has been sent to officials of the Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation, Washington; the Confederated Tribes of the Colville Reservation, Washington; the Confederated Tribes of the Umatilla Reservation, Oregon; the Nez Perce Tribe of Idaho; and the Wanapum Band. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dee W. Lloyd, Site Preservation Officer, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington 99352, telephone (509) 372–2299, before April 9, 2001. Repatriation of the human remains and associated funerary objects to the affiliated tribes may begin after that date if no additional claimants come forward.

Dated: February 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5939 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historical Site, Stanton, ND.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Knife River Indian Villages National Historical Site, Stanton, ND. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Additionally, Dr. Randall R. Skelton, University of Montana, Department of Anthropology, performed a physical anthropological examination of the human remains at the request of the Montana Division of Forensic Sciences.

Prior to coming into the possession of the Knife River Indian Villages National Historical Site, the human remains at issue were comprised of a single skull, lower jaw, and eight teeth.

Documentary evidence indicates that in October 2000 Agent Reed Scott, Montana Division of Criminal Investigation (DCI), received a telephone call from the Broadwater County Sheriff's Office reporting that a human skull had been found in the closet of a rented residence in Townsend, MT. On October 16, 2000, Agent Scott took custody of the skull and signed it over to DCI Agent Will Cordes on October 17, 2000, who transported the remains to the Montana Division of Forensic Sciences. On October 18, 2000, Agent Scott contacted the owner of the residence, Mrs. Bevan Carson, and was informed by her that the Carson family received the skull around 1990 from Forest Kreiger, now deceased, of Stanton, ND. Agent Scott then contacted Mr. Kreiger's son, Jesse Kreiger, who stated that his father had moved to their farm in Stanton, ND, during the 1950s and while farming had located a number of bones. Jesse Kreiger had no recollection of this specific human skull; however, he stated that tribal burial grounds had been located on or near the Kreiger properties. He also indicated that his father's farm was near or part of the Knife River Indian Village National Historic Site. On October 20, 2000, Agent Scott contacted Pam Piatz, Jesse Kreiger's sister, of Stanton, ND. Mrs. Piatz recalled that human remains had been on her family's farm and that the human skull at issue had either been exhumed by her father while he was farming or ranching, or had been unearthed by a fox. On October 20, 2000, Agent Scott received a report from Dr. Skelton, who had been asked to examine the skull by the Montana Division of Forensic Sciences. The report indicated that the skull represents a male individual with an age ranging between 26 and 83 years and who possessed prehistoric Native American physical characteristics. On October 30, 2000, Agent Scott had the human skull transported to the Mercer County Sheriff's Office in Stanton, ND.

On October 31, 2000, Major Colin Peterson, Mercer County Sheriff's Department, contacted John A. Moeykens at Knife River Indian Villages National Historical Site, and informed him about the human remains' recent recovery and background. After taking custody of the skull on November 13, 2000, Mr. Moeykens conducted a follow-up investigation. Upon contacting Jesse Kreiger and Mrs. Piatz, Mr. Moeykens was informed that the Kreiger family had bought their property in the vicinity of the park in approximately 1958. Further, except for the known Native American burial sites, most of the lands had been farmed during the early 1960s. According to Jesse Kreiger and Mrs. Piatz, their father unearthed Native American artifacts and human remains while farming, but they had no specific recollection of the human skull at issue. They also stated that the Carsons had resided in the Stanton, ND, area for about one year, possibly in the 1960s, and occasionally returned for visits. Jesse Kreiger and Mrs. Piatz did not believe the skull could have been given to the Carsons in 1990 and that Mrs. Carson was confused about this date. Rather, they believe that the Carsons would have obtained the remains 30 years ago if they were recovered from their father's land.

On November 13, 2000, human remains representing one individual were received by and taken into the possession of Knife River Indian Villages National Historical Site. These human remains, which are comprised of a single skull, lower jaw, and eight teeth, were delivered with documentary evidence to Knife River Indian Villages National Historical Site by Major Colin Peterson of the Mercer County Sheriff's Department, Stanton, ND. Supporting documentation indicates that the skull was removed 10 to 30 years ago from

private land adjacent to Knife River Indian Villages National Historical Site. Although the date of exhumation is not known, it most likely occurred before the National Park Service acquired the private land from which it was removed. No known individual was identified. No associated funerary objects are present.

Based upon an anthroposcopic assessment, Dr. Skelton identified these human remains as Native American. On the basis of documentary, testimonial, and geographic evidence, the human remains described above are reasonably believed to have been removed 10 to 30 years ago from private land adjacent to Knife River Indian Villages National Historical Site. Further, it is reasonably believed that the remains were exhumed from a slope above Big Hidatsa Village, where Native American burials are known to exist. The Hidatsa is one of the three tribes that comprise the Three Affiliated Tribes of the Fort Berthold Reservation (Arikara, Hidatsa, and Mandan).

Based on the above-mentioned information, the Knife River Indian Villages National Historical Site superintendent determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The Knife River Indian Villages National Historical Site superintendent also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

This notice has been sent to officials of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Lisa Eckert, Superintendent, Knife River Indian Villages National Historical Site, P.O. Box 9, Stanton, ND 58571, telephone (701) 745–3309, before April 9, 2001. Repatriation of the human remains to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota will begin after that date if no additional claimants come forward.

Dated: February 14, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5945 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Essex Museum, Salem, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Essex Museum, Salem, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Peabody Essex Museum professional staff in consultation with representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs.

Between 1820 and 1868, human remains representing a minimum of three individuals were collected as part of a refuse bowl with human teeth by Rev. Asa Thurston and his wife, Lucy Goodale. At an unknown time, this bowl was sent to Goodale relatives in Marlboro, MA. In 1925, the Goodale collection was purchased by Stephen W. Phillips and Mrs. Stephen H. Phillips who donated the collection to the Peabody Essex Museum the same year. No known individuals were identified. No associated funerary objects are present.

Based on 43 CFR 10.2 (d)(2–4), Peabody Essex Museum officials have determined that this refuse bowl is not an unassociated funerary object, sacred object, or object of cultural patrimony. Human remains are defined under NAGPRA regulations 43 CFR 10.2 (d)(1) as ''the physical remains of the body of a person of Native American ancestry.'' The definition excludes from consideration under the statute human remains or portions of human remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body the remains were obtained.

Based on historical and anthropological evidence, Peabody Essex Museum officials have determined that these teeth were not freely given or naturally shed from the individuals from whose bodies the teeth were obtained. Based on this evidence, the definition in 43 CFR 10.2 (d)(1), and regulatory critieria provided by the Departmental Consulting Archeologist for consideration by the museum, Peabody Essex Museum officials have determined these human remains are most likely those of Native Hawaiians. In making this determination, the Peabody Essex Museum also considered a previously published Notice of Inventory Completion in which the Bernice Pauahi Bishop Museum determined that human teeth set into a refuse bowl and other similar objects such as kahili and handles containing human remains are human remains for the purposes of NAGPRA.

Based on the above-mentioned information, officials of the Peabody Essex Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of three individuals of Native American ancestry. Officials of the Peabody Essex Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs.

This notice has been sent to officials of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs. Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with these human remains should contact Christina Hellmich, Director of Collections Management, Peabody Essex Museum, East India Square, Salem, MA 01970, telephone (978) 745–1876, facsimile (978) 744–0036, before April 9, 2001. Repatriation of the human remains to the Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs may begin after that date if no additional claimants come forward.

Dated: February 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5947 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Repatriate Cultural Items in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given that the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of ''unassociated funerary objects'' under section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The cultural items are 58 shell beads and shell fragments, and 1 ceramic bowl and 15 sherds from that vessel.

In 1896, Clarence B. Moore recovered 29 shell beads and shell fragments from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated these cultural items to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that these cultural items were recovered in association with human remains that were interred inside a ceramic vessel. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Because museum documentation describes the ceramic vessel as containing human remains, the vessel is considered to be an associated funerary object and is described in a Notice of Inventory Completion.

The ceramic style of the vessel is dated to the Irene phase of the late Mississippian period (A.D. 1300–1550), and the cultural items found in association with the vessel belong to the same period. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore collected 29 shell beads from St. Catherine's Island, ''Mound near South End Settlement'' site, Long County, GA, and donated these cultural items to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that these cultural items were recovered with human remains that were interred inside a ceramic vessel. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Because museum documentation describes the ceramic vessel as containing human remains, the vessel is considered an associated funerary object and is described in a Notice of Inventory Completion.

The ceramic style of the vessel dates to the Irene phase of the late Mississippian period (A.D. 1300–1550), and the cultural items found in association with the vessel belong to the same period. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Mound near South End Settlement'' site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1898, Clarence B. Moore recovered 1 ceramic bowl and 15 sherds from that bowl from the ''Mounds near Lake Bluff'' site, Long County, GA, and donated the bowl to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that the bowl was associated with a burial. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial.

The bowl dates to the Savannah II phase of the Late Mississippian period (A.D. 1300–1550). Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Mounds near Lake Bluff'' site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 74 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these cultural items and Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 9, 2001. Repatriation of these unassociated funerary objects to Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5942 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1858, a cultural item was recovered from a mound on Ossabaw Island, Chatham County, GA, by A.M. Harrison. The item is an Irene Complicated Stamped jar and was donated to the Peabody Museum of Archaeology and Ethnology by Dorothy Merrick in 1965.

Based on ceramic style, this jar is dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural item has been determined to be an associated funerary object because museum documentation indicates that it contained human remains. The burial context indicates that the burial was Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the mound on Ossabaw Island is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1896, Clarence B. Moore recovered cultural items from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 31 items are 1 complete jar with stamped decorations represented by 3 sherds, 1 large reconstructed bowl represented by 15 ceramic sherds, 1 large jar with stamped decorations, and 1 large jar represented by 12 sherds.

Based on ceramic style, the vessels are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from these burials. These vessels contained additional funerary objects that are considered unassociated funerary objects due to the absence of human remains. These unassociated funerary objects are described in a Notice of Intent to Repatriate. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered human remains representing one individual from the ''Mound near Contentment'' site, McIntosh County, GA, and donated these remains to the Peabody Museum of Archaeology and Ethnology that same year. No known individual was identified. The 30 associated funerary objects are 1 undecorated ceramic jar represented by 29 ceramic sherds, and 1 complete ceramic jar with check stamp decoration.

Based on the ceramic style of the vessels, the burial is dated to the Savannah II phase of the Late Mississippian period (A.D. 1200–1300) and the individual has been identified as Native American. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Mound near Contentment'' site is located within the aboriginal and historical homelands of the Creek Confederacy during the Savannah II phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from St. Catherine's Island, ''Mound near South End Settlement'' site, Long County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 33 cultural items are 1 jar with stamped decoration, 31 sherds from that vessel, and 1 large bowl.

Based on ceramic style, these items are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burial was Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. These vessels contained additional funerary objects that are considered unassociated funerary objects due to the absence of human remains. These unassociated funerary objects are described in a Notice of Intent to Repatriate. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Mound near South End Settlement'' site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from the ''Creighton Island-North End'' site, McIntosh County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 91 items are 1 jar with stamped decorations and 50 sherds from that vessel, and 1 jar with stamped decoration and 39 sherds from that vessel.

Based on ceramic style, these vessels are dated to the Late Mississippian/ Protohistoric period (A.D. 1300–1650). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that these burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from this burial. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Creighton Island-North End'' site is located within the aboriginal and historic homelands of the Creek Confederacy during the Late Mississippian/Protohistoric period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1897, Clarence B. Moore recovered cultural items from Ossabaw Island, Middle Settlement, Mound A, Chatham County, GA, and donated the items to the Peabody Museum of Archaeology and Ethnology that same year. The 11 items are 1 jar with stamped decoration, and 1 jar with stamped decoration represented by 10 sherds.

Based on ceramic style, these cultural items are dated to the Irene phase of the Late Mississippian period (A.D. 1300–1550). The cultural items have been determined to be associated funerary objects because museum documentation indicates that the vessels contained human remains. The burial context indicates that the burials were Native American. The Peabody Museum of Archaeology and Ethnology is not in possession or control of the human remains from these burials. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the Middle Settlement, Mound A site is located within the aboriginal and historic homelands of the Creek Confederacy during the Irene phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1898, Clarence B. Moore recovered human remains representing five individuals from the ''Mounds 1 and 2 near Lake Bluff'' site, Long County, GA, and donated these remains to the Peabody Museum of Archaeology and Ethnology that same year. No known individuals were identified. The 113 associated funerary objects are 1 undecorated bowl, 1 undecorated bowl represented by 15 ceramic sherds, 1 jar with stamped decorations, 95 shell beads, 1 bottle of shell beads, and floral remains.

Based on ceramic style, the burial is dated to the Savannah II phase of the Late Mississippian period (A.D. 1200–1300), and the individuals have been identified as Native American. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that the ''Mounds 1 and 2 near Lake Bluff'' site is located within the aboriginal and historical homelands of the Creek Confederacy during the Savannah II phase of the Late Mississippian period. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

In 1916, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by the Boston Society of Natural History. No known individual was identified. No associated funerary objects are present.

The human remains were collected from an unknown locale in Georgia by Dr. Josiah C. Nott. Museum documentation, which describes the human remains as a ''Creek Chief,'' indicates that the individual is Native American. The attribution of such a specific cultural affiliation to the human remains also indicates that the interment postdates sustained contact between indigenous groups and Europeans beginning in the 17th century. Oral traditions, ethnohistorical evidence, and archeological documentation indicate that Georgia was occupied by the Creek Confederacy in historic times. The present-day tribes that are most closely affiliated with members of the Creek Confederacy are Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains described above represent the physical remains of seven individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), 143 of the objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony, and 167 of the objects listed above are reasonably believed to have been made to contain human remains. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 9, 2001. Repatriation of the human remains and associated funerary objects to Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5943 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion of Native American Human Remains and Associated Funerary Objects in the control of the Robert S. Peabody Museum of Archaeology, Andover, MA.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of inventory of human remains and associated funerary objects in the control of the Robert S. Peabody Museum of Archaeology, Andover, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Narragansett Indian Tribe of Rhode Island, the Mashantucket Pequot Tribe of Connecticut, and the Mohegan Indian Tribe of Connecticut.

In 1921, human remains representing one individual were recovered from the Niantic Shellheap Site in East Lyme, CT, by Warren King Moorehead under the auspices of the Robert S. Peabody Museum of Archaeology. No known individual was identified. No associated funerary objects are present.

Stylistic attributes of ceramics excavated from the site indicate that the Niantic Shellheap Site was occupied in the Late Woodland-Early Contact period, circa A.D. 1550–1700. Based on cultural continuities, it is likely that the historic Niantic people in the Connecticut area developed out of Late Woodland culture. The population of Niantic people diminished after European contact due to disease and war, and the remaining tribal members joined neighboring tribes in A.D. 1850. Oral tradition and historic documentation indicate that the Niantic people joined the Mohegan Tribe and Narragansett Tribe at that time.

Based on the above-mentioned information, officials of the Robert S. Peabody Museum of Archaeology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Robert S. Peabody Museum of Archaeology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Narragansett Indian Tribe of Rhode Island and the Mohegan Indian Tribe of Connecticut.

This notice has been sent to officials of the Narragansett Indian Tribe of Rhode Island, the Mashantucket Pequot Tribe of Connecticut, and the Mohegan Indian Tribe of Connecticut. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact James W. Bradley, Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810, telephone (978) 749–4490, before April 9, 2001. Repatriation of the human remains to the Narragansett Indian Tribe of Rhode Island and the Mohegan Indian Tribe of Connecticut may begin after that date if no additional claimants come forward.

Dated: February 9, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5936 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for an Associated Funerary Object in the Possession of the U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument, Mountainair, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of the inventory of an associated funerary object in the possession of the U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument, Mountainair, NM. This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of this Native American associated funerary object. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment and inventory of the associated funerary object has been made by professional staff of the National Park Service, in consultation with representatives of the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Kiowa Tribe of Oklahoma; Mescalero Apache Tribe, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Wichita Tribe of Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of the Piro-Manso-Tiwa, a non-Federally recognized Indian group, were also present at one of the consultation meetings.

According to a notice of inventory completion published in the Federal Register on August 29, 2000 (FR Doc. 00–21974) by the Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico, human remains representing 14 individuals were recovered in 1941 from site LA 83 (Pueblo Pardo Ruin or Grey Town), Socorro County, NM. No known individuals were identified. The one associated funerary object was a single lot of corn kernels. The Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico repatriated these Native American human remains and the associated funerary object to Ysleta del Sur Pueblo of Texas following the required 30 day notice period.

On August 16, 1941, a second associated funerary object, a glaze bowl originally recovered with the above-described 14 individuals, was transferred to the possession of Salinas Pueblo Missions National Monument. The site (LA 83) from which these human remains and associated funerary objects were recovered is located in Socorro County and, based on material culture and architectural features, has been dated to the Pueblo III and Pueblo IV period (A.D. 1300–1630).

The Jumano culture is considered by anthropologists to be a blend of both

Anasazi and Mogollon, shifting through time from Mogollon to Rio Grande Anasazi characteristics. Oral tradition evidence acquired from consultation meetings between National Park Service professional staff and the above-mentioned Indian tribes, as well as the archeological and ethnographic evidence, indicates that there is a cultural affiliation between the human remains and associated funerary objects removed from LA 83 and the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. In addition, the Piro-Manso-Tiwa, a non-Federally recognized Indian group, are believed to be culturally affiliated with the human remains and associated funerary objects from LA 83.

Based on the above-mentioned information, the Salinas Pueblo Missions National Monument superintendent determined that, pursuant to 43 CFR 10.2 (d)(2), the object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. The Salinas Pueblo Missions National Monument superintendent also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this Native American associated funerary object and the Pueblo of Acoma, New Mexico; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico. In addition, the Salinas Pueblo Missions National Monument superintendent determined that a cultural affiliation exists between this associated funerary object and the Piro-Manso-Tiwa, a non-Federally recognized Indian group.

This notice has been sent to officials of the Pueblo of Acoma, New Mexico; Caddo Tribe of Oklahoma; Hopi Tribe of Arizona; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Kiowa Tribe of Oklahoma; Mescalero Apache Tribe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; White Mountain Apache Tribe of Arizona; the Wichita Tribe of Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico; as well as to the Piro-Manso-Tiwa Indian group. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this associated funerary object should contact Glenn M. Fulfer, Superintendent, Salinas Pueblo Missions National Monument, P.O. Box 517, Mountainair, NM 87036, telephone (505) 847–2585, Extension 25, before April 9, 2001. Repatriation of the associated funerary object will begin after that date if no additional claimants come forward.

Dated: February 14, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5946 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the University of Michigan Museum of Anthropology, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the University of Michigan Museum of Anthropology, Ann Arbor, MI, that meets the definition of ''object of cultural patrimony'' under section 2 of the Act.

The one cultural item is a headdress made of wood, string, cotton cloth, and pigments. The gray cotton hood has 2 small eye holes and is attached to 12 slats of wood radiating out from the top, forming a wide ''V'' shape. Attached between the ''V'' is a full circle made of a reed covered three-quarters in wooden feathers, and within the circle is a suspended four-point cross. Both sides of the wood are painted.

Prior to 1950, this headdress was collected from person(s) and locations unknown. In 1966, this headdress was donated to the University of Michigan Museum of Anthropology through a bequest of the estate of Mrs. Louise Shepard Corbrusier. Following consultation with representatives of the Tonto Apache Tribe of Arizona, the White Mountain Apache Tribe of the Fort Apache Reservation, and the San Carlos Apache Tribe of the San Carlos Reservation, this headdress has been identified as a cultural item playing an integral role in the Apache ceremonies involving the *Dilzini Gaan*. The headdress is an element of the *Na'ii'ees*, the Western Apache girls' puberty rite or Changing Woman ceremony. After further consultation with the Tonto Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona, the University of Michigan agrees that the most appropriate recipient is the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Officials of the University of Michigan Museum of Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(4), this cultural item has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual.

Officials of the University of Michigan Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this cultural item and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. This notice has been sent to officials of the Tonto Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this cultural item should contact Karen O'Brien, Collections Manager, University of Michigan Museum of Anthropology, 1109 Geddes Avenue, Ann Arbor, MI 48109, telephone (734) 764–6299, before April 9, 2001. Repatriation of this cultural item to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona may begin after that date if no additional claimants come forward.

Dated: February 15, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–5938 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Implementation Agreement for Secretarial Actions Associated With California Parties' Proposed Quantification Settlement Agreement and Other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) proposes to prepare an environmental impact statement (EIS) concerning execution of an Implementation Agreement (IA), and implementation of other interrelated Federal actions. The IA is required to implement actions by the Secretary of the Interior (Secretary), that are necessary to make operative a proposed Colorado River Quantification Settlement Agreement (QSA) among certain California water agencies that hold contracts with the Secretary, for delivery of Colorado River water. The EIS will describe the potential environmental consequences of the following: Secretarial execution of the IA which, generally, would result in a change in the point of delivery of up to approximately 400,000 acre-feet (AF) of Colorado River water per year; implementation of a lower Colorado River inadvertent overrun accounting and payback policy (IOP), intended to be implemented for a 30-year time period (see **Federal Register**, Vol. 66, No. 12, pages 4856–4858); and implementation of biological conservation measures related to the IA that were identified in the Fish and Wildlife Service's (FWS) ''Biological Opinion for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to the Southerly International Boundary Arizona, California and Nevada,'' (Biological Opinion), dated January 12, 2001. This is to provide notice to potentially interested entities and the public regarding Reclamation's intent to prepare an EIS, and to request comments regarding the scope of the issues to be addressed and identification of significant issues related to the proposed action.

ADDRESSES: Send written comments concerning the proposed action or issues to be addressed in the EIS to Mr. Bruce D. Ellis, Phoenix Area Office, Bureau of Reclamation, PXAO–1500, P.O. Box 81169, Phoenix AZ 85069–1169, with a copy to Ms. Gracie Chirieleison, Lower Colorado Region, Bureau of Reclamation, BCOO–1001, P.O. Box 61470, Boulder City, NV 89006–1470. Comments should be received by April 10, 2001.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: Questions concerning the process, potential alternatives, or this notice should be directed to Mr. Ellis at the Phoenix Area Office address above, telephone (602) 216–3854. To be placed on a mailing list for any subsequent information, please write or telephone Ms. Chirieleison at the Lower Colorado Regional Office address above, telephone (702) 293–8415 or fax (702) 293–8156.

SUPPLEMENTARY INFORMATION: Reclamation intends to prepare an EIS to describe the potential environmental consequences that would result from execution of the proposed IA with Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), The Metropolitan Water District of Southern California (MWD), and San Diego County Water Authority (SDCWA) (collectively referred to as the ''California Parties''). The IA enumerates Secretarial approvals and/or actions that are needed to implement the proposed QSA. The proposed QSA is a consensual agreement among the California Parties for distribution and use of Colorado River water for a period of up to 75 years. The QSA is anticipated to be considered by the boards of directors of IID, CVWD, and MWD by December 2001, following completion of a final environmental impact report regarding implementation of the QSA. The QSA and IA are integral to the successful implementation of California's Draft Colorado River Water Use Plan (CA Plan), released for public review by the Colorado River Board of California. The purpose of the CA Plan is to ensure California limits its annual use of Colorado River water, starting in year 2016, to no more than 4,400,000 AF per year in normal years. Normal years are those in which 7,500,000 acre-feet are made available by the Secretary for beneficial consumptive use collectively in Lower Colorado River Division States (Arizona, California, and Nevada). The Department of Interior believes the proposed QSA cannot be lawfully carried out absent a fully executed IA.

Federal actions identified in the IA to be covered by the EIS include approving changes in the point of delivery of up to approximately 400,000 AF of Colorado River water annually, from Imperial Dam to the intake of the Colorado River Aqueduct (CRA), located in Lake Havasu upstream of Parker Dam. Of this amount, between 130,000 and 300,000 AF per year would be made available through conservation by IID. Of the total amount conserved by IID, between 130,000 and 200,000 AF per year would be transferred to SDCWA. In accordance with an IID/SDCWA Water Transfer Agreement, SDCWA and MWD have executed an Exchange Agreement providing for delivery of the conserved water into the CRA and the delivery of a like amount of water to SDCWA through MWD's facilities. Through the QSA, an additional amount of up to 100,000 AF per year of water to be conserved by IID, would be made available to CVWD and, if not used by CVWD, to MWD. The change in the point of delivery of up to an additional 93,700 AF per year of Colorado River water would be authorized upon the conservation of an equal amount of water through the concrete lining of portions of the All American Canal (AAC) and Coachella Canal (CC). This conserved water would be used by MWD and the San Luis Rey Indian Water Rights Settlement parties in accordance with the terms of a proposed Allocation Agreement.

Under the EIS' proposed action, in addition to the change in the point of delivery of Colorado River water, the Secretary, as Water Master, would deliver Priority 3a Colorado River contract water to IID in quantified amounts not to exceed 3,100,000 AF per year, less the amount of water conserved by IID and by the All American Canal Lining Project. The Secretary would also

deliver Priority 3a Colorado River contract water to CVWD in quantified amounts not to exceed 330,000 AF per year exclusive of amounts associated with water conserved by IID and made available to CVWD and amounts exchanged by MWD with CVWD, less the amount of water conserved by the Coachella Canal Lining Project. This quantification would result from execution of the IA, in conjunction with the QSA.

The EIS will also address potential effects of implementing an inadvertent overrun accounting and payback policy (IOP) regarding use of Colorado River by the Lower Colorado River Division States. In addition, the EIS will programmatically address the implementation of biological conservation measures related to the IA that have been identified in the FWS' Biological Opinion dated January 12, 2001.

The project area of the EIS will generally include the lower Colorado River and its 100-year floodplain between Lake Mead and the southerly international boundary. The EIS will address effects in river flow between these two points along the lower Colorado River that would occur from the suite of Federal approvals/actions included in the Proposed Action. Changes in river flow could, in turn, potentially affect resources along the river (e.g., biological, cultural and recreational), Colorado River water quality, and power generation at Parker and Headgate Rock power plants. The EIS will also incorporate, by reference, analyses identified in various other NEPA and California Environmental Quality Act (CEQA) documents related to local and regional effects resulting from implementation of the QSA.

As indicated above, Reclamation received the Biological Opinion from the FWS and has completed Endangered Species Act (ESA) consultation requirements for the transfer of water and change in its point of delivery from Imperial Dam to Lake Havasu, and for the previously referenced conservation measures associated with the water transfers. Reclamation will work with the FWS, as appropriate, to determine if additional ESA compliance is necessary.

Having reached agreement through the QSA, the California Parties are requesting Secretarial execution of the IA, which constitutes the proposed action that will be described in the EIS. A No Action Alternative will be included, against which potential environmental consequences resulting from implementing the proposed Federal actions will be compared.

Reclamation is circulating this notice to provide the public with an opportunity to identify issues and concerns regarding this proposed action, to ensure that all relevant issues are evaluated in the EIS. All comments received in response to Reclamation's request for comments on the IOP, found in the **Federal Register**, Vol. 66, No. 12, pages 4856–4858, will also be taken into consideration as part of the scoping process for this EIS. Reclamation will consult other Federal, State, Tribal and local agencies having specific expertise regarding environmental impacts related to the proposed actions.

Dated: March 2, 2001.

Lorri J. Gray,

Assistant Regional Director.

[FR Doc. 01–5909 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Definition and Payback of Inadvertent Overruns for Delivery of Lower Colorado River Water; Notice of Extension of Public Comment Period

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public comment period extension.

SUMMARY: Reclamation published a Notice of public comment period in the **Federal Register**, (66 FR 4856), on January, 18, 2001, requesting comments on a proposed policy that will identify inadvertent overruns, establish procedures that account for inadvertent overruns, and define subsequent payback requirements to the Colorado River mainstream. This notice extends the original comment period, as identified below in the **DATES** section.

DATES: The comment period for receiving comments on the proposed policy regarding definition and payback of inadvertent overruns for delivery of Lower Colorado River water, has been extended from March 24, 2001, to April 10, 2001.

FOR FURTHER INFORMATION CONTACT: If you wish to comment, you may mail comments to Deputy Area Manager, Boulder Canyon Operations Office, Lower Colorado Region, Bureau of Reclamation, BCOO–1010, PO Box 61470, Boulder City, Nevada 89006. You may also comment via the Internet at InadvertentOverrun@lc.usbr.gov. If you comment via the Internet, please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation via e-mail that we have received your Internet message, please contact us directly at (702) 293–8592.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: Mr. John Redlinger, (702) 293–8592.

SUPPLEMENTARY INFORMATION: The period for receiving public comments on the proposed inadvertent overrun policy, described in detail in the **Federal Register** dated January 18, 2001, (66 FR 4856), has been extended until April 10, 2001. The comment period has been extended in response to several requests, and because Reclamation intends to prepare an environmental impact statement that will evaluate the potential environmental effects of implementing the inadvertent overrun policy (see the Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process for the ''Implementation Agreement for Secretarial Actions Associated with California Parties' Proposed Quantification Settlement Agreement and other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada,'' elsewhere in this **Federal Register**. The public scoping comment period for this EIS ends on April 10, 2001. Comments received on the inadvertent overrun policy will also be taken into consideration during the scoping process for the EIS.

Dated: March 2, 2001.

Lorri J. Gray,

Assistant Regional Director.

[FR Doc. 01–5907 Filed 3–8–01; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–009]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: March 14, 2001 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–678–679 and 681–682 (Review) (Stainless Steel Bar from Brazil, India, Japan, and Spain)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on March 26, 2001.)
5. Outstanding action jackets:

(1.) Document No. GC–01–010: Concerning Inv. No. 337–TA–432 (Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: March 6, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–6059 Filed 3–7–01; 12:23 pm]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

[AAG/A Order No. 219–2001]

Privacy Act of 1974; Computer Matching Agreement

AGENCY: Department of Justice.

ACTION: Notice—computer matching between the Department of Justice and the Internal Revenue Service, Department of Treasury.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818, June 19, 1989), OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' and OMB Circular No. A–130, Revised February 8, 1996, ''Management of Federal Information Resources'', the Department of Justice is issuing a public notice of its intent to conduct a computer matching program with the Internal Revenue Service, Department of Treasury. Under this matching program, entitled Taxpayer Address Request, the IRS will provide return information relating to taxpayers' mailing addresses to the DOJ for the purposes of locating delinquent debtors to notify them of enforcement action to collect debts owed by the taxpayers to the United States.

DATES: Effective date: The matching program will become effective 40 days after a copy of the agreement, as approved by the Data Integrity Board of each agency, is sent to Congress and the Office of Management and Budget, or April 9, 2001, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

Reporting

In accordance with Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, Office of Management and Budget bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public'' and Circular No. A–130, Revised February 8, 1996, ''Management of Federal Information Resources'', copies of this notice and report are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

Authority

This matching program is being conducted under the authority of the Internal Revenue Code (IRC) 6103(m)(2). This provides for disclosure, upon written request, of a taxpayer's mailing address for use by officers, employees, or agents of a Federal agency for the purpose of locating such taxpayer to notify him/her of enforcement action to collect or compromise a Federal claim against the taxpayer in accordance with sections 3711, 3717, and 3718 of title 31 of the United State Code, statutory provisions which authorize DOJ to collect debts on behalf of the United States through litigation.

Objectives To Be Met by the Matching Program

The purpose of this program is to provide DOJ with the most current addresses of taxpayers to notify debtors of legal actions that may be taken by DOJ and the rights afforded them in the litigation to enforce collection of debts owed to the United States.

Records To Be Matched

DOJ will provide records from the Debt Collection Management System, JUSTICE/JMD–006. This system of records contains information on persons indebted to the United States who have allowed their debts to become delinquent and whose debts have been sent by client Federal agencies to DOJ for enforced collection through litigation. DOJ records will be matched against records contained in the Privacy Act System of Records: Individual Master File (IMF), Treasury/IRS 24.030, which contains taxpayer entity records and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year.

Categories of Records/Individuals Involved

DOJ will submit the nine digit Social Security Number (SSN) and four character Name Control (the first four letters of the surname) of each individual whose current address is requested. IRS will provide an address for each taxpayer whose SSN and Name Control matches the records submitted by DOJ. IRS will provide a code explaining the type of error, if any, encountered during processing if no address information is provided, or no match is found.

Notice Procedures

IRS provides direct notice to taxpayers in the instructions to Forms 1040, 1040A, and 1040EZ, that information provided on U.S. Individual Income Tax Returns may be given to other Federal agencies, as provided by law. Both IRS and DOJ have provided constructive notice to record subjects through the publication of system of records notices in the **FEDERAL REGISTER** for the records involved in this match that contain routine uses permitting disclosures for this matching program.

Address for Receipt of Public Comments or Inquiries

Interested persons are invited to submit written comments regarding this notice to Imogene McCleary, Deputy Director, Debt Collection Management, Justice Management Division, 325 7th

Street NW., 2nd Floor South, Washington, DC 20530.

Dated: March 1, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 01–5819 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–CN–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2125–01; AG Order No. 2404–2001]

RIN 1115–AE26

Designation of El Salvador Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice designates El Salvador for the Temporary Protected Status (TPS) program for a period of 18 months. Under section 244(b)(1) of the Immigration and Nationality Act, as amended (Act), the Attorney General is authorized to grant TPS to eligible nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such designated states) upon finding that such states are experiencing ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.

EFFECTIVE DATES: This designation is effective on March 9, 2001 and will remain in effect until September 9, 2002.

FOR FURTHER INFORMATION CONTACT: Rebecca K. Peters, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Is Temporary Protected Status?

TPS is a temporary immigration status granted to eligible nationals of designated countries or part of a designated country. During the period for which the Attorney General has designated a country under the TPS program, TPS beneficiaries are not required to leave the United States and may obtain work authorization. The granting of TPS does not lead to permanent resident status. When the Attorney General terminates a country's TPS designation, beneficiaries return to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have been granted while registered for TPS.

Why Is El Salvador Being Designated for the TPS Program?

El Salvador suffered a devastating earthquake on January 13, 2001, and experienced two more earthquakes on February 13 and 17, 2001. Based on a thorough review by the Departments of State and Justice, the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is ''unable, temporarily, to handle adequately the return'' of its nationals. 8 U.S.C. 1254a(b)(1)(B).

A recent Department of State report indicates that the January 13 and February 13 earthquakes have resulted in at least 1,100 deaths, 7,859 injuries, and over 2,500 missing. In addition, the earthquakes have displaced an estimated 1.3 million persons out of El Salvador's population of 6.2 million (*e.g.* 17%), over 80,000 of whom are living in temporary camps. The Department of State further reports that approximately 220,000 homes, 1,696 schools, and 856 public buildings have been damaged or destroyed. Earthquake-caused losses in housing, infrastructure, and the agricultural sector exceed $2.8 billion.

The significant damage from the earthquakes has resulted in a ''substantial, but temporary, disruption of living conditions'' in El Salvador, such that El Salvador ''is unable, temporarily, to handle adequately the return'' of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i) and (ii). The Government of El Salvador submitted a formal request for TPS designation to the Secretary of State on January 17, 2001. 8 U.S.C. 1254a(b)(1)(B)(iii). Accordingly, the Attorney General has determined that conditions in El Salvador warrant the designation of El Salvador under the TPS program. This order will designate El Salvador under the TPS program for an initial period of 18 months.

Who Is Eligible for El Salvador TPS?

Nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been ''continuously physically present'' in the United States since March 9, 2001, and have ''continuously resided'' in the United States since February 13, 2001, may apply for TPS within the registration period that begins on March 9, 2001 and ends on September 9, 2002. 8 U.S.C. 1254a(c)(1)(A)(i) and (ii).

Any national of El Salvador who has already applied for, or plans to apply for, any other immigration benefit or protection, may also apply for TPS. An application for TPS does not preclude or adversely affect an application for any other immigration benefit. Similarly, denial of an application for another immigration benefit does not affect an alien's ability to register for TPS, although the underlying basis for denying one form of relief may also affect one's eligibility for TPS. For example, an alien who has been convicted of an aggravated felony would be ineligible for both asylum and TPS.

An alien who is granted TPS during an initial period of designation may register for any extension of the TPS program that may be made. Nationals of El Salvador who do not file a TPS application during the initial registration period may be eligible to register during any subsequent extension of such designation if, at the time of the initial registration period, the applicant: (1) Is a nonimmigrant; (2) had been granted voluntary departure status or any relief from removal; (3) had made an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal that was pending or subject to further review or appeal; (4) was a parolee or had a pending request for parole; or (5) was a spouse or child of an alien eligible to be a TPS registrant. An applicant for late initial registration must register within 60 days of the expiration or termination of one of the conditions described in items (1) through (5) of this paragraph. 8 CFR 244.2(f)(2), and (g).

How Do I Register for TPS?

During the registration period that begins on March 9, 2001 and ends September 9, 2002, applicants for TPS may register by submitting:

- An Application for Temporary Protected Status, Form I–821;
- Supporting evidence, as provided in 8 CFR 244.9 (describing evidence necessary to establish eligibility for TPS benefits);
- An Application for Employment Authorization, Form I–765;
- Two identification photographs (1½″ x 1½″); and
- For every applicant who is 14 years of age or older, a twenty-five dollar ($25) fingerprint fee. 8 CFR 103.7(b). While a complete application must include the fingerprint fee for every applicant who is 14 years of age or older, applicants should not submit a completed fingerprint card (FD–258, Applicant Card) with the application package. Upon receipt of the

application, the Service will mail an appointment letter with instructions to appear for fingerprinting at a Service-authorized Application Support Center (ASC).

A $50 fee must accompany the TPS application Form I–821. If the applicant requests employment authorization, he or she must submit a $100 fee with Form I–765. An applicant who does not seek employment authorization does not need to submit the $100 fee, but still must submit the Form I–765. A $25 fingerprint fee must also be submitted for every applicant who is 14 years of age or older. The applicant may request a fee waiver(s) in accordance with the regulations at 8 CFR 244.20.

If	Then
You are a national of El Salvador (or an alien having no nationality who last habitually resided in El Salvador) registering for TPS and employment authorization.	You must complete and file: Form I–821, Application for Temporary Protected Status, with fee ($50), Form I–765, Application for Employment Authorization, with fee ($100), and Fingerprint fee ($25).
You already have employment authorization or do not want employment authorization.	You must complete and file: Form I–821, with fee ($50), Form I–765, with no fee, and Fingerprint fee ($25).
You are registering for TPS and employment authorization and are requesting a fee waiver for the Form I–821 fee ($50) and Form I–765 fee ($100).	You must complete and file: Appropriately documented fee waiver request and requisite affidavit (and any other information) in accordance with 8 CFR 244.20, Form I–821, with no fee, Form I–765, with no fee, and Fingerprint fee ($25).

Where Should I Register for TPS?

Submit the completed forms and applicable fees to the Immigration and Naturalization Service (INS) Service Center that has jurisdiction over your place of residence. 8 CFR 244.7(a).

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia, or in the U.S. Virgin Islands, mail your application to: Vermont Service Center, ATTN: TPS, 75 Lower Welden Street, St. Albans, VT 05479.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your application to: California Service Center, ATTN: TPS, P.O. Box 10821, Laguna Niguel, CA 92607–0821.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to: Texas Service Center, P.O. Box 850997, Mesquite, TX 75185–0997.

If you live elsewhere in the United States, please mail your application to: Nebraska Service Center, P.O. Box 87821, Lincoln, NE 68501–7821.

Where Can I Find Information About the TPS Program?

Information concerning the TPS program for nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) will be available at the Service Internet Website, located at *www.ins.usdoj.gov*, the INS National Customer Service Center, at 1–800–375–5283, and at local Immigration and Naturalization Service offices upon publication of this notice.

Notice of Designation of El Salvador Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a), and after consultation with the appropriate agencies of the Government, I find that:

(1) El Salvador has endured three severe earthquakes resulting in a substantial, but temporary, disruption of living conditions in El Salvador;

(2) El Salvador is unable, temporarily, to handle adequately the return of its nationals;

(3) The Government of El Salvador officially has requested designation of El Salvador for TPS; and

(4) Permitting nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) to remain temporarily in the United States is not contrary to the national interest of the United States.

Accordingly, it is ordered as follows:

(1) El Salvador is designated for TPS under section 244(b)(1)(B) of the Act. Nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) who have been ''continuously physically present'' since March 9, 2001 and have ''continuously resided in the United States'' since February 13, 2001, may apply for TPS within the registration period that begins on March 9, 2001 and ends on September 9, 2002.

(2) I estimate that there are no more than 150,000 nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) in the United States who are eligible for TPS.

(3) Except as specifically provided in this notice, applications for TPS by nationals of El Salvador (and aliens having no nationality who last habitually resided in El Salvador) must be filed pursuant to the provisions of 8 CFR part 244. Aliens who wish to apply for TPS must file an Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, during the registration period that begins on March 9, 2001 and will remain in effect until September 9, 2002.

(4) A fee prescribed in 8 CFR 103.7(b)(1) of $50 dollars will be charged for each Application for Temporary Protected Status, Form I–821, filed during the registration period.

(5) A fee prescribed in 8 CFR 103.7(b)(1) of $100 dollars will be charged for each Application for Employment Authorization, Form I–765, filed by an alien requesting employment authorization. An alien who already has employment authorization or who does not wish to request employment authorization still must file Form I–765 for data gathering purposes without the $100 filing fee, together with Form I–821.

(6) A fee prescribed 8 CFR 103.7(b)(1) of $25 for fingerprinting must be submitted with the Form I–821.

(7) Applicants may request (a) fee waiver(s) in accordance with 8 CFR 244.20.

(8) Pursuant to section 244(b)(3)(A) of the Act, and after consultation with appropriate agencies of the Government, the Attorney General will review, at least 60 days before the expiration of the initial period of designation on September 9, 2002, the conditions in El Salvador to determine whether the conditions for designation of El Salvador under the TPS program continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. If there is an

extension of designation, late initial registration for TPS shall be allowed only pursuant to the requirements of 8 CFR 244.2(f)(2).

Dated: March 1, 2001.

John Ashcroft,

Attorney General.

[FR Doc. 01–5818 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request on Revision of a Currently Approved Collection

ACTION: Notice of Information Collection; Revision of a Currently Approved Collection; Firearms Addendum to the Arrestee Drug Abuse Monitoring (ADAM) Program Instrument.

The Department of Justice, Office of Justice Programs, National Institute of Justice, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until May 8, 2001.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Dr. Henry Brownstein, Director, Arrestee Drug Abuse Monitoring (ADAM) Program, at 202–305–8705 or write to him at the National Institute of Justice, 810 7th Street NW, Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

(2) 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;

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

(4) Minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Firearms Addendum to the Arrestee Drug Abuse Monitoring (ADAM) Program Instrument.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number is AD–1. The sponsoring component of the Department of Justice is the Office of Research and Evaluation, National Institute of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Misdemeanor and felony arrestees in city and county jails. The ADAM program monitors the extent and types of drug use among arrestees. Currently the program operates in 38 counties. Data are collected in each county every three months from a new, county-based representative sample of arrestees. Participation is voluntary and confidential and data collected include a personal interview and urine specimen.

In the next 6 months, OJP proposes to introduce a supplemental instrument to the currently approved ADAM instrument (OMB No. 1121–0137). This supplemental instrument is termed the Firearms Addendum and is intended to collect information from ADAM, program arrestees about their participation in legal and illegal firearms markets. The respondents to the firearms questionnaire will be arrestees selected for the ADAM study, who are asked to participate in a supplemental interview immediately following the ADAM interview.

The firearms instrument initially will be implemented in 2 ADAM sites for testing, and subsequently finalized and made available to all ADAM sites for their use.

(5) *An estimate of the total number of respondents and amount of time estimated for an average respondent to respond/reply:* The total number of respondents is estimated to be a maximum of 70,000 (revised from current inventory of 100,000 respondents). Each response for the core instrument averages 30 minutes. The Firearms Addendum questionnaire will be administered to a maximum of 52,550 respondents at full implementation, taking 10 minutes a response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 43,750 hours (for core questionnaire and Firearms Addendum together).

If additional information is required, contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Ave NW, Washington, DC 20530.

Dated: March 2, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01–5822 Filed 3–8–01; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the

minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersede as decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. AR010047. See AR010042.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

Volume V

Arkansas
AR010042 (Mar. 2, 2001)

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled ''General Wage determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
CT010001 (Mar. 02, 2001)
CT010003 (Mar. 02, 2001)
CT010004 (Mar. 02, 2001)
CT010005 (Mar. 02, 2001)
New Hampshire
NH010007 (Mar. 02, 2001)
New Jersey
NJ010002 (Mar. 02, 2001)
NJ010003 (Mar. 02, 2001)
NJ010004 (Mar. 02, 2001)
NJ010005 (Mar. 02, 2001)
NJ010007 (Mar. 02, 2001)
New York
NY010003 (Mar. 02, 2001)
NY010007 (Mar. 02, 2001)
NY010013 (Mar. 02, 2001)
NY010018 (Mar. 02, 2001)
NY010026 (Mar. 02, 2001)
NY010060 (Mar. 02, 2001)

Volume II

Maryland
MD010017 (Mar. 02, 2001)
MD010050 (Mar. 02, 2001)
Pennsylvania
PA010004 (Mar. 02, 2001)
PA010042 (Mar. 02, 2001)
Virginia
VA010003 (Mar. 02, 2001)
VA010006 (Mar. 02, 2001)
VA010018 (Mar. 02, 2001)
VA010035 (Mar. 02, 2001)
VA010039 (Mar. 02, 2001)
VA010055 (Mar. 02, 2001)
VA010069 (Mar. 02, 2001)
VA010084 (Mar. 02, 2001)
VA010085 (Mar. 02, 2001)

Volume III

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AL10008 (Mar. 02, 2001)
AL10017 (Mar. 02, 2001)
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Florida
FL010001 (Mar. 02, 2001)
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FL010017 (Mar. 02, 2001)
Kentucky
KY010003 (Mar. 02, 2001)
KY010004 (Mar. 02, 2001)
KY010026 (Mar. 02, 2001)
KY010028 (Mar. 02, 2001)
KY010029 (Mar. 02, 2001)
Mississippi
MS010003 (Mar. 02, 2001)
MS010021 (Mar. 02, 2001)
MS010022 (Mar. 02, 2001)

Volume IV

Illinois
IL010001 (Mar. 02, 2001)
IL010004 (Mar. 02, 2001)
IL010007 (Mar. 02, 2001)
IL010010 (Mar. 02, 2001)
IL010011 (Mar. 02, 2001)
IL010018 (Mar. 02, 2001)
IL010019 (Mar. 02, 2001)
IL010023 (Mar. 02, 2001)
IL010026 (Mar. 02, 2001)
IL010053 (Mar. 02, 2001)
IL010055 (Mar. 02, 2001)
IL010065 (Mar. 02, 2001)
Indiana
IN010001 (Mar. 02, 2001)
IN010002 (Mar. 02, 2001)
IN010005 (Mar. 02, 2001)
IN010006 (Mar. 02, 2001)
IN010023 (Mar. 02, 2001)
IN010032 (Mar. 02, 2001)
Michigan
MI010001 (Mar. 02, 2001)
MI010002 (Mar. 02, 2001)
MI010003 (Mar. 02, 2001)
MI010005 (Mar. 02, 2001)
MI010007 (Mar. 02, 2001)
MI010019 (Mar. 02, 2001)
Ohio
OH010001 (Mar. 02, 2001)
OH010002 (Mar. 02, 2001)
OH010006 (Mar. 02, 2001)
OH010008 (Mar. 02, 2001)
OH010009 (Mar. 02, 2001)
OH010012 (Mar. 02, 2001)
OH010018 (Mar. 02, 2001)
OH010020 (Mar. 02, 2001)
OH010023 (Mar. 02, 2001)
OH010028 (Mar. 02, 2001)
OH010029 (Mar. 02, 2001)

Volume V

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KS010002 (Mar. 02, 2001)
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KS010069 (Mar. 02, 2001)
KS010070 (Mar. 02, 2001)
Missouri
MO010001 (Mar. 02, 2001)
MO010003 (Mar. 02, 2001)
MO010005 (Mar. 02, 2001)
MO010010 (Mar. 02, 2001)
MO010048 (Mar. 02, 2001)
MO010064 (Mar. 02, 2001)

Nebraska
NE010001 (Mar. 02, 2001)
NE010003 (Mar. 02, 2001)
NE010011 (Mar. 02, 2001)
NE010019 (Mar. 02, 2001)
NE010021 (Mar. 02, 2001)
New Mexico
NM010001 (Mar. 02, 2001)
NM010005 (Mar. 02, 2001)
Texas
TX010007 (Mar. 02, 2001)
TX010009 (Mar. 02, 2001)
TX010018 (Mar. 02, 2001)
TX010019 (Mar. 02, 2001)
TX010046 (Mar. 02, 2001)
TX010064 (Mar. 02, 2001)
TX010100 (Mar. 02, 2001)
TX010114 (Mar. 02, 2001)

Volume VI

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AK010001 (Mar. 02, 2001)
Colorado
CO010001 (Mar. 02, 2001)
CO010002 (Mar. 02, 2001)
CO010003 (Mar. 02, 2001)
CO010004 (Mar. 02, 2001)
CO010005 (Mar. 02, 2001)
CO010006 (Mar. 02, 2001)
CO010008 (Mar. 02, 2001)
CO010009 (Mar. 02, 2001)
CO010010 (Mar. 02, 2001)
CO010011 (Mar. 02, 2001)
Idaho
ID010001 (Mar. 02, 2001)
Oregon
OR010001 (Mar. 02, 2001)
OR010017 (Mar. 02, 2001)
Washington
WA010001 (Mar. 02, 2001)
WA010002 (Mar. 02, 2001)
WA010003 (Mar. 02, 2001)
WA010005 (Mar. 02, 2001)
WA010008 (Mar. 02, 2001)
WA010010 (Mar. 02, 2001)
Wyoming
WY010004 (Mar. 02, 2001)
WY010008 (Mar. 02, 2001)
WY010023 (Mar. 02, 2001)

Volume VII

California
CA010002 (Mar. 02, 2001)
CA010028 (Mar. 02, 2001)
CA010030 (Mar. 02, 2001)
CA010031 (Mar. 02, 2001)
CA010032 (Mar. 02, 2001)
CA010033 (Mar. 02, 2001)
CA010034 (Mar. 02, 2001)
CA010035 (Mar. 02, 2001)
CA010036 (Mar. 02, 2001)
CA010037 (Mar. 02, 2001)
CA010038 (Mar. 02, 2001)
CA010039 (Mar. 02, 2001)
CA010040 (Mar. 02, 2001)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, D.C. this 2nd day of March 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–5588 Filed 3–8–01; 8:45 am]

BILLING CODE 4510–27–M

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The U.S. Merit Systems Protection Board (MSPB) is requesting the reinstatement of an approval by the Office of Management and Budget (OMB) to collect information over a three year period via periodic voluntary customer surveys. The original approval for this information collection was provided by OMB on February 28, 1994, as a three year generic clearance request for voluntary customer surveys under Executive Order 12862, ''Setting Customer Service Standards,'' and in accord with section 3506 of the Paperwork Reduction Act of 1995. Surveys under this approval are assigned OMB Control Number 3124–0012. That approval expired on February 28, 1997. A limited term approval from OMB reinstated that authority through April 30, 2001.

As part of the process for requesting reinstatement of the OMB approval, MSPB is soliciting comments regarding the public reporting burden of the proposed customer surveys. The reporting burden for the collection of information on this form is estimated to vary from 10 minutes to 30 minutes per response, with an average of 15 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	2,000	1	1,500	.25	375

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of 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.

DATES: Comments must be received on or before May 8, 2001.

ADDRESSES: Comments concerning the paperwork burden should be address to Mr. John Crum, Merit Systems Protection Board, 1615 M Street, NW, Washington, DC 20419 or by calling (202) 653–8900.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 01–5803 Filed 3–8–01; 8:45 am]

BILLING CODE 7400–01–M

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS:

Mississippi River Commission.

Time and Date: 8:30 a.m., April 2, 2001.

Place: On board MISSISSIPPI V at City Front, Caruthersville, MO.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 9 a.m., April 3, 2001.

Place: On board MISSISSIPPI V at Helena Harbor, Helena, AR.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Memphis District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time: 9 a.m., April 4, 2001.

Place: On board MISSISSIPPI V at City Front, Vicksburg, MS.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within Vicksburg District area; and (3) Presentations by public participants on Corps of Engineers issues.

Time and Date: 8:30 a.m., April 6, 2001.

Place: On board MISSISSIPPI V at Julia Street Wharf, New Orleans, LA.

Status: Open to the public.

Matters to be Considered: (1) State of the Valley Report by President of the Commission on general conditions of the Mississippi River and Tributaries project and regional and national issues affecting the Corps of Engineers programs and projects; (2) District Commander's report on the Mississippi River and Tributaries project within New Orleans District area; and (3) presentations by public participants on Corps of Engineers issues.

CONTACT PERSON FOR MORE INFORMATION: Mr. Stephen Gambrell; telephone 601–634–5766.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–6055 Filed 3–7–01; 11:38 am]

BILLING CODE 3710–GX–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–036]

Proposed Information Collection; Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)). This information is required to monitor contract compliance in support of NASA's mission and in response to procurement requirements.

DATES: All comments should be submitted on or before May 8, 2001.

ADDRESSES: All comments should be addressed to Mr. Paul Brundage, Code HK, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Kaplan, NASA Reports Officer, (202) 358–1372.

Title: Patents, Data, and Copyrights, FAR Supplement, Part 1827.

OMB Number: 2700–0052.

Type of Review: Extension.

Need and Uses: The information is used by NASA legal and contracting offices to ensure disposition of inventions in accordance with statutes and to determine the Government's rights in data. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement, Part 1827, Patents, Data and Copyrights (48 CFR Part 1827.)

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 1,988.

Responses Per Respondent: 1.2.

Annual Responses: 2,386.

Hours Per Request: 30 minutes to 8 hours.

Annual Burden Hours: 7,276.

Frequency of Report: Annually; Biennially; Other (Per Contract).

Andrea T. Norris,

Deputy Chief Information Officer, Office of the Administrator.

[FR Doc. 01–5776 Filed 3–8–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting/ Conference Call, Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming meeting/ conference call for NCD's advisory committee—International Watch. Notice of this meeting is required under section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

International Watch: The purpose of NCD's International Watch is to share information on international disability issues and to advise NCD's Foreign Policy Team on developing policy proposals that will advocate for a foreign policy that is consistent with values and goals of the Americans with Disabilities Act.

Date and Time: April 12, 2001, 12 p.m.–1 p.m. EDT.

For International Watch Information, Contact: Kathleen A. Blank, Attorney/ Program Specialist, NCD, 1331 F Street NW, Suite 1050, Washington, D.C. 20004; 202–727–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax), kblank@ncd.gov (e-mail).

Agency Mission: NCD is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on international disability issues.

We currently have balanced membership representing a variety of disabling conditions from across the United States.

Open Meeting/Conference Call: This NCD advisory committee meeting/ conference call will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Individuals can also participate in the conference call at the NCD office, which is located at 1331 F Street, NW., Suite 1050, Washington, DC. those interested in joining this conference call should contact the appropriate staff member listed above.

Records will be kept of all International Watch meetings/ conference calls and will be available after the meeting for public inspection at NCD.

Signed in Washington, DC, on March 5, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01–5779 Filed 3–8–01; 8:45 am]

BILLING CODE 6820–MA–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Change in Subject of Meeting

The National Credit Union Administration Board determined that its business requires the addition of the following item to the previously announced open meeting (**Federal Register**, Vol. 66, No. 44, Page 13594, Tuesday, March 6, 2001) scheduled for Thursday, March 8, 2001.

4. Delegation of Authority Regarding Community Charter Applications.

The Board voted two-to-one, Board Member Wheat voting no, that agency business requires that this item be considered with less than the usual seven days notice, that it be open to the public, and that no earlier announcement of this change was possible.

The previously announced items were:

1. Request from a Federal Credit Union to Convert to a Community Charter.

2. Part 702—Prompt Corrective Action Risk Mitigation Credit Guidelines.

3. Notice of Proposed Rulemaking: Part 742 and Amendment to Part 722, NCUA's Rules and Regulations, Regulatory Flexibility Program.

4. Amendments to the Field of Membership and Chartering Manual Regarding Requirements for Community Charters.

5. National Credit Union Share Insurance Fund (NCUSIF) Dividend and Insurance Premium.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–6081 Filed 3–7–01; 2:16 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (1189).

Date/Time: March 28, 2001 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA Room 340.

Type of Meeting: Closed.

Contact Person: A. Frederick Thompson and Nicholas L. Clesceri, Program Directors, Division of Bioengineering and Environmental Systems, National Science Foundation; 4201 Wilson Boulevard; Arlington, VA 22230; Telephone: (703) 292–8320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5881 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting;

Name: Advisory Panel for Biological Infrastructure (#1215).

Date/Time: Wednesday, Thursday and Friday, March 28, 29 and 30th 2001, 8 a.m.–6 p.m. and Wednesday, Thursday and Friday, April 4, 5, and 6 2001, 8 a.m.–6 p.m.

Place: 4121 Wilson Blvd., Stafford II Room 525, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Judith Skog and Lawrence Fritz, Program Director Biological Instrumentation and Major Research Instrumentation, National Science Foundation, Rm. 615, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposal for acquisition of Biological Instrumentation and Major Research Instrumentation (MRI) Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5874 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: Monday, April 16, 2001, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Ken P. Chong, Program Director, Mechanics and Structures of Materials, Division of Civil and Mechanical Systems, Room 545, (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'01 Surface Engineering and Material Design Review Panel as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5876 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Computer-Communications Research (1192).

Date/Time: March 26–27, 2001, 8:30 a.m.–6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Rodger Ziemer, Program Director, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292–8912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5885 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel for Geosciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for Geosciences (1756).

Date and Time: May 3–4, 2001, 8:30 AM–5:00 PM, Room 730.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Donald Heinrichs, Acting Section Head, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8580.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the proposals submitted to the Margins Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in The Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5880 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Advisory Panel for Physiology and Ethology (1160).

Date and Time: April 23, 24 and 25, 2001, 8:30 a.m.–6 p.m.

Place: NSF, Room 390, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person; Dr. William E. Zamer, Program Director, Integrative Animal Biology, Division of Integrative Biology and Neuroscience, Room 685N, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Season: April 25, 2001, 11 a.m. to 12 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Animal Biology.

Closed Session: April 23, 2001, 8:30 a.m. to 6 p.m.; April 24, 2001, 8:30 a.m. to 6 p.m.; and April 25, 2001, 8:30 a.m. to 11 a.m. and from 12 a.m. to 6 p.m. To review and evaluate Integrative Animal Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Meeting Officer.

[FR Doc. 01–5877 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Ecological and Evolutionary Physiology (1160).

Date/Time: April 4–6, 2001, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 380, Arlington, VA.

Type of Meeting: Part-open.

Contact Person: Dr. Kimberly Williams and Dr. Jack Hayes, Program Directors, Ecological and Evolutionary Physiology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: April 6, 2001; 10 a.m. to 11 a.m.—discussion on research trends, opportunities and assessment procedures in Integrative Biology and Neuroscience with Dr. Mary Clutter, Assistant Director, Directorate for Biological Sciences.

Closed Session: April 4, 2001, 8:30 a.m. to 5 p.m.; April 5, 2001, 8:30 a.m. to 5 p.m.; April 6, 2001, 8:30 a.m. to 10 a.m. and 11 a.m. to 5 p.m. To review and evaluate the Ecological & Evolutionary Physiology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as

salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Meeting Officer.

[FR Doc. 01–5878 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meetings:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: April 3–5, 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Joseph Hennessey, National Science Foundation, 4201 Wilson Boulevard, VA 22230. Telephone (703) 292–7069.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5873 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: March 12–15, 19–23, 27 and 29 2001; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 130, Arlington, VA.

Type of Meeting: Closed.

Contract Person: Joseph Hennessey, National Science Foundation, 4201 Wilson Boulevard, VA 22230, Telephone (703) 292–7069.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 52b(c), (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Conflicting schedules of members and the necessity to proceed with review of proposals.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5884 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Science; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Political Science (#1761).

Date/Time: April 26–27, 2001; 9 a.m. to 5 p.m.

Place: Department of Political Science, National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970; Arlington, VA.

Contact Person: Dr. Frank Scioli and Dr. James Granato, Program Directors for Political Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the political science proposals as part of the selection process for awards.

Date/Time: May 3–4, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 365, Arlington, VA.

Contact Person: Dr. Paul Wahlbeck, Program Director, Law and Social Science, National Science Foundation. Telephone (703) 292–8762.

Agenda: To review and evaluate the Law and Social Science Proposals as a part of the selection process for awards.

Date/Time: April 26–27, 2001; 9 a.m. to 5 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 920, Arlington, VA.

Contact Person: Dr. Patricia White and Dr. Fred Pampel, Department of Sociology, National Science Foundation, Telephone (703) 292–8762.

Agenda: To review and evaluate the Sociology proposals as a part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5875 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Social, Behavioral, and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (1766).

Date/Time: March 30, 2001; 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation Room 375, Wilson Blvd., Arlington, VA .

Type of Meeting: Open.

Contact Person: M. Marge Machen, Project Officer, Division of Science Resources Studies, Research and Development Statistics Program, 4201 Wilson Blvd., Suite 965, Arlington, VA 22230, Telephone: (703) 292–7786, Fax: (703) 292–9091. Minutes may be obtained from the contact person at the above address.

Purpose of Meeting: To review and comment on issues affecting the annual Survey of Research and Development Expenditures at Universities and Colleges.

Agenda:

- The extent of academic research and development performed through organizations that overlap the government, industry or nonprofit sectors of the science and engineering enterprise in the U.S. institutions.
- The viability of capturing these activities through the present format on the Academic R&D Expenditures Survey.
- Unreimbursed indirect costs and related sponsored research.

• It is anticipated that items 2A (current fund R&D expenditures by non-science & engineering fields) and 2B (current fund R&D expenditures from individual Federal agencies) will no longer be optional and will become part of the FY 2001 survey.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5879 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education (1214).

Date/Time: April 10, 2001; 8:00 AM to 5:00 PM.

Place: Rooms 360 and 365 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Joan Prival, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703–292–4635.

Purpose of Meeting: To provide advice and recommendations concerning the continuation of proposals submitted to NSF for financial support.

Agenda: To review and evaluate the progress of CETP projects under consideration for continued funding.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5882 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education (1214).

Date/Time: June 12–13, 2001; 8:00 AM to 5:00 PM.

Place: Rooms 320, 330, 340, 365, 370, 380, and 390 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Herbert Levitan, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 Telephone: (703) 292–8670.

Purpose of Meeting: To provide advice and recommendations concerning the continuation of proposals submitted to NSF for financial support.

Agenda: To review and evaluate Distinguished Teaching Scholars proposals as part of the selection process for awards.

Reason for Closing: The project being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individual associated with the proposals. These matters are exempt under 5 U.S.C. 552(b)(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 6, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–5883 Filed 3–8–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Entergy Nuclear Operations, Inc; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 205 to Facility Operating License No. DPR–64 issued to Entergy Nuclear Operations, Inc. (the licensee), which revised the Technical Specifications (TSs) for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment modified the TSs by replacing them with Improved Standard Technical Specifications. The amendment also changed requirements regarding setpoints or allowable values associated with power range flux, pressurizer pressure, overtemperature delta T, overpower delta T, low reactor coolant loop flow, high pressurizer water level, steam generator water level, containment pressure, auto stop oil pressure, high steam line differential pressure and high steam flow; it extended the allowable time to restore an inoperable power operated relief valve to service; it extended the frequency for the pressure isolation valve leakage testing surveillance from 18 to 24 months; it changed current TS requirements by focusing on ensuring containment integrity at individual component level rather than at a zone level; and it added main steam check valve operability conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on January 3, 2001 (66 FR 388). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (66 FR 11609).

For further details with respect to the action see (1) the application for amendment dated December 11, 1998, as supplemented December 15, 1998, May 17, 1999, August 16, 2000, September 8, 2000, September 14, 2000, September 27, 2000, November 30, 2000, January 8, 2001, and January 11, 2001, (2) Amendment No. 205 to License No. DPR–64, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 27th day of February 2001.

For the Nuclear Regulatory Commission.

George F. Wunder,

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

[FR Doc. 01–5811 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NUREG–1600]

Proposed Revision of the NRC Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy Statement: notification of proposed revision.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering a revision to its General Statement of Policy and Procedure for NRC Enforcement Actions (NUREG–1600) (Enforcement Policy or Policy). This proposed revision primarily clarifies the guidance in Section VIII, ''Enforcement Actions Involving Individuals.'' The intent of the revision is to more clearly identify the thresholds and outcomes for taking enforcement actions that involve individuals. The proposed revision is available for review on the Office of Enforcement's ''Public Participation'' page of its website (*www.nrc.gov/OE/*).

DATES: The proposed policy revision will be available for review until April 22, 2001.

FOR FURTHER INFORMATION CONTACT: Nick Hilton, Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, (301) 415–2741, email *ndh@nrc.gov.*

Dated at Rockville, Maryland, this 5th day of March, 2001.

For the Nuclear Regulatory Commission.

Richard W. Borchardt,

Director, Office of Enforcement.

[FR Doc. 01–5809 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Subject Matter Expert Review and Workshop on NRC Program on Human Performance

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC Staff, representatives of the nuclear industry, other government agencies, other industries and academia will meet to peer review SECY–00–0053, ''NRC Program on Human Performance (PHP),'' and participate in a workshop to further develop the PHP for the next 5–7 years. Risk, operational experience, emerging technologies, and deregulation of the nuclear industry will play a significant role in determining activities needed for the next revision of the PHP. The meeting is open to the public and all interested parties may attend.

DATES: April 3–6, 2001.

TIMES: 8 a.m. to 6 p.m. (April 3–5), 8 a.m. to 12:30 p.m. (April 6).

ADDRESSES: Belleview Biltmore Hotel, 25 Belleview Boulevard, Clearwater, Florida 33756, 1–800–237–8947.

FOR FURTHER INFORMATION CONTACT: Joel J. Kramer, Mail Stop T–10 F13A, Telephone: (301) 415–5891; Internet: *jjk1@nrc.gov*, or Julius Persensky, Mail Stop T–10 F13A, Telephone: (301) 415–6759; *Internet:jjp2@nrc.gov*, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For material related to the meeting, please contact U.S. NRC Public Affairs Office (301) 415–8200.

SUPPLEMENTARY INFORMATION: In order to further develop the PHP for the next 5–7 years and help focus the Workshop, the NRC is requesting views from the public and all interested parties on the following questions:

(1) How important is human performance to nuclear safety?

(2) What is the risk impact of human performance?

(3) What role should operating experience in the nuclear industry and other industries have in assessing human performance?

(4) What is the impact of deregulation on human performance?

(5) What activities and research should be performed by the NRC; what activities might better be done by industry?

Dated at Rockville, Maryland this 2nd day of March, 2001.

For the Nuclear Regulatory Commission.

Farouk Eltawila,

Acting Director, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.

[FR Doc. 01–5810 Filed 3–8–01; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Placement Service; OMB 3220–0057 Section 12(i) of the Railroad Unemployment Insurance Act (RUIA), authorizes the Railroad Retirement Board (RRB) to establish maintain, and operate free employment offices to provide claimants for unemployment benefits with job placement opportunities. Section 704(d) of the Regional Railroad Reorganization Act of 1973, as amended, and as extended by the consolidated Omnibus Budget Reconciliation Act of 1985, required the RRB to maintain and distribute a list of railroad job vacancies, by class and craft, based on information furnished by rail carriers to the RRB. Although this requirement under the law expired effective August 13, 1987, the RRB has continued to obtain this information in keeping with its employment service responsibilities under section 12(k) of the RUIA. Application procedures for the job placement program are prescribed in 20 CFR part 325. The procedures pertaining to the RRB's obtaining and distributing job vacancy reports furnished by rail carriers are described in 20 CFR 346.1.

The RRB utilizes six forms to obtain information needed to carry out its job placement responsibilities. Form ES–2, Supplemental Information for Central Register, is used by the RRB to obtain information needed to update a computerized central register of separated and furloughed railroad employees available for employment in the railroad industry. Form ES–20a, Notice of Employment Referral and Form ES–20b, Notice of Employment Referral (Employer), are used by the RRB to refer unemployed railroad employees to local employers (railroad and nonrailroad). Form ES–21, Referral to State Employment Service, and ES–21c, Report of State Employment Service Office, are used by the RRB to provide placement assistance for unemployed railroad employees through arrangements with State Employment Service offices. Form UI–35, Field Office Record of Claimant Interview, is used primarily by RRB field Office staff to conduct in-person

interviews of claimants for unemployment benefits. Completion of these forms is required to obtain or maintain a benefit. The RRB proposes minor, nonburden impacting, editorial and formatting changes to all of the forms in the collection.

In addition, the RRB also collects Railroad Job Vacancies information received voluntarily from railroad employers. Minor nonburden impacting changes are being proposed to the Railroad Job Vacancies Report portion of the information collection.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

[The estimated annual respondent burden for this collection is as follows:]

Forms #(s)	Annual responses	Completion time (min)	Burden (hrs)
ES–2	7,500	0.25	31
ES–20a	2,000	0.75	25
ES–20b	2,000	0.50	17
ES–21	3,500	0.68	40
ES–21c	1,250	1.50	31
UI–35 (in-person)	9,000	7.00	1,050
UI–35 (by mail)	1,000	10.50	175
Railroad Job Vacancies Report	750	10.00	125
Total	27,000	.....	1,494

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–5789 Filed 3–8–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27352]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 2, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 27, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 27, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Dominion Resources, Inc. (70–9555)

Dominion Resources, Inc., (''DRI''), a public utility holding company registered under the Act, 120 Tredegar Street, Richmond VA 23219, has filed, on behalf of itself and its subsidiaries, and application-declaration (''Application'') under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(f), 32 and 33 of the Act and rules 42, 45, 46, 53 and 54.

The Application seeks to update and supersede the authorization and approval for ongoing financial activities granted to DRI and its subsidiaries in a previous Commission order [1] (''Initial Financing Order'') for the period through December 31, 2005 (''Authorization Date'').

DRI's principal utility subsidiaries are: (1) Virginia Electric and Power Company (''Virginia Power''), a regulated public utility engaged in the generation, transmission and distribution of electric energy in Virginia and northeastern North Carolina, (2) The Peoples Natural Gas Company (''Peoples''), a regulated public utility engaged in the distribution of natural gas in Pennsylvania, (3) The East Ohio Gas Company (''East Ohio''), a regulated public utility engaged in the distribution of natural gas in Ohio, and (4) Hope Gas, Inc. (''Hope''), a regulated public utility engaged in the distribution of natural gas in West Virginia. Virginia Power is a direct subsidiary of DRI. Peoples, East Ohio and Hope are each direct subsidiaries of Consolidated Natural Gas Company (''CNG''), a direct subsidiary of DRI that is also a registered holding company under the Act.

DRI's nonutility activities are conducted through: (1) Dominion Energy, Inc., which, through its direct and indirect subsidiaries, is active in the competitive electric power generation business and in the development, exploration and operation of natural gas and oil reserves; (2) direct and indirect subsidiaries of Virginia Power that are engaged in acquiring raw materials for the fabrication of nuclear fuel for use at power stations which are owned and operated by Virginia Power, providing telecommunications services utilizing fiber optic lines which are owned by Virginia Power, fuel procurement for Virginia Power, energy marketing and nuclear consulting services; and (3) direct and indirect subsidiaries of CNG which are engaged in all phases of the natural gas business other than retail distribution including transmission, storage and exploration and production. As of the date of this Application, DRI has another significant non-utility subsidiary, Dominion Capital, Inc.

[1] HCAR No. 27112 (Dec. 15, 1999).

(''DCI'' and, together with its subsidiaries, the ''DCI Companies''), a diversified financial services company with several subsidiaries engaged in commercial lending, merchant banking and residential lending. By order dated December 15, 1999 (HCAR No. 27113), the Commission approved the merger of DRI and CNG (''Merger''). That order required DRI to dispose of its interest in the DCI Companies (other than certain interests in specified independent power projects) no later than January 28, 2003. DRI and all of its subsidiaries are referred to as the ''DRI System.''

In summary, DRI requests authority through December 31, 2005, for DRI to: (1) Increase its total capitalization (excluding retained earnings and accumulated other comprehensive income) by $6 billion by way of the issuance of equity, preferred and unsecured debt securities, other than guarantees, and, with respect to the issuance of preferred securities, as authorized by the Initial Financing Order, to restate and clarify DRI's authority to form special purpose financing subsidiaries and to guarantee the obligations of such special purpose financing subsidiaries as described below; (2) increase the aggregate amount of the guarantee authorization for DRI to $9.6 billion for all subsidiaries of DRI; (3) make investments in exempt wholesale generators as defined in section 32 of the Act (''EWGs'') and foreign utility companies as defined in section 33 of the Act (''FUCOs'') in an aggregate amount not to exceed the sum of 100% of DRI's consolidated retained earnings plus $8 billion (''EWG/FUCO Investment Limit'');[2] and (4) extend through the Authorization Date the period of time during which DRI may amend, renew, extend, replace and otherwise modify any securities, credit facilities, financing arrangements, indebtedness and similar obligations (including obligations incurred to finance the Merger) and any guarantees, financing arrangements and other credit support in respect of subsidiaries of DRI (collectively, the ''Existing Obligations''), existing as of the date of the Commission's order approving the Application. The Application also seeks Commission authorization for: (1) An extension through the Authorization Date of the financing authority granted the subsidiaries of DRI in the Initial Financing Order, subject to all of the other representations, covenants and restrictions set forth in the Initial Financing Application, except to the extent expressly modified in the Application; (2) DRI and its subsidiaries to enter into the Tax Allocation Agreement described below, and (3) DRI to manage and exploit DRI System non-utility real estate as described below.

DRI proposes that the requested financings will be subject to the following limitations (collectively, ''Financing Conditions''), unless otherwise indicated: (1) Except as expressly modified by the Application, all terms, conditions and restrictions set forth in the application made in respect of the Initial Financing Order will remain applicable; (2) DRI will not issue any additional debt securities to finance those investments if upon its original issuance DRI's senior debt obligations are not rated investment grade by at least two of the major ratings agencies, *viz.,* Standard & Poor's Corporation (''S&P''), Fitch Investor Service (''Fitch''), or Moody's Investor Service (''Moody's''); (3) common equity will constitute at least 30 percent of DRI's consolidated capitalization (based upon the financial statements included in DRI's most recent quarterly report on Form 10–Q or annual report on Form 10–K); (4) the interest rate on any series of debt security with a maturity of one year or less will not exceed the greater of (a) 300 basis points over the comparable term London Interbank Offered Rate, or (b) a rate that is consistent with similar securities of comparable credit quality and maturities issued by other companies; (5) the interest rate on any series of debt security with a maturity greater than one year will not exceed the greater of (a) 300 basis points over the comparable term U.S. Treasury securities or other market-accepted benchmark securities, or (b) a rate that is consistent with similar securities of comparable credit quality and maturities issued by other companies; (6) as set forth in the application made in respect of the Initial Financing Order, the final maturity of any long-term debt securities issued by DRI will not exceed 50 years; (7) the distribution rate on any series of preferred security will not exceed the greater of (a) 400 basis points over the comparable term U.S. Treasury securities or other market-accepted benchmark securities, or (b) a rate that is consistent with similar securities of comparable credit quality and structure issued by other companies; and (8) the underwriting fees, commissions or similar remuneration paid in connection with the issue, sale or distribution of any securities authorized hereunder (excluding interest rate risk management instruments, as to which separate provisions governing fees and expenses are proposed below) will not exceed 700 basis points of the principal of face amount of the securities issued or gross proceeds of the financing.

The proceeds from the financings will be used for general corporate purposes, including: (1) Payments, redemptions, acquisitions, and refinancings of outstanding securities issued by DRI; (2) acquisitions of and investments in EWGs and FUCOs, provided that DIR's aggregate investment in EWGs and FUCOs does not exceed the EWG/GUCO Investment Limit; (3) acquisitions of and investments in energy-related companies under rule 58; (4) loans to and investments in other system companies; and (5) other lawful corporate purposes. As described below and defined, in the event DRI utilizes Financing Conduits to issue securities covered by the Application, those entities would apply the proceeds of securities nominally issued by them to make loans dividends or other transfers to DRI or an entity designated by DRI, which would then be applied for any of the purposes set forth in the preceding sentence.

Subject to the Financing Conditions and the other conditions noted above, DRI proposes to issue debt securities consisting of short-term notes, commercial paper and long-term notes as well as equity securities consisting of common stock and preferred securities. DRI also seeks authorization to issue up to $9.6 billion at any one time outstanding of guarantees in support of DRI subsidiaries. In addition, DRI requests authority to acquire, directly or indirectly, the equity securities of one or more corporations, trusts, partnerships or other entities (''Financing Conduits'') created specifically for the purpose of facilitating the financing of the authorized and exempt activities (including exempt and authorized acquisitions) of such companies through the issuance of long-term debt or equity securities, including but not limited to hybrid securities, to third parties and the transfer of the proceeds of the financings by the Financing Conduits to DRI or another DRI subsidiary.

The parent of a Financing Conduit may, if required, guarantee or enter into support or expense agreements in respect of the obligations of its Financing Conduits. Any amounts issued by a Financing Conduit to third parties will be included in the proposed

[2] Excluded from that total, however, is the amount of DRI's Aggregate Investment in Restructured Assets. As used in the Application, ''Restructured Assets'' denotes generation assets owned by Virginia Power that become owned, directly or indirectly, by any subsidiary of DRI that is qualified as an EWG. ''Aggregate Investment in Restructured Assets'' means the net book value of those generation assets immediately prior to their designation as Restructured Assets.

financing limit, if any, applicable to its immediate parent. However, if a parent guarantees these issuances by the Financing Conduit, the guarantee would not be counted against the proposed limits on guarantees.

DRI, on behalf of itself and, to the extent not exempt under rule 52, its subsidiaries, requests authorization to enter into interest rate hedging transactions with respect to outstanding indebtedness (''Interest Rate Hedges''), subject to certain limitations and restrictions, in order to reduce or manage interest rate costs. Interest Rate Hedges would only be entered into with counterparties (''Approved Counterparties'') whose senior debt ratings, or the senior debt ratings of the parent companies of the counterparties, as published by S&P, are equal to or greater than BBB-, or an equivalent rating from Moody's, Fitch or Duff and Phelps.

Interest Rate Hedges will involve the use of financial instruments commonly used in today's capital markets, such as interest rate swaps, caps, collars, floors, and structured notes (*i.e.,* debt instruments in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations.

DRI also request approval of an agreement for the allocation of consolidated tax among DRI and its subsidiaries (''Tax Allocation Agreement''). DRI states that it requires this approval because the proposed Tax Allocation Agreement may provide for the retention by DRI certain payments for tax losses incurred from time to time, rather than the allocation of those losses to subsidiaries without payment as would otherwise be required by rule 45(c)(5). As a result of its financing, DRI will be creating tax credits that are non-recourse to the subsidiaries. DRI believes that it should retain the benefits of those tax credits and requests that the Commission reserve jurisdiction over the Tax Allocation Agreement, pending completion of the record.

Finally, DRI, on behalf of itself and its subsidiaries, requests authorization to lease, sell or otherwise grant third parties access to or rights in excess or unwanted real estate and to permit the extraction or harvesting of mineral or other resources contained on or in that real estate and to form a new non-utility subsidiary to manage that business.

The Connecticut Light and Power Company (70–9697)

The Connecticut Light and Power Company (''CLP''), 107 Selden Street, Berlin, Connecticut 06037 (''Applicant''), an electric utility subsidiary company of Northeast Utilities (''NU''), a registered holding company, has filed a post-effective amendment under sections 6(a), 7, 9(a), 10, and 13(b) of the Act and rules 45, 46, 90 and 91 under the Act to an application-declaration previously filed under the Act.

CLP provides electric power at retail to customers in Connecticut. Connecticut enacted an electric utility restructuring law (''Restructuring Law''), which introduces retail competition for electric services. To facilitate the transition to completion, the Restructuring Law contains provisions that permit electric utilities to recover some, or all, of certain costs resulting from the transition to competition (''Transition Costs'').[3] The recovery will take place through the collection, from electricity consumers, of a non-bypassable special charge that is based on the amount of electricity purchased (''Market Transition Charge''). The Market Transition Charge may be securitized, in part, by the utility through the issuance of transition bonds (''Transition Bonds''). Utility companies who wished to securitize a portion of their Transition Costs had to apply to the Connecticut Department of Public Utility Control (''CDPUC'') and receive an order authorizing the utility to issue a specific amount of Transition Bonds. CLP submitted a request to CDPUC to approve the recovery of Transition costs and to allow the issuance of Transition Bonds by special purpose entities (''SPEs'') to be organized by CLP.

CLP requested authority from the Commission, through August 31, 2005, (1) to create and acquire interests in SPEs, (2) for the SPEs to issue transition bonds in an aggregate amount not to exceed $1.489 billion either to investors or to state government-sponsored trusts and (3) to enter into agreements to provide services to the SPEs at other than cost.

The Commission issued a notice on August 25, 2000 (HCAR No. 27222), reflecting CLP's request to issue Transition Bonds in an aggregate amount not to exceed $1.489 billion through August 31, 2005. Subsequent to the issuance of this notice, the CPSC authorized CLP to issue $1.551 billion in Transition Bonds. By order dated December 26, 2000 (HCAR No. 27319), CLP was only authorized to issue up to $1.489 billion in Transition Bonds, due to the Commissions's inability to approve the issuance of a greater amount of Transition Bonds than requested in the notice issued concerning the transaction. Accordingly, CLP now requests authority to increase the amount of Transition Bonds it may issue through August 31, 2005 to $1.551 billion.

Allegheny Energy, Inc., et al. (70–9801)

Allegheny Energy, Inc. (''Allegheny''), a registered holding company, and its wholly owned utility subsidiary Allegheny Energy Supply Company, LLC (''AE Supply'' and collectively, ''Applicants''), have filed an application-declaration (''Application'') under sections 6(a), 8, 9(a), 10, 12(b), and 32 of the Act and rules 45, 53, and 54 under the Act.

Under a Purchase and Sale Agreement between AE Supply and Enron North America Corp. (''Enron'') dated November 13, 2000, AE Supply will purchase from Enron, for approximately $1.028 billion, all outstanding membership interests in five limited liability companies (collectively, ''Enron LLCs''): Des Plaines Green Land Development, LLC (''DPGL Development''), Gleason Power I, LLC (''Gleason''), West Fork Land Development, LLC (''West Fork''), all exempt wholesale generators, Energy Financing Company, LLC. (''Energy Financing''), a company that purchased equipment that was installed in DPGL Development's facility,[4] and Lake Acquisition Company, LLC (''Lake Acquisition''), a company that leases land to West Fork. Therefore, Applicants request authority for AE Supply to acquire Energy Financing and Lake Acquisition.

Applicants also request authority to issue various types of securities whose proceeds will be used to finance the acquisition of the Enron LLCs and for other corporate purposes. Specifically, Applicants request authority for Allegheny to provide guaranties and other forms of credit support through July 31, 2005 (''Authorization Period'') on behalf of AE Supply in an aggregate amount not to exceed $400 million.[5] This credit support may take the form

[3] Transition Costs include regulatory assets, long-term purchased power commitments and other costs, including investments in generating plants, spent-fuel disposal, retirement costs and reorganization costs, for which an opportunity for recovery is allowed in an amount determined by the state public utility commissions to be just and reasonable.

[4] Applicants state that DPGL Development will continue to receive monthly payments through May 14, 2015 from Energy Financing for this equipment under an Equipment Sale Agreement dated October 5, 2000.

[5] Allegheny is currently authorized to issue to up to $250 million in guaranties and other credit support on behalf of AE Supply through the Authorization Period. *See Allegheny Energy*, HCAR No. 27199 (July 14, 200) (''Prior Order'').

of reimbursement agreements, assumptions of liability for issuances of bonds, letters of credit, and other performance and financial guaranties. Allegheny will charge AE Supply a fee for each guaranty provided on its behalf, and that fee will not exceed its cost of obtaining the liquidity necessary to perform the guaranty.

Applicants request authority for Allegheny to issue and sell up to $1 billion of its common stock (''Common Stock'') through the Authorization Period. Applicants state that all Common Stock will be sold on terms determined by competitive capital markets. Specifically, Applicants state that, for Common Stock distributed to the public, the terms may be determined during negotiations with underwriters, dealers, or agents, or through competitive bidding processes among underwriters. Applicants state that Common Stock may be distributed through private placements or other non-public offerings to one or more persons.

Applicants request authority for AE Supply to borrow from Allegheny up to $500 million of the proceeds from the sales of Common Stock. The maturities, terms and interest rates will be identical to those that AE Supply would be able to obtain in the market, but will not exceed the reference United States Treasury Rate plus 300 basis points. Fees and expenses associated with these borrowings will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

Applicants request authority for AE Supply to issue to banks and/or other financial institutions non-recourse debt securities to finance its acquisition of the Enron LLCs. Specifically, Applicants request authority for AE Supply to issue and sell, for a one year-period, up to $550 million in debt securities having maturities of 364 days or less (''Short-Term Debt'').[6] Applicants also request authority for AE Supply to issue and sell during the Authorization Period up to $550 million in debt securities having maturities of between five and thirty years (''Long-Term Debt'').[7] The maturities, terms, and interest rates of the Long-Term Debt and the Short-Term Debt will be established through negotiations with financial institutions.[8] The total amount of Short-Term Debt and Long-Term Debt at any time outstanding will not exceed $550 million.

Applicants request authority for AE Supply to acquire as its direct subsidiary Allegheny Energy Supply Capital, Inc. (''Supply Capital''), which is being organized to engage in tax efficient transactions relating to the acquisition of the Enron LLCs with AE Supply and its subsidiaries. Allegheny will contribute $1.05 billion in cash to Supply Capital in exchange for all ownership interests in the company.

Applicants request authority for AE Supply to issue up to $1.05 billion in interest bearing promissory notes to Supply Capital (''LLC Loans'') through the Authorization Period. These notes will mature within five to thirty years.[9] Applicants state that AE Supply will use the proceeds of the LLC Loans to acquire the Enron LLCs. Further, Applicants request authority for Supply Capital to make other loans to AE Supply through the Authorization Period, in amounts up to the interest and principal payments made on the LLC Loan. These notes will mature within five or thirty years.[10] The proceeds of all loans from Supply Capital to AE Supply will be used to finance authorized acquisitions, engage in activities authorized by rule 58 under the Act, and other capital expenditures (including the construction of pollution control equipment).

Applicants state that neither Allegheny nor any of its subsidiaries will undertake to effect any of the proposed transactions if the action will result in either the common stock equity of Allegheny, on a consolidated basis, or any of its utility subsidiaries falling below thirty percent.

AGL Resources, Inc. (70–9813)

AGL Resources, Inc. (''AGL''), a registered holding company, located at 817 West Peachtree Street, NW., 10th Floor, Atlanta, Georgia 30308, has filed an application-declaration with the Commission under sections 6(a), 7, 9(a), and 10 of the Act and rules 43 and 86 under the Act.

Currently, the AGL system (''System'') self-insures up to $1 million of its own risk. Specifically, on behalf of the AGL system, AGL Service Company (''AGSC''), a wholly owned service company subsidiary of AGL , maintains a per-occurrence deductible of $1 million for automobile and general liability exposures, $200,000 for directors and officers liability, $125,000 for ''all-risk'' property coverage, and $500,000 for workers compensation liability (the levels collectively, ''Self-Insurance Limit''), and purchases insurance to cover risks over and above that amount.[11]

AGL requests authority to acquire directly, for $100,000, all of the common stock of a captive insurance company (''Captive'') that it proposes to organize. The System will maintain the Self-Insurance Limit and, to reduce the amount of premiums it pays, the Captive will underwrite a certain portion of the insurance purchased by the System, that is coverage over the Self-Insurance Limit.[12] The Captive will then transfer its risks to third-party reinsurance companies. Applicants state that traditional insurance programs are supported and underwritten through a reinsurance market that is generally accessible only to insurance companies. By eliminating the middleman for selected transactions and coverage, AGL intends to create opportunities for significant savings.

Initially, the Captive will focus on providing the following types of coverage: Automobile, general liability, risk property, boiler and machinery, directors and officers, crime, fiduciary and workers compensation. In the future, the Captive may seek to underwrite additional insurance coverage and retain a small amount of risk within the Self-Insurance Limit. With one exception, the Captive proposes to sell insurance only to its associates.[13]

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[6] Currently, AE Supply is authorized to incur up to $300 million in short-term debt through the Authorization Period.

[7] AE Supply is currently authorized to incur up to $400 million in long-term debt through the Authorization Period. *See* Prior Order.

[8] Applicants state that the interest rate on all Long-Term Debt will not exceed the United States Treasury Rate plus 400 basis points, and the interest rate on all Short-Term Debt will not exceed the London International Offered Rate plus 300 basis points.

[9] The interest rates on these notes will not exceed the reference United States Treasury Rate plus 300 basis points or the cost of acquisition. Applicants state that the fees and expenses associated with these debt securities will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

[10] The interest rates on these notes will not exceed the reference United States Treasury Rate plus 300 basis points or the cost of acquisition. Applicants state that the fees and expenses associated these debt securities will be comparable to those obtainable by similar utilities, issuing comparable securities, containing the same or similar terms and maturities.

[11] AGL states that certain of its subsidiaries maintain separate deductibles and purchase separate coverage limits outside the System program described above.

[12] AGL states that, initially, the Captive will underwrite approximately thirty percent of the System's insurance, and that the remaining seventy percent will continue to be provided by non-affiliated traditional insurers.

[13] Applicants state that the Captive may provide performance bonds and construction-related insurance (''Wrap-Up Construction Coverage'') for nonassociate contractors working on projects for the System. At present, each contractor purchases a separate insurance plan in connection with System projects. Applicants state that the provision of the Wrap-Up Construction Coverage will eliminate

The Captive will be authorized to operate as an insurance company in the British Virgin Islands. AGL states that no additional staff will be required to operate the Captive because a British Virgin Islands management company will be retained to provide administrative services. AGSC employees will be directors and principal officers of the Captive and, through the management company, will oversee administrative functions.[14] The existing AGSC self-administration claim staff will continue to perform the claims adjusting function. All goods and services provided by the AGSC to the Captive will be provided in accordance with section 13 of the Act and the rules under the Act. The cost incurred by the Captive will be recovered in premiums charged by the Captive to the System. AGL states that the Captive will not be operated to maintain a surplus beyond what will be necessary to remain adequately capitalized.

Entergy Corporation, et al. (70–8899)

Entergy Corporation, a registered holding company, 639 Loyola Avenue, New Orleans, Louisiana 70113, and its retail public subsidiary companies, Entergy Arkansas, Inc., 425 West Capitol Avenue, Little Rock, Arkansas 72201, Entergy Gulf States, Inc., 350 Pine Street, Beaumont, Texas 77701, Entergy Louisiana, Inc., 4809 Jefferson Highway, Jefferson, Louisiana 70121, Entergy Mississippi, Inc., 308 East Pearl Street, Jackson, Mississippi 39201, Entergy New Orleans, Inc. (''New Orleans''), 1600 Perdido Building, New Orleans, Louisiana 70112, as well as Entergy's service company subsidiary, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113, System Energy Resources, Inc., a generating public utility subsidiary company of Entergy, Entergy Operations, Inc., a nuclear management public utility of Entergy, both located at 1340 Echelon Parkway, Jackson, Mississippi 39213, and System Fuels, Inc., a nonutility subsidiary, 350 Pine Street, Beaumont, Texas 77701, have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 43, 45 and 54 under the Act. The Commission issued a notice of the filing on February 16, 2001 (HCAR No. 27347).

The notice stated that New Orleans requested an increase in its short-term borrowing limits of ''$35 million, for a total of $60 million.'' The notice should be and is corrected to state, in pertinent part, that New Orleans is requesting an increase in its short-term borrowing limits of ''$65 million, for a total of $100 million * * *.''

GPU, Inc. (70–9835)

GPU, Inc. (''GPU''), a registered public-utility holding company located at 300 Madison Avenue, Morristown, New Jersey 07960, has filed a declaration (''Declaration'') under sections 6(a), 7 and 12(b) of the Act and rules 45 and 54 under the Act.

By order dated April 14, 2000 (HCAR No. 27165), the Commission authorized GPU to acquire for cash all of the issued and outstanding common shares of MYR. On April 26, 2000, MYR was merged with and into GPU Acquisition Corp., wholly owned subsidiary of GPU, and became a wholly owned nonutility subsidiary of GPU.[15] At the time of the acquisition, MYR was party to a Credit Agreement dated September 21, 1999 (''Old Credit Agreement'') with Harris Trust and Savings Bank and Comerica Bank (''Comerica''), providing for revolving credit borrowings by MYR of up to $30 million outstanding at any one time, of which up to $10 million could be in the form of letter of credit (''L/C'') obligations. Effective upon GPU's acquisition of MYR, the old Credit Agreement was amended to, among other things, reduce the aggregate amount of available credit to $20 million to reflect Comerica's withdrawal as a lender under the facility. At September 30, 2000, $13,333,337 of borrowings were outstanding under the Old Credit Agreement.

On November 28, 2000, MYR entered into a New Credit Agreement (''New Credit Agreement''), with Bank One, NA (''Bank One'') as administrative agent and as the initial lender. The New Credit Agreement permits borrowings by MYR from time to time in an aggregate amount not to exceed $50 million outstanding at any one time. Bank One may assign a portion of its rights and obligations to new lenders which will become parties to the New Credit Agreement. As described below, the New Credit Agreement provides that if GPU does not enter into a guaranty of MYR's obligations under that agreement by April 1, 2001, the interest rate on loans and fees payable under the New Credit Agreement will increase. Accordingly, GPU now proposes to guarantee MYR's obligations under the New Credit Agreement (''GPU Guaranty''). Under the GPU Guaranty, Declarant would unconditionally and irrevocably guarantee the punctual payment when due of all obligations of MYR under the New Credit Agreement. GPU will not charge any fee for the issuance of the GPU Guaranty.

Loans made under the New Credit Agreement (''Loans''), at MYR's election, will bear interest at one of the three following rates, each of which is described below: (1) The Eurodollar Rate; (2) the Floating Rate; or (3) the Fixed Rate. The Eurodollar Rate fixes an interest rate for an interest period of, at MYR's election, either one, two, three, or six months. The Floating Rate may vary on any day and a Fixed Rate fixes an interest rate for periods of up to 30 days. In selecting an interest rate option, GPU states that MYR will endeavor to achieve, over the term of the New Credit Agreement, the lowest overall interest expense.

The Eurodollar Rate is the sum of a specified British Bankers' Association Interest Settlement Rate for United States (''U.S.'') dollar deposits[16] (as adjusted for any applicable reserve requirements) and the Applicable Margin. The Applicable Margin, as defined in the New Credit Agreement, ranges from 50 to 200 basis points, depending on the credit rating of GPU's senior unsecured debt, plus, after the Non Guaranty Date, 10 basis points. The Non Guaranty Date, as defined in the New Credit Agreement, is April 1, 2001. If GPU delivers the GPU Guaranty proposed in this Declaration, the Non Guaranty Date will not occur.

The Floating Rate for each day is equal to (1) the Alternate Base Rate minus 200 basis points, plus, after the Non Guaranty Date, 10 basis points. The Alternative Base Rate for any day is the higher of (1) Bank One's prime rate and (2) the Federal Funds effective rate[17]

costly insurance duplication by providing the general contractor and all sub-contractors access to the same insurance program, and that these cost savings can then be passed on to the System companies. Applicants further state that Wrap-Up Construction Coverage will be provided only for the duration of the particular construction program undertaken in connection with System company business.

[14] These administrative functions will include: (1) Accounting and reporting activities; (2) legal, actuarial, banking and audit services; (3) negotiating reinsurance contracts, policy terms and conditions; (4) invoicing and making payments, and; (5) managing regulatory affairs.

[15] MYR's principal business involves providing utility transmission and distribution, infrastructure and related commercial and industrial electrical contracting services to utility, industrial, mining, institutional, and governmental entities on a nationwide basis.

[16] The British Bankers' Association Interest Settlement Rate for deposit in U.S. dollars is a published interest rate for offers to place deposits in U.S. dollars with first-class banks in the London interbank market for one, two, three, and six-month interest periods.

[17] The Federal Funds effective rate means, for any day, an interest rate equal to the weighted average of the rates on overnight Federal funds transactions with members of the Federal Reserve System arranged by Federal Funds brokers on that day, as

Continued

plus 50 basis points. The Fixed Rate is a fixed rate for an interest period of up to 30 days determined by mutual agreement of MYR and the lender under the New Credit Agreement. The Fixed Rate is only available under the New Credit Agreement when there is only one lender.

MYR may borrow and repay Loans through November 1, 2003. MYR paid Bank One a one-time commitment fee at the initial closing of the New Credit Agreement of $25,000. MYR also will pay the lenders a facility fee on the unused commitment which ranges from 10 basis points to 40 basis points, depending on the credit rating of GPU's senior unsecured debt, plus, after the Non Guaranty Date, 2.5 basis points.

Under the New Credit Agreement, MYR also may request lenders to issue L/Cs in a maximum aggregate amount for all L/Cs outstanding of up to $10 million. The aggregate amount that MYR may borrow under the New Credit Agreement is reduced by the face amount of all outstanding L/Cs.[18]

MYR will use the proceeds of the Loans: (1) To refinance borrowings under the Old Credit Agreement; (2) to repay outstanding open account advances made by GPU; and (3) for working capital, acquisition financing, and other general corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5794 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24885; 812–12066]

Global High Income Dollar Fund Inc.; Notice of Application

March 2, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

Summary of Application: Global High Income Dollar Fund Inc. (the ''Fund'') requests an order to permit it to make up to twelve distributions of net long-term capital gains in any one taxable year, so long as it maintains in effect a distribution policy with respect to its common stock calling for monthly distributions of a fixed percentage of its net asset value (''NAV'').

Filing Dates: The application was filed on April 18, 2000 and amended on January 22, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 27, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609; Applicant, c/o Dianne E. O'Donnell, Vice President and Secretary, Global High Income Dollar Fund Inc., 1285 Avenue of the Americas, New York, New York 10019–6028.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 942–0527, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicant's Representations

1. The Fund is registered under the Act as a closed-end, non-diversified management investment company and organized as a Maryland corporation. The Fund's primary investment objective is to achieve a high level of current income; as a secondary objective, the Fund seeks capital appreciation, to the extent consistent with its primary objective. The Fund's shares are listed on the New York Stock Exchange and have historically traded at a discount to NAV. Mitchell Hutchins Asset Management Inc., an investment adviser registered under the Investment Advisers Act of 1940, serves as the Fund's investment adviser.

2. On December 17, 1999, the Fund's board of directors (''Board''), including all of the directors who are not ''interested persons'' of the Fund, as defined in section 2(a)(19) of the Act, adopted a distribution policy (''Distribution Policy'') with respect to the Fund's common stock. Under the Distribution Policy, the Fund will make regular monthly distributions at an annualized rate equal to 11% of the Fund's NAV. Any amount paid under the Distribution Policy which exceeds the sum of the Fund's investment income and net realized capital gains will be treated as a return of capital. The Fund states that the Distribution Policy provides a steady cash flow to the Fund's shareholders. The Fund further states that the Distribution Policy can have a moderating effect on market discounts to NAV and is in the best interests of its shareholders.

3. The Fund requests relief to permit it, so long as it maintains in effect the Distribution Policy, to make up to twelve capital gains distributions in any one taxable year.

Applicant's Legal Analysis

1. Section 19(b) of the Act provides that a registered investment company may not, in contravention of such rules, regulations, or orders as the Commission may prescribe, distribute long-term capital gains more often than once every twelve months. Rule 19b–1(a) under the Act permits a registered investment company, with respect to any one taxable year, to make one capital gains distribution, as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986, as amended (the ''Code''). Rule 19b–1(a) also permits a supplemental distribution to be made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year. Rule 19b–1(f) permits one additional long-term capital gains distribution to be made to avoid the excise tax under section 4982 of the Code.

2. The Fund asserts that rule 19b–1, by limiting the number of net long-term capital gains distributions the Fund may make with respect to any one year, would prohibit the Fund from including

published by the Federal Reserve Bank of New York.

[18] Drawings on an L/C would bear interest at the Floating Rate if these amounts are repaid by MYR on the same day the drawing is made on the L/C. If MYR repays this drawing later, the drawing will bear interest at the Floating Rate plus 200 basis points. If MYR elects not to reimburse the issuing bank immediately and the conditions for a borrowing under the New Credit Agreement are satisfied, MYR may obtain a Loan to satisfy its reimbursement obligation. In this case, MYR would pay a letter of credit fee equal to the Applicable Margin for Eurodollar Rate Loans on the undrawn stated amount of outstanding L/Cs.

available net long-term capital gains in certain of its fixed monthly distributions. As a result, the Fund states that it could be required to fund these monthly distributions with returns of capital (to the extent net investment income and net realized short-term capital gains are insufficient to cover a monthly distribution). The Fund further asserts that, to distribute all of its long-term capital gains within the limits in rule 19b–1, the Fund may be required to make total distributions in excess of the annual amount called for by the Distribution Policy or retain and pay taxes on the excess amount. The Fund asserts that the application of rule 19b–1 to the Fund's Distribution Policy may create pressure to limit the realization of long-term capital gains based on considerations unrelated to investment goals.

3. The Fund submits that the concerns underlying section 19(b) and rule 19b–1 are not present in the Fund's situation. One of the concerns leading to the adoption of section 19(b) and rule 19b–1 was that shareholders might be unable to distinguish between frequent distributions of capital gains and dividends from investment income. The Fund states that its Distribution Policy has been described in the Fund's periodic communications to its shareholders. The Fund further states that, to the extent required under rule 19a–1 under the Act, a separate statement showing the source of the distribution will accompany each distribution. In addition, a statement showing the amount and source of each monthly distribution during the year will be included with the Fund's IRS Form 1099–DIV report sent to each shareholder who received distributions during the year (including shareholders who sold shares during the year).

4. The Fund submits that another concern underlying section 19(b) and rule 19b–1 is that frequent capital gains distributions could facilitate improper fund distribution practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming dividend (''selling the dividend''), when the dividend results in an immediate corresponding reduction in NAV and is, in effect, a return of the investor's capital. The Fund states that this concern does not apply to a closed-end management investment company, such as the Fund, that does not continuously distribute its shares.

5. The Fund states that increased administrative costs also are a concern underlying section 19(b) and rule 19b–1. The Fund asserts that this concern is not present because the Fund will continue to make monthly distributions regardless of whether capital gains are included in any particular distribution.

6. Section 6(c) of the Act provides that the Commission may exempt any person or transaction from any provision of the Act or any rule under the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons stated above, the Fund believes that the requested relief satisfies this standard.

Applicant's Condition

The Fund agrees that the order granting the requested relief will terminate upon the effective date of a registration statement under the Securities Act of 1933 for any future public offering by the Fund of its common shares other than:

(i) A non-transferable rights offering to shareholders of the Fund, provided that such offering does not include solicitation by brokers or the payment of any commissions or underwriting fee; and

(ii) An offering in connection with a merger, consolidation, acquisition, spin-off or reorganization;

unless the Fund has received from the staff of the Commission written assurance that the order will remain in effect.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5793 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24883; 812–12222]

Advantus Bond Fund, Inc. et al.; Notice of Application

March 2, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of an application under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Summary of the Application: Applicants seek an order to permit certain registered open-end investment companies to deposit their uninvested cash balances and their cash collateral in one or more joint accounts to be used to enter into short-term investments.

Applicants: Advantus Bond Fund, Inc., Advantus Cornerstone Fund, Inc., Advantus Enterprise Fund, Inc., Advantus Horizon Fund, Inc., Advantus Index 500 Fund, Inc., Advantus International Balanced Fund, Inc., Advantus Money Market Fund, Inc., Advantus Mortgage Securities Fund, Inc., Advantus Real Estate Securities Fund, Inc., Advantus Spectrum Fund, Inc., Advantus Venture Fund, Inc., and Advantus Series Fund, Inc. (collectively, the ''Companies''); Advantus Capital Management, Inc. (''Advantus Capital'').

Filing Dates: The application was filed on August 15, 2000, and amended on January 10, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing tot he SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 27, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington DC 20549–0609. Applicants, James D. Alt, Esq., Dorsey & Whitney LLP, 220 South Sixth Street, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Maura McNulty, Senior Counsel, at (202) 942–0621, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicant's Representations

1. Each of the Companies is an open-end management investment company organized under Minnesota law and registered under the Act. One of the Companies, Advantus Series Fund, Inc., offers 19 series of shares through variable life insurance policies and annuity contracts issued by Minnesota Life Insurance Company (''Minnesota Life''). Each of the other Companies

offers series of shares directly to the public.

2. Advantus Capital, a wholly-owned subsidiary of Minnesota Life, is registered under the Investment Advisers Act of 1940.[1] Advantus Capital serves as investment adviser for each series of the Companies, subject to the general oversight of the Companies' boards of directors (the ''Boards''). With respect to several such series, Advantus Capital has engaged sub-advisers that are not affiliated with Advantus Capital or any of its affiliates. Wells Fargo Bank Minnesota, N.A. (''Wells Fargo'') serves as custodian for the assets of several of the Companies' series, and Bankers Trust Company serves as custodian for the assets of the other series. Neither custodian is affiliated with the Companies or Advantus Capital.

3. Applicants request that any relief granted pursuant to the application also apply to future series of the Companies and any other registered management investment company and each series thereof that is advised by Advantus Capital in the future (together with the existing series of the Companies, the ''Funds'').[2]

4. All of the existing Funds are authorized by their investment policies and restrictions to invest at least a portion of their uninvested cash balances in short-term liquid assets such as repurchase agreements, rated commercial paper, U.S. Government securities and other short-term debt obligations.

5. All of the existing Funds also are authorized to engage in securities lending transactions. In connection with these transactions, the Funds may receive collateral in the form of either cash (''Cash Collateral'') or securities. When Cash Collateral is received, it is expected to be invested in a manner consistent with customary securities lending practices. Wells Fargo serves as the securities lending agent for those funds that currently engage in securities lending transactions. Wells Fargo, in such capacity, and any other entity that may in the future act as securities lending agent for any of the Funds, is referred to as a ''Securities Lending Agent.'' [3]

6. Applicants propose to invest uninvested cash balances of the Funds that remain at the end of the trading day and cash for investment purposes (''Uninvested Cash''), and/or Cash Collateral (collectively, with Uninvested Cash, ''Cash Balances'') into one or more joint accounts (the ''Joint Accounts'') established at the Fund's custodian. The daily balances in the Joint Accounts would be invested only in the following types of investments: (a) Repurchase agreements ''collaterlized fully'' as defined in rule 2a–7 under the Act, [4] (b) interest-bearing or discounted commercial paper, including U.S. dollar-denominated commercial paper of foreign issuers; and (c) any other short-term taxable and tax-exempt money market instruments, including government securities and variable rate demand notes, that constitute ''Eligible Securities'' as defined in rule 2a–7 under the Act (collectively, ''Short-Term Investments'').

7. Funds participating in a Joint Account will invest through the Joint Account only to the extent that, regardless of the Joint Accounts they would desire to invest in short-term liquid investments that are consistent with their respective investment objectives, policies and restrictions. A Fund's decision to use a Joint Account will be based on the same factors as its decision to make any other short-term liquid investment. The sole purposes of the Joint Accounts would be to provide a convenient means of aggregating what otherwise would be one or more daily transactions for some or all Funds necessary to manage their respective Cash Balances.

8. Advantus Capital will be responsible for investing Cash Balances held by the Joint Accounts, establishing accounting and control procedures, operating the Joint Accounts in accordance with the procedures discussed below, and ensuring fair treatment of the participating Funds. Advantus Capital may establish guidelines for the investment of Cash Collateral received in connection with the participating Funds' securities lending transactions and may delegate the investment of such Cash Collateral to the Securities Lending Agent in accordance with any applicable Commission or staff guidelines. Advantus Capital will pre-approve securities for investment and the Securities Lending Agent will invest Cash Collateral only in investments that are pre-approved by Advantus Capital.

9. All investments of Cash Collateral through the Joint Accounts will comply with all present and future SEC or staff positions relating to the investment of cash collateral in connection with securities lending activities. Any repurchase agreements entered into through the Joint Accounts will comply with any applicable Commission or staff guidelines. Applicants acknowledge that they have a continuing obligation to monitor the SEC's published statements on repurchase agreements, and represent that repurchase agreement transactions will comply with future positions of the SEC and its staff to the extent that such positions set forth different or additional requirements regarding repurchase agreements. If the SEC sets forth guidelines with respect to other Short-Term Investments, all investments made through the Joint Accounts will comply with those guidelines.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from participating in any joint enterprise or arrangement in which that investment company is a participant, unless the Commission has issued an order authorizing the arrangement. In determining whether to grant such an order, the Commission considers whether the participation of the registered investment company in the proposed joint arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants in the arrangement.

2. Under section 2(a)(3)(C) of the Act, each Fund may be deemed to be an ''affiliated person'' of each other Fund if each Fund were deemed to be under the common control of their investment adviser Advantus Capital. Applicants state that each Fund participating in a Joint Account and Advantus Capital, by managing the Joint Account, may be deemed to be ''joint participants'' in a transaction within the meaning of section 17(d) of the Act. Applicants further state that each Joint Account may be deemed to be a ''joint enterprise

[1] For purposes of this application, the term ''Advantus Capital'' includes, in addition to such entity itself, any other entity controlling, controlled by or under common control with Advantus Capital that acts in the future as an investment adviser to the Companies or other registered management investment companies.

[2] Each entity that currently intends to rely on the requested order is named as an applicant. Any future series of the Companies and any other registered management investment companies or series thereof that are in the future advised by Advantus Capital that rely upon the requested order in the future will do so only in compliance with the terms and conditions of the application.

[3] No affiliated person of the Funds or of Advantus Capital will serve as a Securities Lending Agent unless applicants have received further appropriate exemptive relief from the SEC.

[4] Repurchase agreements will be entered into on a ''hold-in-custody'' basis (i.e., where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement) only if cash is received late in the business day and otherwise would be unavailable for investment.

or other joint arrangement'' within the meaning of rule 17d–1.

3. Applicants submit that the proposed Joint Accounts meet the criteria of rule 17d–1 for issuance of an order. Applicants assert that no Fund would be in a less favorable position than any other Fund as a result of its participating in one or more Joint Accounts. Applicants also assert that the proposed operation of the Joint Accounts will not result in any conflicts of interest among any of the participating Funds or Advantus Capital. Each Fund's liability on any Short-Term Investment invested in through the Joint Accounts will be limited to its interest in such Short-Term Investment.

4. Applicants state that the operation of the Joint Accounts could result in certain benefits to the Funds. The Funds may earn a higher rate of return on investments through the Joint Accounts relative to the returns they could earn individually. Under most market conditions, applicants assert, it is possible to negotiate a rate of return on larger investments that is higher than the rate available on smaller investments. In addition, applicants state that the aggregation of Cash Balances in a Joint Account may make more investment opportunities available to the Funds and may reduce the possibility that a Fund's Cash Balance would remain uninvested. Finally, the Joint Accounts may result in certain administrative efficiencies and lessen the potential for error by reducing the number of trade tickets and cash wires that counterparties and the Fund's custodian and administrator must process.

5. Applicants state that although Advantus Capital may realize some benefit through administrative convenience and reduced clerical costs, prior to a Fund's participating in a Joint Account, the Boards will determine that the Funds will be the primary beneficiaries of the Joint Accounts due to the potential for higher returns and increased efficiencies through the use of Joint Accounts.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Joint Accounts will not be distinguishable from any other accounts maintained by the Funds at their custodian except that Cash Balances from the Funds will be deposited in the Joint Accounts on a commingled basis. The Joint Accounts will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way of aggregating individual transactions that would otherwise require daily management of uninvested Cash Balances.

2. Cash Balances in the Joint Accounts will be invested in Short-Term Investments as directed by Advantus Capital (or, in the case of Cash Collateral, the Securities Lending Agent in instruments pre-approved by Advantus Capital). Uninvested Cash in the Joint Accounts will be invested in repurchase agreements that have a remaining maturity of 60 days or less and other Short-Term Investments that have a remaining maturity of 90 days or less, each as calculated in accordance with rule 2a–7 under the Act. Cash Collateral in a Joint Account will be invested in Short-Term Investments that have a remaining maturity of 397 days or less, as calculated in accordance with rule 2a–7 under the Act.

3. All assets held in the Joint Accounts will be valued on an amortized cost basis to the extent permitted by applicable Commission releases, rules, or orders.

4. Each Fund valuing its net assets in reliance on rule 2a–7 under the Act will use the average maturity of the instruments in the Joint Account in which the Fund has an interest (determined on a dollar-weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

5. In order to assure that there will be no opportunity for any Fund to use any part of a balance of a Joint Account credited to another Fund, no Fund will be allowed to create a negative balance in any Joint Account for any reason, although each Fund will be permitted to draw down its entire balance at any time, provided that Advantus Capital determines that such draw-down will have no significant adverse impact on any other Fund participating in that Joint Account. Each Fund's decision to invest in a Joint Account will be solely at its option, and no Fund will be obligated to invest in a Joint Account or to maintain any minimum balance in a Joint Account. In addition, each Fund will retain the sole rights of ownership to any of its assets invested in a Joint Account, including interest payable on such assets in the Joint Account.

6. Advantus Capital will administer the investment of Cash Balances in and the operation of the Joint Accounts as part of its general duties under its existing or any future investment advisory agreements with the Funds and will not collect any additional or separate fees for advising any Joint Account.

7. The administration of the Joint Accounts will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 under the Act.

8. Each Board will adopt procedures pursuant to which the Joint Accounts will operate, which will be reasonably designed to provide that the requirements of the application will be met. Each Board will make and approve such changes as it deems necessary to ensure that such procedures are followed. In addition, each Board will determine, no less frequently than annually, that the Joint Accounts have been operated in accordance with the adopted procedures and will permit a Fund to continue to participate therein only if it determines that there is a reasonable likelihood that the Fund and its shareholders will benefit from the Fund's continued participation.

9. Any Short-Term Investment made through the Joint Accounts will satisfy the investment policies and restrictions of all Funds participating in that investment.

10. Advantus Capital, each Fund, and custodian for each Fund will maintain records documenting, for any given day, each Fund's aggregate investment in a Joint Account and each Fund's pro rata share of each investment made through such Joint Account. The records maintained for each Fund shall be maintained in conformity with section 31 of the Act and the rules and regulation thereunder.

11. Short-Term Investments held in a Joint Account generally will not be sold prior to maturity unless: (a) Advantus Capital believes the investment no longer presents minimal credit risks; (b) the investment no longer satisfies the investment criteria of all Funds participating in the investment because of a credit downgrading or otherwise; or (c) in the case of a repurchase agreement, the counterparty defaults. Advantus Capital may, however, sell any Short-Term Investment (or a fractional portion thereof) on behalf of some or all Funds prior to the maturity of the investment if the cost of such transactions will be borne solely by the selling Funds and the transaction will not adversely affect other Funds participating in that Joint Account. In no case will an early termination by less than all Funds participating in a Joint Account be permitted if it would reduce the principal amount or yield received by other Funds participating in the applicable Joint Account or otherwise adversely affect the other Funds. Each Fund participating in a Joint Account will be deemed to have consented to

such sale and partition of the investments in the Joint Account.

12. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a–7 under the Act, will be considered illiquid and will be subject to the restriction that a Fund may not invest more than 15% or, the case of a money market fund, more than 10% (or such other percentage as set forth by the Commission from time to time) of its net assets in illiquid securities, and any similar restriction set forth in the Fund's investment policies and restrictions, if Advantus Capital cannot sell the instrument, or the Fund's fractional interest in such instruments, pursuant to the preceding condition.

13. Not every Fund participating in Joint Account will necessarily have its Cash Balances invested in every Joint Account. However, to the extent a Fund's Cash Balances are applied to a particular Joint Account, the Fund will participate in and own a proportionate share of the investment in such Joint Account, and the income earned or accrued thereon, based upon the percentage of such investment in such Joint Account purchased with Cash Balances contributed by the Fund.

14. Each Joint Account will be established as a separate cash account on behalf of the Funds participating in such Joint Account at the custodian for one or more of the Funds (the ''Joint Account Custodian'' with respect to such Joint Account). Each Fund may deposit daily all or a portion of its Cash Balances into the Joint Accounts. Each Fund whose regular custodian is a custodian other than the Joint Account Custodian with respect to the applicable Joint Account and that wishes to participate in such Joint Account will appoint such Joint Account Custodian as sub-custodian for the limited purposes of (a) receiving and disbursing Cash Balances; (b) holding Short-Term Investments; and (c) holding any collateral received from a transaction effected through such Joint Account. All Funds that so appoint such Joint Account Custodian will have taken all necessary actions to authorize the Joint Account Custodian as its legal custodian, including all actions required under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5792 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44039; File No. SR–NASD–01–04]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Dual Reporting of Transactions in Certain Fixed Income Securities

March 5, 2001.

I. Introduction

On January 5, 2001, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to dual reporting of transactions in certain fixed income securities. The **Federal Register** published the proposed rule change for comment on February 2, 2001.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

In conjunction with the Commission's approval of rules governing the NASD's Trade Reporting and Comparison Entry Service (''TRACE Rules'' or ''Rule 6200 Series'') (SR–NASD–99–65).[4] NASD is proposing to amend one of the TRACE Rules, NASD Rule 6230(b). The proposed amendment requires a member to submit a trade report to the NASD if the member is either the buy- or the sell-side of a member-to-member transaction in an eligible fixed income security under the Rule 6200 Series. Rule 6230(b) currently requires only the member who represents the sell-side to submit a trade report to the NASD.

The NASD is proposing the amendment to Rule 6230(b) to provide for reporting by both the buy- and sell-sides of a transaction by two NASD members (''dual trade reporting'') in order to improve the quality of the transaction data that the NASD collects for surveillance purposes. The amendment is proposed in lieu of previously proposed Rule 6231, which would have required that both sides to a trade submit to the NASD duplicate copies of the clearing reports submitted to their registered clearing agency.[5] The NASD proposed Rule 6231 in Amendment No. 2 to SR–NASD–99–65, but withdrew it in Amendment No. 4 in response to industry comment that it was overly burdensome.[6] Although the proposed amendment to Rule 6230(b) requires the dual real-time reporting to sell-side and buy-side trade information, only the sell-side information will be disseminated, thus avoiding the dissemination of two trade reports for the same trade. The buy-side information that is collected will be used strictly for regulatory purposes.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association.[7] In particular, the Commission finds that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, which requires among other things, that the NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general, to protect investors and the public interest.[8]

The rule change requires both the buy- and sell-side of a transaction between two NASD members to report transaction information to the NASD. The NASD has represented that such dual trade reporting will improve the quality of the transaction data that the NASD collects for surveillance purposes. The Commission recognizes the value of crosschecking trade data submitted by one reporting dealer with information from the counterparty, and believes that the proposed amendment is an appropriate way to encourage complete and accurate transaction reporting without placing undue regulatory burdens on market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 66 FR 8822 (February 2, 2001).

[4] On January 23, 201, the Commission approved NASD Rules 6210 through 6260 relating to reporting and dissemination of transaction information on eligible fixed income securities, and granted accelerated approval to Amendment No. 4 to those Rules. Securities Exchange Act Release No. 43873 (January 23, 2001); 66 FR 8131 (January 29, 2001). The NASD has represented that it will rename TRACE, as it does not include a comparison feature.

[5] The NASD proposed Rule 6231 in Amendment No. 2 to SR–NASD–99–65. *See* Securities Exchange Act Rel. No. 43616 (November 24, 2000); 65 FR 71174 (November 29, 2000).

[6] *See* note 9, *infra.* The MASD withdrew previously proposed Rule 6231 at the same time it amended the TRACE proposal to eliminate the proposed optional comparison feature of the TRACE facility. *See* Amendment No. 4 to SR–NASD–99–65, Securities Exchange Act Rel. No. 43873 (January 23, 2001); 66 FR 8131 (January 29, 2001).

[7] In approving the proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78*o*–3(b)(6).

participants. The Commission finds that the proposed rule change requiring dual transaction reporting will contribute to the reliability of transaction information and thereby enhance price transparency in and regulatory surveillance of the corporate bond market, which are the twin goals of the TRACE Rules. In addition, the Commission notes that several comments on previously proposed Rule 6231 indicated that dual trade reporting would require fewer programming changes.[9]

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposal to amend NASD Rule 6230(b) is consistent with the requirements of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–01–04) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5796 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44030; File No. SR–NASD–01–09]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Regarding Trading Ahead of Customer Limit Orders and Short Sales on a Pilot Basis and Transaction Reporting Pursuant to Decimal Pricing in the Nasdaq Market

March 2, 2001.

I. Introduction

On January 25, 2001, the National Association of Securities Dealers, Inc. (NASD or Association), through its subsidiary, the Nasdaq Stock Market, Inc. (Nasdaq), filed with the Securities and Exchange Commission (Commission or SEC), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (Act)[1] and Rule 19b–4 thereunder,[2] a proposed rule change that would modify several NASD rules to support the implementation of decimal pricing in the Nasdaq market. Notice of the proposed rule change appeared in the **Federal Register** on February 2, 2001.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule changes regarding trading ahead of customer limit orders and short sales on a pilot basis ending on Friday, March 1, 2002, and grants approval for the proposed rule change concerning transaction reporting pursuant to decimal pricing in the Nasdaq Market.

II. Description of the Proposal

In preparation for decimal pricing, the NASD proposes to amend certain of its rules that contain references to fractions through the addition of language and decimal-based values so as to govern trading activity in securities when they transition from fractional to decimal pricing.[4] After Nasdaq's full implementation of decimal pricing, Nasdaq will automatically remove, where appropriate, any remaining references to fractions in NASD rules.[5] Specifically, Nasdaq is proposing to amend the following: IM–2110–2 (Trading Ahead of Customer Limit Order); IM–3350 (Short Sale Rule); and NASD Rule 4632 (Transaction Reporting). A summary of the proposed changes is provided below.

IM–2110–2. Trading Ahead of Customer Limit Order

Nasdaq is amending NASD IM–2110–2 and the related interpretation of IM–2110–2 (Manning Interpretation or Interpretation)[6] to add language that the minimum amount of price improvement that an NASD member holding an unexecuted customer limit order in a decimal-priced Nasdaq National Market (NNM) or SmallCap security must provide when executing an incoming order in that same security to avoid a violation of the Interpretation is $0.01. The Interpretation is also being amended to incorporate the price improvement standard for NMS and SmallCap securities trading in fractions currently contained in NASD's NTM 97–57.

According to Nasdaq, the Manning Interpretation is designed to ensure that customer limit orders are executed in a fair manner and at similar prices at which a firm has indicated it is willing to trade for its own account. To provide customers with the greatest opportunity to have their orders executed, NASD's Manning Interpretation requires NASD member firms to provide a minimum level of price improvement to incoming orders in NMS and SmallCap securities if the firm chooses to trade as principal with those incoming orders at prices superior to customer limit orders they currently hold. If a firm fails to provide the minimum level of price improvement to the incoming order, the firm must execute the customer limit orders it holds. Generally, if a firm trades for its own account and fails to provide the requisite amount of price improvement and also fails to execute its held customer limit orders, it is in violation of the Manning Interpretation. Currently, the minimum price improvements necessary to avoid a Manning violation, as outlined in NTM 97–57, are:

- If actual spread is equal to or greater than 1/16th of a point: Firm must price improve incoming order by at least a 1/16th.
- If actual spread is the minimum quotation increment: Firm must price improve incoming order by one-half the minimum quotation increment.[7]

In a decimal environment, Nasdaq is proposing the following Manning Interpretation price improvement standards for NNM and SmallCap securities:

- A firm must always price improve an incoming order by at least $0.01.[8]

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[9] *See* Letters from Noland Cheng, Chairman, Fixed Income Transparency Subcommittee of the Securities Industry Association's Operations Committee (December 20, 2000) and Messrs. William H. James, III, 1999 Chairman, Vincent Murray, 2000 Chairman, and Thomas Thees, 2001 Chairman, Corporate Bond Division, The Bond Market Association (December 20, 2000). These comments noted that previously Rule 6231, contained in the original TRACE Rules in SR–NASD–99–65, would have required member firms to engage in additional software development efforts and would have required member firms to duplicate the existing clearance data transmission and retention process by re-sending this data to the NASD after having sent it to the clearing entities.

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43893 (January 26, 2001), 66 FR 8823.

[4] Nasdaq will implement these rule changes starting on March 12, 2001, for each security converted to decimal pricing. Securities not trading in decimal increments will continue to be governed by the current versions of these proposed rules.

[5] Many NASD Rules and interpretations do not contain, and are not enforced based on, any particular value, fractional or otherwise. Nothing in Nasdaq's move to decimal pricing should be construed as relieving NASD members from their ongoing obligation to comply with all current NASD Rules.

[6] *See* Securities Exchange Act Release No. 39049 (September 10, 1997), 62 FR 48912 (order approving Interpretation). The Interpretation was announced to the NASD membership in NASD's Notice to Members 97–57 (September 1997) (NTM 97–57).

[7] For stocks priced under $10 (which are quoted in 1/32nd increments) the firm must price improve by at least 1/64th. Nasdaq notes that, for securities quoted in decimals, under the proposal there would no longer by any differentiation in the amount of price improvement required based on the price of a particular security.

[8] Pursuant to the terms of the Decimals Implementation Plan (Implementation Plan) submitted to the Commission on July 24, 2000, the minimum quotation increment for Nasdaq

Continued

Nasdaq chose to propose the $0.01 price improvement standard for securities quoting in decimals, taking the position that the current 1/16th price improvement values contained in NTM 97–57 discussing the Interpretation generally approximate the existing minimum quotation increment for most Nasdaq securities.[9] One exception to this approach is price improvement when the spread equals the minimum quotation increment. Recognizing that retaining the Interpretation's current ''one-half the spread'' price improvement alternative standard when the spread equals the minimum quote increment would result in a firm being able to price ahead of a customer order for one-half a penny ($0.005), Nasdaq proposes to strengthen that standard by requiring at least a penny price improvement before executing ahead of a held customer limit order. Nasdaq believes that, given the size of the new decimal quotation increment, uniform price improvement of a penny, particularly for stocks that are already trading with a penny spread, is an appropriate price improvement standard for the initiation of decimal pricing.

As contemplated in the Implementation Plan, Nasdaq and NASD Regulation will monitor the protection of customer limit orders during the implementation of decimal pricing in the Nasdaq market, and will analyze and evaluate trading activity to determine if future changes to the price improvement standard are warranted.

IM–3350. Short Sale Rule

Nasdaq proposes to amend IM–3350 to add language indicating that when the current best bid in a decimalized NNM security is lower than the preceding best bid in that security, a ''legal'' short sale must be executed at a price at least $0.01 above the current best bid.

NASD's Short Sale Rule requires that no member execute a short sale in an NNM security for a customer or proprietary account at or below the current best bid (unless operating pursuant to an exemption to the rule) when the current best bid is below the preceding best bid in the security. Under the current rule, a valid short sale in an NNM security must be executed at the following specified amounts above the current bid in a bid context:

- Spread 1/16th or greater: Legal Short Sale must be executed at least 1/16th above current best (inside) bid.
- Spread less than 1/16th: Legal Short Sale must be executed at price equal or greater than current best (inside) offer.

In a decimal environment, Nasdaq proposes the following standard for ''legal'' short sales:

- A valid short sale on a down bid would have to be executed at least $0.01 above the current best (inside) bid.

Nasdaq believes that the current 1/16th increment contained in the short sale rule generally approximates the current minimum 1/16th quotation increment for most Nasdaq securities. Nasdaq believes that short sale regulation should reflect the minimum quotation increment once trading commences in a decimals environment, *i.e.,* where there is a down bid in a security a legal short sale must be executed at a price at least $0.01 above the current best bid.

As contemplated in the Implementation Plan, Nasdaq and NASD Regulation will monitor the operation of the short sale rule in Nasdaq's decimal environment, and will analyze and evaluate trading activity to determine if the short sale price improvement standard adopted here adequately advances the market quality goals of the rule.

Rule 4632 Transaction Reporting

Nasdaq proposes to amend Rule 4632 to provide alternative reporting examples for securities trading in decimals.[10]

III. Discussion

The Commission has reviewed carefully the proposed rule change, and finds that it is consistent with the Act and the rules and regulations promulgated thereunder.[11] Specifically, the Commission finds that approval of the proposed rule change is consistent with section 15A(b)(6) of the Act.[12]

The Commission finds that the proposed amendment to the Interpretation to IM–2110–2 is consistent with section 15A(b)(6) of the Act,[13] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposal is intended to ensure that customer limit orders are executed fairly, and to require firms to provide price improvement of at least $0.01 before trading ahead of customer limit orders that they hold.

Regarding Nasdaq's proposed amendment to IM–3350, the Commission finds that the proposal is consistent with section 15A(b)(6) of the Act,[14] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Nasdaq is setting the $0.01 increment standard for legal short sales in securities quoting in decimals to mirror current operation of this rule for most Nasdaq securities quoting in fractions.

The Commission believes the proposed amendments to the Manning Interpretation and IM–3350 are a reasonable approach during the initial stages of the Nasdaq conversion to decimal pricing. However, we believe that the amendments should be reexamined once Nasdaq decimal trading behavior can be analyzed. As a result, the Commission is approving the amendment on a one-year pilot program basis. The primary purpose of pilot program is to allow Nasdaq, participants, and the Commission to examine the operation of the Interpretation and the Short Sale Rule. Ninety days prior to the end of the pilot period, Nasdaq must submit to the Commission a study analyzing the operation of these rules as amended.[15] The study must include, but is not limited to, an analysis of whether the rules are effective in achieving their

securities (both National market and SmallCap) at the outset of decimal pricing is $0.01. As such, Nasdaq will only display priced quotations to two places beyond the decimal point (to the penny). Quotations submitted to Nadaq that do not meet this standard will be rejected by Nasdaq systems. *See* Securities Exchange Act Release No. 43876 (January 23, 2001), 66 FR 8251.

[9] Originally, Nasdaq's Manning Interpretation required that member firms price improve an incoming order by the then minimum trade reporting increment of 1/64th. *See* NASD's Notice To Members 95–43 (June 1995). In response to changing market conditions, including a move to a 1/16th minimum quotation increment, Nasdaq adopted the current 1/16th price improvement standard. *See* NTM 97–57. *See also* Securities Exchange Act Release No. 39049 (September 10, 1997), 62 FR 48912.

[10] *Supra* note 3.

[11] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78o–3(b)(6).

[13] *Id.*

[14] *Id.*

[15] Requiring this study does not alleviate NASD of its obligations to provide any other reports required to be submitted to the Commission as a part of its conversion to decimal pricing. Specifically, NASD has agreed, pursuant to the Implementation Plan, to perform a detailed statistical analysis of quoting and trading activity that will be used to form the basis for a study or studies on systems capacity, liquidity, and trading behavior. This report is required to be delivered to the Commission no later than 60 days after the full implementation of decimals. Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010.

investor protection and market quality goals with a $0.01 minimum increment.[16] The Commission finds that the proposed amendments are appropriate during the pilot period.[17]

With regard to the amendments to NASD Rule 4632, the Commission finds that providing alternative reporting examples for securities quoting in decimals is consistent with the Act in general, and in particular with section 15A(b)(6).[18] By providing examples of trade reporting for securities quoting in decimals, Nasdaq clarifies how trade reporting will operate in a decimals environment, which should help to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of the filing in the **Federal Register**. Notice of the proposal indicated that the Commission would consider granting accelerated approval of the proposed rule change after a 15-day comment period.[19] The Commission received no comments on the proposal. Given the absence of comments, and Nasdaq's resolve to begin decimal pricing in certain Nasdaq securities on March 12, 2001, the Commission finds good cause to approve the proposal on an accelerated basis to ensure that the amendments are approved in advance of March 12, 2001.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, in general, and with section 15A(b)(6),[20] in particular.

[16] We note that concerns have been raised recently about the effect of a penny increment on trading behavior. *See* Norris, Big Board Will Study Effects of Decimal Trading, The New York Times, Feb. 17, 2001, at C1. We also note that the NASD has previously expressed concerns that transactions based on very small price changes could undermine the operation of the Short Sale Rule in a fractional pricing context. *See* Securities Exchange Act Release No. 31003 (August 6, 1992), 57 FR 36421, 36426 (Amended Notice Proposing NASD Short Sale Rule). The Commission will separately study the effect of decimal pricing on the operation of self-regulatory organization and Commission rules containing provisions that are designed to give public orders precedence over member orders, *e.g.,* Exchange Act Rule 11a1–1(T). In addition, we will study the effect of decimal pricing on the operation of short sale rules.

[17] Approving the amendment on a one-year pilot basis does not prevent Nasdaq from proposing a rule change regarding the Interpretation and the Short Sale Rule before the end of the one-year pilot should Nasdaq believe it is appropriate.

[18] *Id.*

[19] *Supra* note 3.

[20] 15 U.S.C. 78o–3(b)(6).

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NASD–01–09), be and hereby is approved on a pilot basis for the proposed rule changes to IM–2110–2 and the related Interpretation to IM–2110–2, and IM–3350 on a pilot basis ending on Friday, March 1, 2002;

It is further ordered, pursuant to section 19(b)(b) of the Act,[22] that the proposed rule change (SR–NASD–01–09), be and hereby is approved as to the amendment to NASD Rule 4632.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5797 Filed 3–8–01; 8:45 am]

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[21] 15 U.S.C. 78s(b)(2).

[22] *Id.*

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44032; File No. SR–NSCC–00–09]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Certain Securities Undergoing Reorganization

March 3, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 12, 2000, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. 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 rule change would permit NSCC to process otherwise ineligible securities in the continuous net settlement (''CNS''), balance order or other related system.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.[2]

A. Self-Regulator Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC's rules permit NSCC to continue to process certain securities undergoing reorganization or issuing dividends and specify how NSCC shall handle those issues. However, not all types of reorganizations or dividends fit the procedures specifically set forth in the rules. Ordinarily, this would require that the affected security be exited from the applicable system. Exiting the affected security from the applicable system poses a burden on the financial investment community when the issue is widely traded.

The purpose of the proposed rule filing is to permit NSCC the flexibility to process in the CNS, balance order, or other related system, on an exception basis, securities that would not otherwise have been eligible for processing to the extent NSCC has the capability to do so. The proposed rule change would provide that in such circumstance, NSCC would issue a notice to its members setting forth how NSCC would process the security. The proposed rule change further would provide that the procedures set forth in the notice would have the same effect as if they were set forth in NSCC's rules.

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder. In particular, NSCC believes that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act[3] which requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78q–1(b)(3)(F).

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a 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 relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any other written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NSCC consents, the Commission will:

(a) By order approve the proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–00–09 and should be submitted by March 30, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5796 Filed 3–8–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44031; File No. SR–NSCC–00–10]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to Processing Certain Securities Undergoing Reorganization

March 2, 2001.

On October 10, 2000, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–NSCC–00–10) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on December 18, 2000.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change modifies NSCC's Rules and Procedures to permit securities that are subject to certain voluntary corporate action which previously would have caused them to be exited from NSCC's continuous net settlement (''CNS'') system to continue to be processed in CNS.[3] NSCC has enhanced the CNS system to enable it to process securities with reorganization events that have a wider and more varied range of features. The proposed rule change provides that when NSCC determines that it has the operational capability to continue to process such an issue, the issue will continue to be CNS eligible, and NSCC will establish procedures necessary for NSCC to accommodate the issue in CNS. NSCC will issue an Important Notice to its members detailing how the security will be processed.

NSCC's Rules and Procedures permit NSCC to continue to process certain securities undergoing corporate reorganizations and specify how NSCC shall handle those issues. For example, currently NSCC's Procedure VII provides for the processing in CNS of securities subject to tender offers with protect periods of three or more days. Securities subject to tender offers with protect periods of less than tree days cannot currently be processed in CNS, and NSCC would normally exit such securities from the CNS system. In that case, NSCC would issue receive/deliver instructions to participants with long or short positions in the subject security. The proposed rule change allows securities subject to tender offers with no protect periods or protect periods of less than three days to be processed in CNS.

Another example, would be issues subject to multiple tender offers. Currently, NSCC's Rules and Procedures provide for the establishment of up to two CNS reorganization subaccounts for issues subject to two tender offers. Under NSCC's proposed rule change, it could, provided it has the operation capability to do so, establish multiple CNS subaccount for issues subject to multiple tender offers.

In addition, in order to eliminate the possibility of error which arises from manual processing, NSCC has determined not to continue providing certain features which were processed on a manual basis. For example, the rule no longer permits new input on the list day of the protect period.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirement of the Act and the rules and regulations thereunder and particularly with the requirements of section 17A(b)(3)(F).[4] Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission believes that NSCC's rule change meets this standard because the proposed rule change allows additional corporate actions to be processed in and receive the benefits of NSCC's CNS system. Thus, the proposed rule change facilitates the prompt and accurate clearance and settlement of such securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of section 17A(b)(3)(F) of

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 43699 (December 11, 2000), 65 FR 79144.

[3] The proposed rule change also modified NSCC's Rules and Procedures to refer to reorganization events as voluntary and mandatory instead of as voluntary and involuntary.

[4] 15 U.S.C. 78q–1(b)(3)(F).

the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–00–10) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5798 Filed 3–8–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44033; File No. SR–NYSE–00–30]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Amending NYSE Rule 104

March 2, 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 June 29, 2000, 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. On February 21, 20001, the Exchange filed Amendment No. 1 (''Amendment No. 1'') to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the amended proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an amendment to NYSE Rule 104 to permit specialists to make certain destabilizing transactions for his or her own account without Floor Official approval to bring the price of a listed foreign security into parity with the price of the foreign ordinary security.

The text of the proposed rule change is available at 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 filling 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 NYSE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed rule Change

1. Purpose

The Exchange is proposing to amend NYSE Rule 104 to facilitate specialist market making in foreign securities traded on the Exchange. Currently, NYSE Rule 104 requires specialists to obtain Floor Official approval when purchasing on a direct plus tick or selling on a direct minus tick, or when purchasing on a zero plus tick more than 50% of the stock offered. These transactions are seen as destabilizing, and may be effected by the specialist only with Floor Official approval. The Exchange is proposing to amend NYSE Rule 104 to provide that, without first obtaining Floor Official approval, specialists may engage in these destabilizing transactions, under certain circumstances to be discussed below, to bring a listed foreign security into parity with the price of the foreign ordinary security.[4]

With respect to a listed foreign security, the price of the transaction to bring the security into parity (a) must be based on the last sale price in the home country market, if that market is open, or (b) if the home country market is not open, the parity price must be between the then current bid and offer in the London (UK) market, *i.e.,* the London Stock Exchange, or (c) must be based at any time on changes in the home country-U.S. dollar exchange rate.[5] The transactions described above to bring a listed foreign security into parity with the price of the foreign ordinary security in any other market would continue to require Floor Official approval.

NYSE Rule 104.10(7), as amended, also clarifies specialists' responsibilities with respect to consecutive direct tick destabilizing parity transactions in foreign securities.[6] The Exchange proposes that a specialist must not effect consecutive direct tick destabilizing trades unless these transactions are effected to bring a listed foreign security into parity with the price of the foreign ordinary security and a Floor Official has approved the transaction. For example, a specialist may want to trade on consecutive direct tick destabilizing transactions for his or her own account to bring the security into parity when a stock is not actively traded on the Exchange, but is active in its home country. The NYSE believes that the specialist's transactions in this situation could benefit the market and public investors by maintaining parity if there is an absence of public orders. Such consecutive direct tick destabilizing transactions would require Floor Official approval. Floor Officials would look at all circumstances surrounding the request.

The main change being effected by the proposal is that non-consecutive destabilizing transactions as described above, which are effected to achieve parity, would not require Floor Official approval as currently mandated by NYSE Rule 104. The Exchange represents that this proposal is analogous to the provisions currently in NYSE Rule 104 with respect to transactions effected to bring the price of an investment company unit into parity with the value of the index on which it is based or with the net asset

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposed to: (1) Revise the proposed rule text to clarify that the relief afforded from obtaining Floor Official approval for destabilizing transactions to bring a listed foreign security into parity with the price of a foreign ordinary security is available only where the Exchange is not the principal market for the security; (2) add language to the proposed rule text that affirmatively states that specialists must not effect consecutive direct tick destabilizing trades unless the transaction is effected to bring a foreign listed security into parity with the price of a foreign ordinary security and a Floor Official has approved the transaction; (3) clarify that it will consider the home country market as the principal market for a foreign security, unless a significant volume of the shares traded in that security take place otherwise than in that market; (4) require that specialists keep a record of the source of exchange rate information they utilize; and (5) issue a memorandum to all specialists and Floor Officials to explain the relief afforded by the proposed rule change and to provide specific reference to the interaction between specialists destabilizing parity transactions and certain Exchange rules, upon receiving Commission approval of the proposed rule change.

[4] The proposed rule defines a listed foreign security as a security traded on the Exchange, which is a foreign ordinary security, or a depositary receipt that represents a foreign company's publicly traded security.

[5] Currency exchange rate information is displayed on the Floor of the Exchange utilizing information from Reuters. Specialists may also utilize other sources of vendor-supplied exchange rate information. Specialists must keep a record of the source of the exchange rate information they utilize. *See* Amendment No. 1, *supra* note 3.

[6] *See* Amendment No. 1, *supra* note 3.

value of the securities comprising the unit.[7]

Proposed NYSE Rule 104.10(7), as amended, also clarifies that the relief afforded from obtaining Floor Official approval for destabilizing transactions to bring a listed foreign security into parity with the price of the foreign ordinary security is available only where the Exchange is not the principal market for the foreign security. The Exchange will consider the home country market as the principal market for a foreign security, unless a significant volume of the shares traded in that security take place outside that market.[8]

Finally, the Exchange will issue a memorandum to all specialists and Floor Officials explaining the relief afforded by the change to NYSE Rule 104 upon receiving approval of the proposed rule change.[9] This memorandum will provide specific reference to the interaction between specialists destabilizing parity transactions and certain Exchange rules, including NYSE Rule 123A.30 on percentage orders, NYSE Rule 123A.40 on election of stop orders, NYSE Rule 127 on specialists trading as principal in parity adjustment situations, and NYSE Rule 440B on the short sale rule.[10] Specialists will also be informed that destabilizing parity trades must be reported on Form 81. Specialists will remain subject to all other requirements of NYSE Rule 104 with respect to their affirmative and negative obligations to maintain a fair and orderly market.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5)[11] that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed amendment is consistent with these objectives in that it fosters efficient market making in foreign securities traded on the Exchange.

[7] Securities Exchange Act Release No. 37016 (March 22, 1996), 61 FR 14185 (March 29, 1996) (approving SR–NYSE–96–04).

[8] *See* Amendment No. 1, *supra* note 3.

[9] *See* Amendment No. 1, *supra* note 3.

[10] The Exchange will reference NYSE Rule 440B on the short sale in the memorandum that will be issued to specialists and Floor Officials. Telephone conversation between Donald Siemer, Director, Market Surveillance, NYSE, and Jennifer Colihan, Special Counsel, Division of Market Regulation, Commission, on February 15, 2001.

[11] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 self-regulatory organization consents, the Commission will:

A. By order approve the 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 it 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 Exchange. All submissions should refer to File Number SR–NYSE–00–30 and should be submitted by March 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–5799 Filed 3–8–01; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3599]

Culturally Significant Objects Imported for Exhibition; Determinations; ''Gauguin Tahiti''

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 et seq.], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], I hereby determine that the object to be included in the exhibit, ''Gauguin Tahiti,'' imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the object at the Museum of Fine Arts, Boston, Massachusetts, from on or about February 1, 2004, to on or about May 31, 2004, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is Room 700, United States Department of State, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: March 5, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–5889 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3598]

Culturally Significant Objects Imported for Exhibition Determinations: ''Impressionist Still Life''

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended by Delegation of Authority No. 236–3 of August 28, 2000 [65 FR 53795], I hereby determine that the object to be included in the exhibit, ''Impressionist Still Life,'' imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the object at The Phillips Collection, Washington, DC, from on or about September 22, 2001, to on or about January 13, 2002, and at the Museum of Fine Arts, Boston, Massachusetts, from on or about February 17, 2002, to on or about June 9, 2002, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is Room 700, United States Department of State, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: March 5, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–5888 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3590]

Office of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: December 14, 2000 and January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: February 14, 2001.

William J. Lowell,

Director, Office of Defense Trade Controls, U.S. Department of State.

December 14, 2000.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of major defense equipment sold under a contract in the amount of $14,000,000 or more.

The transaction described in the attached certification involves the sale of eight (8) S80E–1 helicopters to the Government of Turkey.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure:

Transmittal No. DTC 065–00

The Honorable J. Dennis Hastert,

Speaker of the House of Representatives.

January 19, 2001.

Dear Mr. Speaker: Consistent with section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting herewith certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive certain sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer of certain S–61 helicopter parts from the United Kingdom to India.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure:

Transmittal No. DTC 001–01

The Honorable J. Dennis Hastert,

Speaker of the House of Representatives.

[FR Doc. 01–5887 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice—3600]

Extension of the Restriction on the Use of United States Passports for Travel To, In or Through Iraq

On February 1, 1991, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73 (a) (2) and (a) (3), all United States passports, with certain exceptions, were declared invalid for travel to, in, or through Iraq unless specifically validated for such travel. The restriction was originally imposed because armed hostilities then were taking place in Iraq and Kuwait, and because there was an imminent danger to the safety of United States travelers to Iraq. American citizens then residing in Iraq and American professional reporters and journalists on assignment there were exempted from the restriction on the ground that such exemptions were in the national interest. The restriction has been extended for additional one-year periods since then, and was last extended through March 9, 2001.

Conditions in Iraq remain hazardous for Americans. Iraq continues to refuse to comply with UN Security Council resolutions to fully declare and destroy its weapons of mass destruction and missiles while mounting a virulent public campaign in which the United States is blamed for maintenance of U.N. sanctions. The United Nations has withdrawn all U.S. citizen UN humanitarian workers from Iraq because of the Government of Iraq's stated inability to protect their safety. Iraq regularly fires anti-aircraft artillery and surface-to-air missiles at U.S. and coalition aircraft patrolling the no-fly zones over northern and southern Iraq, and regularly illuminates U.S. and coalition aircraft with target-acquisition radar.

U.S. citizens and other foreigners working inside Kuwait near the Iraqi borders have been detained by Iraqi authorities in the past and sentenced to lengthy jail terms for alleged illegal entry into the country. Although our interests are represented by the Embassy of Poland in Baghdad, its ability to obtain consular access to detained U.S. citizens and to perform emergency services is constrained by Iraqi unwillingness to cooperate. In light of these circumstances and pursuant to the authorities set forth in 22 U.S.C 211 a, Executive Order 11295, and 22 CFR 51.73, I have determined that Iraq continues to be a country ''where there is imminent danger to the public health or the physical safety of United States travelers''.

Accordingly, United States passports shall continue to be invalid for use in, travel to, in, or through Iraq unless specifically validated for such travel under the authority of the Secretary of State. The restriction shall not apply to American citizens residing in Iraq on February 1, 1991, who continue to reside there, or to American professional reporters or journalists on assignment there.

The Public Notice shall be effective from the date it is published in the **Federal Register** and shall expire at midnight on the same date in the year 2002, unless sooner extended or revoked by Public Notice.

Dated: February 28, 2001.

Colin L. Powell,

Secretary of State.

[FR Doc. 01–5890 Filed 3–8–01; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determinations Under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Madagascar has adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents in connection with shipments of textile and apparel articles and has implemented and follows, or is making substantial progress toward implementing and following, the customs procedures required by the African Growth and Opportunity Act. Therefore, imports of eligible products from Madagascar qualify for the enhanced trade benefits provided under the AGOA.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: James Roth, Deputy Director for African Affairs, Office of the United States Trade Representative, (202) 395–9514.

SUPPLEMENTARY INFORMATION: The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106–200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as ''beneficiary sub-Saharan African countries,'' provided that these countries (1) have adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents, and (2) have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7350 of October 2, 2000, the President designated 34 countries, including Madagascar, as ''beneficiary sub-Saharan African countries.'' Proclamation 7350 delegated to the United States Trade Representative (USTR) the authority to determine whether these countries have met the two requirements described above. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS). Based on actions that Madagascar has taken, I have determined that Madagascar has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS and U.S. note 1 to subchapter XIX of chapter 98 of the HTS are each modified by inserting ''Madagascar'' in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the effective date of this notice. Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See Visa Requirements Under the African Growth and Opportunity Act*, 66 FR 7837 (2001).

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01–5872 Filed 3–8–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 16, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–8896.
Date Filed: February 12, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC1 0179 dated February 6, 2001, Mail Vote 106—Resolution 010q, TC1 Within South America Special Passenger, Amending Resolution, Intended effective date: March 1, 2001.

Docket Number: OST–2001–8909.
Date Filed: February 14, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0775 dated February 13, 2001, Mail Vote 107 Resolution 010h, Special Passenger Currency Conversion Resolution—euro, Intended effective date: March 1, 2001.

Docket Number: OST–2001–8923.
Date Filed: February 15, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0123 dated February 9, 2001, TC12 North Atlantic-

Israel Expedited Resolutions r1–r7, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8924.
Date Filed: February 15, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0122 dated February 9, 2001, North Atlantic-Middle East Expedited Resolution 002w, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8926.
Date Filed: February 16, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–ME 0129 and PTC12 NMS–ME 0130 dated February 16, 2001, Mail Votes 108 and 109—Resolutions 010r and 010s (Amending), TC12 Mid/South Atlantic Special Amending Resolutions from Kuwait, Yemen, Intended effective date: March 15, 2001.

Docket Number: OST–2001–8931.
Date Filed: February 16, 2001.
Parties: Members of the International Air Transport Association.
Subject: PAC/Reso/410 dated December 21, 2000, Mail Vote A101 (Reso 850), Intended effective date: January 31, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–5748 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement Number ACE–00–23.683–01A]

Proposed Issuance of Policy Memorandum, Discussion of Compliance Methods in Advisory Circular (AC) 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes, Paragraph 23. 683, Operation Tests

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement; request for comments.

SUMMARY: This document announces a Federal Aviation Administration (FAA) proposed general statement of policy applicable to the type certification of normal, utility, acrobatic, and commuter category airplanes. This document advises the public, in particular manufacturers of normal, utility, acrobatic, and commuter category airplanes, of more information related to the compliance methods in Advisory Circular (AC) 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes, Paragraph 23.683, Operation Tests. This notice is to tell the public about proposed FAA policy and give all interested people an opportunity to present their views on the proposed policy statement.

DATES: Comments sent must be received by April 9, 2001.

ADDRESSES: Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT:

—Comments. Pat Nininger, FAA, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4129; fax 816–329–4090; e-mail <*Pat. Nininger@faa.gov*>.

—Technical. Lester Cheng, FAA, Small Airplane Directorate, ACE–111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4120; fax 816–329–4090; e-mail: <*Lester.Cheng@faa.gov*>

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed Policy?

We invite your comments on this proposed policy statement. Send written data, views, or arguments. Mark your comments, ''Comments to policy statement ACE–00–23.683–01A,'' and send two copies to the above address. We will consider all comments received by the closing date. We may change the proposals contained in this notice because of the comments received.

You may also send comments using the Internet to the following address: <Pat. Nininger@faa.gov>. Comments sent by fax or the Internet must contain, ''Comments to policy statement ACE–00–23.683–01A'' in the subject line. You do not need to send two copies. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent by the Internet.

Send comments using the following format:

—Organize comments issue-by-issue. For example, discuss a comment about proof of structure and a comment about load static tests as two separate issues.

—For each issue, state what specific change you are requesting to the proposed policy memorandum.

—Include justification (for example, reasons or data) for each request.

Background

What Events Have Caused This Proposed Policy?

After reviewing the compliance methods in Advisory Circular (AC) 23–17, the directorate determined there was additional information related to the compliance methods in AC 23–17, paragraph 23.683, that might be beneficial. A proposed policy memorandum, ACE–00–23.683–01, was published on January 12, 2000 (65 FR 1941) for review and comment. We received several comments. Nevertheless, after the closing date of comments (February 11, 2000), the FAA received a few requests to extend the comment period and accept more comments on the proposed policy statement. On April 25, 2000, AC 23–17 incorporated paragraph 23.683 and cancelled AC 23.683–1.

After publishing the proposed policy, we learned it would be beneficial to clarity that this modified method, which accounts for the deformation effects of adjacent structure through testing, may not be necessary for some designs. In some cases, analysis may be used to account for these effects. This clarification is inserted under the ''General Statement of Policy'' of the policy memo ACE–00–23.683–01.

This notice announces the revised policy memo and gives all interested persons the opportunity to present their comments.

What Is the General Effect of This Proposed Policy

The FAA is presenting this information as a set of guidelines suitable for use. However, this document is not intended to establish a binding norm; it does not constitute a new regulation and the FAA would not apply or rely on it as a regulation. The FAA Aircraft Certification Offices (ACO's) that certify normal, utility, acrobatic, and commuter category airplanes should try to follow this policy when appropriate.

Applicants should expect the certificating officials to consider this policy when making findings of compliance relevant to new certificate actions. Applicants also may consider the material contained in this proposed policy statement as a supplement to that contained in AC 23–17, paragraph 23.683, when developing a means of compliance with the relevant certification standards.

As with all advisory material, this statement of policy identifies one method, but not the only method, of compliance.

Because this proposed general statement of policy only announces what the FAA seeks to establish as policy, the FAA considers it an issue suitable for public comment. Therefore, the FAA invites comments on the following proposed general statement of policy relevant to compliance with § 23.305, paragraph (a), and other related regulations.

The Proposed Policy

General Statement of Policy

The method of showing compliance with § 23.683 presented in AC 23–17, paragraph 23.683, Operation Tests, discusses only the control system. It does not explicitly specify the consideration of loading on adjacent structures and elements. This is consistent with the wording in § 23.683 of the regulations. Testing, not analysis, must be used to show compliance with § 23.683. There are other regulations, related to § 23.683, which must also be met. These include the following:

The first one, which is noted in AC 23–17, is section 23.305, paragraph (a), [Subpart C—Structure, General] Strength and Deformation. It requires that ''At any load up to limit loads, the deformation may not interfere with safe operation.''

Section 23.307, [Subpart C—Structure, General] Proof of Structure, states that ''Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made.''

Section 23.655, paragraph (a), [Subpart D—Design and Construction, Control Surfaces] Installation, requires that ''Moveable surfaces must be installed so that there is no interference between any surfaces, their bracing, or adjacent fixed structure, when one surface is held in its most critical clearance positions and the others are operated through their full movement.''

Section 23.681, paragraph (a), [Subpart D—Design and Construction, Control Surfaces] Limit Load Static Tests, requires that ''Compliance with the limit load requirements of this part must be shown by tests in which—

(1) The direction of the test loads produces the most severe loading in the control system; and

(2) Each fitting, pulley, and bracket used in attaching the system to the main structure is included.''

To ensure that these requirements will be satisfied in the conduct of the control system operation test, inclusion of loads on the adjacent structures or elements in the testing set-up is generally required.

While testing is required for demonstration of compliance to § 23.683, in some cases, analysis may be acceptable for showing compliance with § 23.305, paragraph (a). Section 23.307, paragraph (a), provides the criterion for when analysis is not acceptable and testing must be performed.

It is not appropriate to define specific quantitative criterion to determine when testing is required to demonstrate compliance with § 23.305, paragraph (a), in accordance with § 23.307, paragraph (a). One specific criterion will not work for all possible airplane designs. It is better that such determinations are made on a case-by-case basis, in which the appropriate details of a particular design can be considered.

However, this policy will describe some of the factors that should be considered when determining if testing is required to demonstrate that clearance between controls and adjacent structure under load meets § 23.305, paragraph (a). These factors include, but are not limited to, the following:

(1) *The clearance between control surfaces and adjacent structure, when at rest.* Suppose an applicant has experience with other airplanes that have a half-inch of clearance between controls and adjacent structure at rest. However, a new design is similar except it now has only a tenth of an inch clearance when at rest. Testing to demonstrate compliance with § 23.305, paragraph (a), may be required because the new structure may not conform to those for which experience has shown this method to be reliable in the past. The accuracy of past methods may not be suitable for the smaller clearances. Conditions assessed in past analysis may not have included a condition that is critical for the new smaller clearance.

(2) *The amount of deformation (under limit loads) in the control surface or adjacent structure.* If analysis had been shown to be reliable in the past for a wing that had much smaller deflections than a current design, the current structure may not conform to those for which experience has shown this method to be reliable, and testing may be required. Previous analytical methods may no longer be reliable because the new design behaves in a more non-linear manner. It is possible that types of deflection that were neglected in past analysis may now become critical.

(3) *New control surface attachment configurations or other local design changes that could create new types of deformation that are critical for the new design but were not included in past analysis.* If the FAA requires (or if an applicant voluntarily chooses) compliance with § 23.305, paragraph (a), to be shown by test, the following test procedure is one means to simultaneously demonstrate compliance with both § 23.305, paragraph (a), and § 23.683. It also demonstrates compliance with § 23.681, paragraph (a). This testing may be conducted as follows:

Except where otherwise specified, the tests described below in sections (1), (2), and (3) should be conducted within the following parameters.

a. Conduct the control system operation tests by operating the controls from the pilot's compartment.

b. All the control surfaces must be installed in accordance with the type design to their adjacent fixed surface on the airframe.

c. The entire control system and adjacent fixed structure should be loaded.

d. The adjacent fixed surfaces (wings, horizontal stabilizers, vertical stabilizers, and so forth) should be loaded to provide deflections equivalent to critical limit load flight conditions.

e. The structure deflections should correspond to the limit flight conditions that represent the worst case conditions for increased cable tension, decreased cable tension, and control/fixed surface proximity for each control system as appropriate.

f. The entire control system must be loaded to either the limit airloads or the limit pilot forces, whichever is less (§ 23.683, paragraph (b)(1)).

g. Minimum clearances around control surfaces and minimum tensions in cable systems should be defined to be incorporated in the airplane's instructions for continued airworthiness. The test article should incorporate these minimum clearances and tensions, unless you otherwise account for them.

h. If reductions in the minimum clearances described in paragraph g above are possible due to environmental conditions expected in service, you must account for this. This can be accomplished through analysis or during testing by adjusting the test article clearances to encompass these effects.

(1) The tests described in this section support the demonstration that the control system is free from jamming, excessive friction, and excessive deflection as required by § 23.683, paragraphs (a)(1), (2), and (3). They also support the demonstration that structural deformations not interfere

with safe operation as required by § 23.305, paragraph (a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraphs d and e above.

(ii) Support the control surface being tested while it is located in the neutral position.

(iii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for interference (contact).

(iv) Load the pilot's control until the control surface is just off the support.

(v) Determine the available control surface travel, which is the amount of movement of the surface from neutral when the cockpit control is moved through the limits of its travel.

(vi) The control surface under loads described in paragraph f above should travel a minimum of 10 percent of the total unloaded travel, as measured from the neutral position. This should be demonstrated for both directions of travel.

(vii) To address the possibility of a critical intermediate control surface loading, gradually remove load from the control surface (while maintaining the load on the adjacent fixed surface) until maximum control surface travel is achieved.

(viii) The above procedure should be repeated in the opposite direction.

(ix) With limit load applied to the adjacent fixed surface and limit or intermediate load applied to the control surface, no signs of jamming, or of any permanent set of any connection, bracket, attachment, and so forth, may be present.

(x) The control system should operate freely without excessive friction.

(xi) Cable systems should be checked with the loads applied to ensure that excessive slack does not develop in the system.

(xii) Repeat this process for each of the critical loading conditions as defined by paragraphs d and f above.

(2) The tests described in this section support the demonstration that structural deformations not interfere with safe operation as required by § 23.305, paragraph (a). Accomplish the following:

(i) Load the adjacent fixed aerodynamic surface (wing, horizontal tail, or vertical tail) in accordance with one of the conditions of paragraph d and e above.

(ii) Operate the unloaded control system from stop to stop.

(iii) No signs of interference (contact) may be present.

(iv) The control system should operate freely without excessive friction.

(v) Repeat this process for each of the critical adjacent fixed surface loading conditions as defined by paragraphs d and e above.

Note 1: An alternate procedure may be used to accommodate the testing described in sections (1) and (2) above during structural tests of a partial airplane. This method requires that all control system components that are attached to or enclosed by the loaded test structure be installed per type design. A sufficiently representative mockup of remaining control system components must be used to ensure that the full length of any cables which extend from the loaded test structure are included. This is necessary to make a reasonable assessment that slack that could develop in control cables is not excessive enough to cause an entanglement or jam. The control surface activation may be input at any convenient location between the mockup terminus and the cockpit.

(3) The tests described in this section will demonstrate that the control system is free from excessive deflection as required by § 23.683, paragraph (a)(3). These tests complete the demonstration that the control system is free from jamming and excessive friction, as required by § 23.683, paragraphs (a)(1) and (2). They also demonstrate that structural deformations do not interfere with safe operation, as required by § 23.305, paragraph (a). These tests meet the limit load static test requirements of § 23.681, paragraph (a). Accomplish the following:

(i) With the adjacent fixed surface (wing, horizontal tail, or vertical tail) unloaded, support the control surface being tested while it is located in the neutral position.

(ii) Load the control surfaces to the critical limit loads, as described in paragraph f above, and evaluate their proximity to the fixed adjacent structure for jamming or contact.

(iii) Load the pilot's control until the control surface is just off the support.

(iv) Operate the cockpit control in the direction opposite the load to the extent of its travel.

(v) The above procedure should be repeated in the opposite direction.

(vi) The minimum loaded control surface travel from the neutral position in each direction is 10 percent of the total unloaded control surface travel.

(vii) Under limit load, no signs of jamming, or of any permanent set of any connection, bracket, attachment, and so forth, may be present.

(viii) The control system should operate freely without excessive friction.

Note 2: The tests described in section (3) above are normally accomplished using a complete airplane. As a minimum, they must be completed using an airframe/control system that completely represents the final product from the cockpit controls to the control surface.

Regardless of the amount of travel of a control surface when tested as described above, the airplane must have adequate flight characteristics as specified in § 23.141. Any airplane that is a close derivative of a previous type certificated airplane need not exceed the control surface travel of the original airplane; however, the flight characteristics should be tested to ensure compliance.

Issued in Kansas City, Missouri, on February 22, 2001.

David R. Showers,

Acting Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 01–5603 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Champaign County, OH

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement may be prepared for a proposed transportation project in Champaign County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mark L. Vonder Embse, Urban Programs Engineer, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6854.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation, will prepare an Environmental Impact Statement (EIS) for a proposed improvement in the vicinity of the City of Urbana, Ohio, in the corridor of United States Route 68 (US–68). The project termini are approximately the Clark/Champaign County Line to the south and 1.5 miles south of the Champaign/Logan County Line to the north. The southern terminus overlaps with the recently-constructed final segment of the City of Springfield US–68 Bypass. The study area is approximately 14 miles in length.

The purpose and need of the project are to enhance access to highways in west-central Ohio, and improve roadway operations and safety in the

City of Urbana. Alternatives under consideration include: (1) Taking no action; (2) constructing a new highway on new location; (3) and upgrading existing facilities. FHWA, ODOT, and local agencies will be invited to participate in defining the alternatives to be evaluated in the EIS, and any significant social, economic, or environmental issues related to the alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in the project area. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. Scoping activities will be conducted.

To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be sent to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 23, 2001.

Mark L. Vonder Embse,

Urban Programs Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 01–5790 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9047]

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 STEP TWO.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9047. 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., SW., Washington, DC 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: STEP TWO. Owner: Glenn & Linda Westervelt.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Size of Vessel—Length: 46.2′, Beam 14.5″, Tonnage of Vessel—Gross: 29, Net 23.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

The vessel would be used as a ''Boat & Breakfast'' of sorts, with the clients keeping the boat in one marina for a week-end or weekly period. Or they would be given the option charter similar to a bareboat situation, which I understand is presently allowed. The difference from a bareboat situation would be that a Licensed Captain would be aboard to do the navigation in order to protect our investment. The charterers would pick from a number of destinations and itinerary to suit their needs and desires. As a minor or side opportunity, the vessel would be available for private sunset cruises or inshore fishing excursions. We plan to base the operation of the vessel out of Atlantic City, New Jersey for the summer months, beginning in the latter part of June and ending in September. Depending on the period of charter, clients would have a range of destinations from New York City down the coast to Ocean City, Maryland including Delaware Bay and Philadelphia, Pennsylvania.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1985. Place of construction: China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

Research has found that there are no other commercial vessels operating a venture of this nature in the Atlantic City and Southern New Jersey area. We are not aware of any bareboat vessels. There are about a dozen commercial fishing vessels taking passengers for hire out of Absecon Inlet. Our vessel is a slow trawler and is not really set for serious fishing. Therefore, we should not impede on any other operator. This is due also to the fact that fishing will only be a minor side attraction to what we are offering. Since we live aboard, this business is only a part-time operation to help defray the cost of maintaining our floating home. In order not to create too much of a hardship on our boat and ourselves, we haved set a limit of a dozen charters a season, if in fact, we are fortunate enough to reach that goal. Therefore, we should not impose a threat to any operation working full-time.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

To our knowledge, this would have little or not effect on U.S. Shipyards. In fact, this operation could be deemed an enhancement to local yards that will be helping to maintain this vessel, with the additional wear and tear associated with operating this venture. Presently, these vessels are already permitted to operate as bareboat entities. The only change we are attempting to make is the addition of a professional Captain, which should be a desired attribute to avoid incidents on the water.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5897 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9049]

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 PAPA II.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9049. 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., SW., Washington, DC 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: PAPA II. Owner: Jasper L. Shidler.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''PAPA II is 42 feet long with a breadth of 14.2 feet and a depth of 5 feet. Her gross tonnage is 19.6 tons. Tonnage was measured pursuant to 46 U.S.C. 14502 specifications.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I intend to use this vessel to conduct day and evening, 1 day, or weekend charters which will involve sunset viewing, exploring local harbors and islands, and occasionally trolling a fishing line. It is not my intention to conduct a fishing charter business. The region in which I would like to operate is the coastal waters of Massachusetts, specifically between Rockport and Cape Cod.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1972. Place of construction: Wallace, Nova Scotia, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

Considering the type of activities I intend to conduct, and the area in which I intend to conduct them, I am confident that if this waiver is granted it will have no adverse effects upon commercial passenger vessel operators. The vessels operating in my area are; large whale watch vessels, commercial fishing vessels, large fishing vessels, and sport-fishing charter vessels.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

The granting of this waiver will not affect the business of U.S. shipbuilders adversely. Ultimately, not granting this waiver will however, because it is my intention to start my operation using PAPA II and use the profits to help fund the eventual purchase of a U.S. built, more modern vessel, to conduct my business. Considering the activities I plan to pursue, a U.S. built vessel would best suit my needs, however, my current financial situation is impeding my goal. I see the use of PAPA II as my only viable option. As stated the granting of this waiver will have only a positive affect on U.S. shipbuilders.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5896 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9048]

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 CRYSTAL.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9048. 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., SW., Washington, DC 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: CRYSTAL. Owner: CRYSTAL YACHT CHARTERS, INC., a California corporation.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''The vessel measurements are: length: 82′, breadth: 22′, depth: 11′. The tonnages are 163 gross and 59 net as measured under the Convention Measurement System pursuant to 46 CFR 69 and 46 U.S.C. Chapter 143.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

> This vessel will operate for short periods of time with captain, crew, and 12 or less passengers on harbor cruises and corporate executive sightseeing tours within Newport Harbor, and the Pacific Ocean between Newport Beach and San Diego and out to Catalina Island. The geographic limits will also include the Pacific Ocean between Pt. Conception and San Diego and out to Catalina Island.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1994. Place of construction: Kha Shing Enterprises Co., Ltd., Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

> The impact will be negligible as we will address the charter needs of smaller groups than most of the vessels in our area. Most of the commercial passenger vessels have capacities of 50 to 500 passengers.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:

> There is no negative impact on our U.S. shipyards and we anticipate that all of the repair work to this vessel will be done in U.S. shipyards. A majority of the components, including engines, generators, navigation equipment, propellers, running gear, etc., are all U.S. built.

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5898 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9042]

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 ELIZA.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9042. 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., SW., Washington, DC 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: ELIZA. Owner: Herbert W. Goodall, III.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Gross 68 Tons, Net 65 Tons, Length 75.5′, Breadth 20.6′, Depth 8.2′.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

ELIZA operates as a term charter vessel, taking eight guests or fewer, on one week or longer cruises, mainly in New England, but also south from New England as far as South Florida.

As above, the main areas of operation for ELIZA are the Atlantic seaboard states of New England during the months of June through September: New York, Connecticut, Massachusetts, New Hampshire and Maine. But, the waters of New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida come into play from time to time as the vessel runs north and south. The vessel's main winter operations area is the Eastern Caribbean, so the states south of New England come into play solely during the yacht's semi-annual delivery between her main theaters of operation.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1981. Place of construction: Poole, Dorset, United Kingdom.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''ELIZA is not engaged in the day charter business so the impact on other commercial passenger vessels would be minimal to non-existent.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''There are no shipyards, that I know of, building vessels like or even similar to ELIZA.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5899 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9050]

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 RUFFINIT.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9050. 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., SW., Washington, DC 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: RUFFINIT. Owner: KMM, an Alaska Partnership, composed of William McGrew, Dennis Kelly, and John McGrew.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''The overall length of the ''RUFFINIT'' is 48′4″: with the load length waterline being 43′. The gross tonnage of the vessel is 43, with the net tons being 34. The displacement is approximately 39,500 lbs. It is my understanding the tonnage was measured pursuant to 46 U.S.C. 14502.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''The ''RUFFINIT'' will be docked and operated out of the small boat harbor at the port of Valdez, Alaska. The intended use of this vessel will be to transport not more than 12 passengers, along with kayaks, to various scenic bays and inlets within Prince William Sound. It is contemplated that most of the trips will be day trips, leaving Valdez in the morning and returning to Valdez that same evening. The ''RUFFINIT'' will serve as a ''base of operations'' for the kayakers once we reach our destination within Prince William Sound. The Kayakers will launch from the ''RUFFINIT'' and then return to the ship for lunch, rest, take advantage of the rest room facilities on board, or perhaps even have a hot shower. Plans are also being developed to have an overnight or perhaps a somewhat longer trip if the passengers so desire. This vessel will not be used as a charter vessel for fishing.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of

construction: 1985. Place of construction: Tien Mou Tapel, Taiwan, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''I believe that the described operations will have minimal effect on other commercial vessel operators in the Valdez Alaska area. In fact, I believe that by granting this waiver, several business owners will directly benefit from the granting of the waiver. The ''RUFFINIT'' is presently the largest vessel docked at the Valdez small boat harbor. It is uniquely suited because of its size and appointments to transport a number of kayaks and passengers within Prince William Sound in a manner and style that is not presently available in this area. At the present time most kayak operators in the Valdez area are using much smaller vessels with little or none of the facilities found on our 49 ft. vessel. We have been encouraged to request this waiver by several of these small kayak operators in the Valdez area. They foresee increased business opportunity from being able to utilize our vessel and thereby offer a more ''first class'' and perhaps overnight kayaking experience to visitors to our state from the lower 48. To my knowledge, there is presently very limited opportunity in the Valdez area to book an overnight or longer kayaking trip utilizing the ''First Class'' type of accommodation that we contemplate having to offer. We are currently evaluating this option to determine if this type of operation is in demand and economically feasible.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''I believe that our operation will have little or no effect on U.S. Shipyards. No one would build a 49 ft. vessel to go into this type of business for it would just be too expensive in relationship to the return. Only an existing, older and less expensive vessel is justified in this type of endeavor.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5900 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Docket Number: [MARAD–2001–9051]

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 OCKHAM'S RAZOR.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9051. 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., SW., Washington, DC 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: OCKHAM'S RAZOR. Owner: David M. Ahlers.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''11.7 GT (Measured according to 46 CFR 69.209 (a) ''vessel designed for sailing—GT=.5LBD.100″ L=34′5″; B=11′6″; D=5′11″)''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Sailing instruction for not more than 12 passengers on Cayuga Lake (New York State Finger Lake)''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1983. Place of construction: Dorion, Quebec, Canada J7V 5V8.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

No negative impact is expected on current sailing instruction operations on Cayuga Lake which are very limited to non-existent. I believe a positive impact on sailing education and safety is expected if this waiver is granted. A number of individuals, including the management of the Ithaca Yacht Club, have indicated that a formal course in the practical aspects of handling a cruising sailboat, particularly if a spouse is incapacitated or falls overboard or if weather conditions deteriorate suddenly, is needed locally and would be well received. As a life long sailor—both cruising and competitive racing, an experienced educator—Cornell University Graduate School professor and adult professional educator and a recent recipient of a 100 GT master Coast Guard License with a Sailing Endorsement, I believe I could successfully offer this type of course.

For the past 18 years I have been sailing the Tanzer 10.5 for which this waiver is

being requested. Thus, I know the boat very well—a significant safety factor in an instructional program. In addition, this vessel is well founded and fully equipped, including inboard diesel power and all required Coast Guard safety gear. The pilothouse design permits operation under sail or motor from a protected internal helm or operation with the 360 degree visibility of an external helm. Despite its size, the Tanzer 10.5 is rigged to be sailed, even in extreme conditions, by a single person. The modified center cockpit design provides for a flat aft deck ideally suited as a place for beginners to be close to the action, but not at any risk from their inexperience. All winches are self-tailing and all lines have sufficient purchase to permit handling with a minimal effort. Anchoring systems are power driven and rigged for immediate deployment. Even though this cruising sailboat is 18 years old, I am not aware of any other cruising sailboat currently produced by a U.S. manufacturer, which would provide in a single vessel of this size these same safety and training advantages. Unfortunately, the Tanzer plants in the U.S. and Canada ceased operation over ten years ago. No new Tanzer 10.5's have been built in the U.S. or in Canada since then nor will any be built in the future.

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''None.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5901 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9039]

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 ALREADY THERE.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9039. 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., SW., Washington, DC 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, S.W., 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: ALREADY THERE. Owner: Richard T. Davis.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Length 32′, Beam 11′6″, Draft 3′4″, Displacement 15,500 lbs., 14 Net Tons by Calculation.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

I will be using the vessel to give narrated historical Boston Harbor & Island tours also *very limited* fishing. I will be using the vessel in Boston Harbor and around the small islands that surround Boston Harbor.

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1985. Place of construction: Taipei, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''My vessel should have little impact on other commercial passenger vessel operators. In fact I can't even find a 6-person harbor tour in my marina (Marina Bay, Quincy, Mass.).''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''This waiver will have no impact on U.S. shipyards.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5902 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9052]

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 SYBARIS.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9052. 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., SW., Washington, DC 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: SYBARIS. Owner: Elliot Storm, Kendell Storm.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Size: 40′6″ (loa), Cap./Tonnage: 12 Tons (gross) 11 (net) (46 U.S.C. 14502), Displacement: 20,878 lbs. (dry)''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Coastal cruising for up to 6 persons (daytime, weekend, week); (educational and leisure) East Coast United States (initially Maine to Virginia: later to the southeast and the U.S. Virgin Islands.)''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1988. Place of construction: Portsmouth, Hampshire, England.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

It is our intent to *supplement* our income in order to support a *cruising family* lifestyle. We believe that the effect of our vessel on existing commercial or small private operators will be nil to nonexistent. We plan to cruise as a family with our *children* (ages 9 and 11) and teach cruising or other educational values to supplement our income afloat. We would not be in any one location longer than a few weeks, so local impact would be negligible to none at all. Existing operations pursuing the intent we desire are few and far between. We believe that it is far more important to spend time together as a family and go while you are still young enough to be able to cruise. Our children are already being home schooled and are eager and ready to sail/cruise at a moments notice. Again, we are not looking to encroach upon anyone's income, just to be able to supplement ours in a way that will allow us to achieve our goal.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''In regards to US Shipyards, We have owned this boat (acquired used) since 1995. It is a certified blue water cruiser with a Lloyds of London hull registry. We are not in the market for another vessel, nor do we perceive that this particular vessel would have any impact on US shipyards.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5903 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9040]

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 WINDSHIP.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9040. 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., SW., Washington, DC 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: Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5129.

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: WINDSHIP. Owner: Gary T. Watkins.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Size—36′.6″ length, 11′.5″ breadth, 5′.6″ depth; Capacity—6–12 passengers/crew; Tonnage—11 gross, 10 Net—based on displacement of vessel.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Intended use—to be operated as a chartered sailing vessel for sailing instruction and pleasure sailing. Geographic Region of use—Texas coastal waters—Galveston Bay and upper Gulf of Mexico.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: October 1981. Place of construction: Lin Yuan Kaohsiung, Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''This vessel's operation will have no impact on any other vessel's operation in this area. Current charter operations are very minimal with respect to the population base in Houston and Galveston area of over 4 million people. There is a population of over 5000 boats in this area (Galveston Bay) with only several sailing vessel's being available for private charter with a licensed U.S.C.G. captain on board.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''To my knowledge there are no U.S. shipyards in this area. There are no manufactures of sailing vessels along the Texas coast.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5904 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–9041]

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 ACCORD.

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 April 9, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–9041. 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., SW., Washington, DC 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: ACCORD. Owner: Accord Charters, LLC.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''The principal characteristics of the ACCORD are as follows: Documented Length: 81.4 feet, Actual Length: 85 feet, Breadth: 19.4 feet, Capacity: 6 passengers, Gross Registered Tons: 102, Net Registered Tons: 30, The Vessel's tonnage is measured pursuant to 46 U.S.C. 14502.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

''The ACCORD will offer charter service departing from the port of Seattle for the San Juan Islands of Washington State traveling to the Canadian Gulf Island and Desolation Sound, British Columbia. The Vessel currently operates one-way between a U.S. port and a Canadian port. The proposed new service will offer guests the opportunity to board at one port in Seattle or the San Juan Islands and to depart in Seattle or any other port in the San Juan Islands.

Typically, the ACCORD is contracted to one individual with a party of no more than six for a minimum of seven (7) days. The average cost of a seven (7) day charter is $25,000, including standard expenses. Charters are offered in this region from May 1st to October 31st.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: Constructed in 1984 and underwent modifications and repairs in Seattle, Washington in 2000. Place of construction: Vancouver, British Columbia, Canada.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:

''This waiver will have minimal impact on other commercial passenger vessel operators in this region. The ACCORD has offered charters in this region from time to time since July 1999. The charters currently offered in this region operate in the waters of Puget Sound and the San Juan Islands and most spend a portion of a seven (7) day charter in British Columbia. The reason for requesting this waiver is for convenience in arranging the arriving and departing float plane and ferry arrangements for the Vessel's charter parties. This waiver will not substantially change the service offered by the ACCORD and will not affect the competition in the charter market in this region.

The tourist industry in this region is significant yet fewer than half a dozen vessels offer multi-day private charters. Some of these spend a significant portion of the season operating outside the area directly affected by this waiver. In addition, despite the increased interest in water-based travel and the need for more charter companies, there are limited small passenger operations in this region and only a few small certified passenger vessels cruising in the area in late spring on the way to Alaska.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''Granting this waiver will not have a negative impact on U.S. shipyards. In fact, almost $100,000 has been spent in 2000 alone in U.S. shipyards in maintaining and upgrading the ACCORD. The ACCORD is now permanently berthed in its boathouse which is moored in Lake Union, Seattle, Washington. Consequently, U.S. shipyards will benefit by additional repairs, modifications, and upgrades that will be necessary as a result of the work required to keep the Vessel in the charter service in this area.

The ACCORD is a wood yacht. It was designed by Ed Monk Sr., a resident of Bainbridge Island, Washington. A. U.S.-built vessel of this type today would be difficult to obtain in the U.S. and would be prohibitively expensive to build new. Most U.S. builders have ceased production of this type of vessel or have moved production to the far east. As a consequence, the low production output and the high cost to obtain a U.S.-built vessel of this type would make it too expensive for a Seattle/San Juan Islands charter operation to acquire a new U.S.-built vessel.

Under these circumstances, the applicant believes that the issuance of the waiver sought will not 'unduly adversely affect' U.S.-flag vessel operators or U.S. shipbuilders.''

Dated: March 2, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–5905 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2000–8273, Notice 2]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Extension of comment period.

SUMMARY: This document grants a request by the Association of International Automobile Manufacturers, Inc. to extend for 30 days from release of the agency's evaluation study of the Parts Content Labeling Regulations, the comment period on the agency's request for public comment on the proposal to extend and reinstate two information collections previously approved by the Office of Management and Budget (OMB), 49 CFR 537—Automotive Fuel Economy Reports and 49 CFR 583–Automobile Parts Content Labeling.

DATES: Comments must be received on April 9, 2001.

ADDRESSES: Comments should refer to Docket No. NHTSA–2000–8273 and be submitted to U.S. Department of Transportation Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Henrietta L. Spinner, NHTSA, Office of Planning and Consumer Programs, (202) 366–0846 or FAX to (202) 366–4490. The mailing address is National Highway Traffic Safety Administration, NPS–32, 400 Seventh St., SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On Monday, January 8, 2001, NHTSA published a request for comment on the agency's proposed collections of information. The document described two collections, 49 CFR Part 537–Automotive Fuel Economy Reports and 49 CFR Part 583–Automobile Parts Content Labeling.

Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. OMB has promulgated regulations describing what must be included in such a document pursuant to 5 CFR 1320.8 (d).

In compliance with OMB's regulations, NHTSA sought comment on 49 CFR 537, Automotive Fuel Economy Reports (OMB Control No. 2127–0019). 49 CFR Part 537 requires automobile manufacturers to submit semi-annual reports to NHTSA regarding their efforts to improve fuel economy.

This information assists NHTSA in evaluating automobile manufacturers' plans for complying with average fuel economy standards and in preparing an annual review of the average fuel economy standards. The information is collected by NHTSA by having the automobile manufacturers mail their semi-annual automotive fuel economy reports and/or submit a copy on computer diskette to the agency. The required information is used for four basic purposes. These purposes are: (a) to give NHTSA advance indication if any manufacturer will fail to comply with the applicable average fuel economy standards; (b) to give NHTSA necessary information to prepare fuel economy reports; (c) to assist NHTSA in responding to general information requests concerning automotive fuel economy, which are routinely received from Congress, other parts of the Executive branch, and the public; and (d) to provide NHTSA with detailed and accurate technical and economic information used to evaluate possible future average fuel economy standards which may be established by NHTSA.

NHTSA also requested comment on 49 CFR 583—Automobile Parts Content Labeling (OMB Control No. 2127–0573), which establishes requirements for the disclosure of information relating to the countries of origin of the equipment of new passenger motor vehicles.

This information will be used by NHTSA to determine whether manufacturers are complying with the American Automobile Labeling Act (49 United States Code 32304). The American Automobile Labeling Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all light trucks and multipurpose passenger vehicles with a

gross vehicle weight rating of 8,500 pounds or less), to bear labels providing information about domestic and foreign content of their equipment. With the affixed label on the new passenger motor vehicle, it serves as an aid to potential purchasers in the selection of new passenger motor vehicles by providing them with information about the value of the U.S./Canadian and foreign parts of each vehicle, the countries of origin of the engine and transmission, and the site of the vehicle's final assembly.

The notice specified a comment closing date of March 9, 2001 (60 days after date of publication). However, on February 22, 2001, we received a request for an extension of the comment closing date from the Association of International Automobile Manufacturers, Inc. (AIAM). The AIAM stated that it would need at least 30 days from release of the agency's evaluation study of the Parts Content Labeling Regulations for review and to allow for public comment thereon in the context of the Paperwork Reduction Act Clearance for 49 CFR Part 583.

NHTSA wants the public to have adequate time to analyze the evaluation study which was released in early March for public comment. Therefore, the request for an additional 30 days from release of the evaluation does not seem excessive. Thus, to provide the AIAM and other interested parties ample time and opportunity to analyze the evaluation study of the Parts Content Labeling Regulations and to present its comment on this proposal, NHTSA believes that there is good cause for the extension of the comment period and that such an extension is consistent with the public interest. Accordingly, the AIAM's request to extend the comment for an additional 30 days from release of the evaluation is granted. The comment period will now close on April 9, 2001.

Dated: March 6, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–5906 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Pipeline Safety: Closure of Gas Shut-Off Valves Serving Permanently Moored Vessels (PMV) During High-Water Conditions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice; issuance of an advisory bulletin.

SUMMARY: The Office of Pipeline Safety (OPS) is issuing this advisory to gas distribution pipeline system operators. Operators should examine the shut-off valves controlling gas service to permanently moored vessels (PMV) and ensure that gas service can be quickly shut down, if necessary, even during high-water conditions. In addition, operators should review their operations and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the flow of gas to PMVs when necessary, including during high-water conditions.

ADDRESSES: This document can be viewed at the OPS home page at: *http://ops.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Huriaux, (202) 366-4565, or by e-mail, *richard.huriaux@rspa.dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2000, the National Transportation Safety Board (NTSB) recommended that the Research and Special Programs Administration ''require corrective action as appropriate to ensure that pipeline operators have the means to shut off the flow of natural gas to permanently moored vessels in a timely manner, even during periods of high-water conditions'' (Safety Recommendation P–00–14).

This recommendation resulted from NTSB's investigation of a natural gas leak on a permanently moored vessel (PMV), the President Casino on the Admiral *(Admiral)*, on April 4, 1998. The *Admiral* was struck by barges that detached from a tow during high-water conditions on the Mississippi River in downtown St. Louis, Missouri. The *Admiral* lost most of its mooring lines, causing the barge to rotate away from the quay, severing the gas service line. The natural gas did not ignite, but an emergency repair crew was unable to shut off the gas supply because the flooded regulator pit made it impossible to reach the shut-off valve. After three hours the crew was able to clamp-off the line and stop the flow of gas.

The local gas distribution company has taken action to ensure that all service line shut-off valves controlling gas flow to PMVs are provided with a means to stop the flow of gas, even during high-water conditions. It will either locate gas service line valves where they will not be affected by flooding or install equipment, such as extra-height operators or valve key guides, that will allow service valves to be readily operated during flood conditions.

There are hundreds of PMVs in U.S. waters. This incident highlights the need to evaluate the accessibility and operability of gas service line valves serving PMVs. Although not all these valves are subject to potential high-water conditions, gas distribution pipeline system operators serving PMVs should ensure that they can promptly shut down the flow of natural gas to PMVs, even during high-water conditions.

The Federal pipeline safety regulations require that ''each service line must have a shut-off valve in a readily accessible location * * *'' (49 CFR 192.365(b)). This implies that the valve must be operable under all reasonably anticipated conditions. For PMVs, it is reasonable to anticipate that high-water and flooding might occur. Operators should review their operations and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the gas to PMVs when necessary, including during high-water conditions. (49 CFR 192.605).

II. Advisory Bulletin (ADB–01–01)

To: Owners and Operators of Gas Distribution Systems.

Subject: Closure of Gas Shut-Off Valves Serving Permanently Moored Vessels (PMV) During High-Water Conditions

Purpose: To advise gas distribution pipeline system owners and operators of the need to examine the location and functionality of shut-off valves to make sure they can promptly shut down the flow of gas, even in the event of high-water conditions.

Advisory: Owners and operators of gas distribution pipeline systems should examine the location of gas shut-off valves serving PMVs to ensure that they can be located and used, even during high-water conditions. If not, the valves should be moved to a location above the reasonably anticipated high-water mark or equipped to be readily accessible during high-water events. In addition, operators should review their operations

and maintenance manual and their emergency response manual to ensure that procedures are in place to successfully shut down the gas to PMVs, when necessary, including during high-water conditions.

Issued in Washington, DC on February 20, 2001.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01–5824 Filed 3–8–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA–00–8452; Notice 2]

Duke Energy; Grant of Waiver and Finding of No Significant Impact

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of grant of waiver and finding of no significant impact.

SUMMARY: The Office of Pipeline Safety (OPS) is approving a waiver of certain regulatory requirements relating to class location changes on fifteen natural gas pipeline segments (the ''waiver segments'') operated by Duke Energy (Duke) and is permitting Duke to carry out alternative risk control activities (the ''Activities'') in lieu of compliance with these requirements. The waiver segments are located on the three parallel lines 10, 15, and 25, downstream from the Mt. Pleasant Compressor Station. The waiver segments lie in Maury and Williamson Counties, Tennessee. The waiver segments include five locations in a 3-line system, ranging from 0.5 miles to 0.88 miles in length and totaling 12.2 miles.

Background

In 1997, OPS selected Duke Energy (Duke) as a candidate for participation in the Risk Management Demonstration Program; subsequently, OPS and Duke held discussions as part of a consultation process. During the consultation, Duke identified a portion of its system where it believed performing alternative risk control activities (the ''Activities'') in lieu of compliance with current pipeline safety regulations addressing class location changes would result in a comparable margin of safety and environmental protection. While OPS and Duke continued to consult, Duke applied for a temporary waiver of certain regulatory requirements for the waiver segments and implementation of the Activities in lieu of compliance. Duke had previously reduced the operating pressure along the fifteen waiver segments in accordance with these requirements and sought to return the pipeline to its historical operating pressure. Duke had completed many of the proposed alternative risk control activities related to assuring integrity of the pipeline in the segments for which regulatory waiver was sought. Discussions continue between OPS and Duke regarding programmatic aspects of the company's risk management demonstration project.

Alternative Approach

Rather than replacing pipe, as required for each waiver segment under 49 CFR § 192.611 in order to increase operating pressure, Duke proposed to perform the following alternative risk control activities, with the objective of providing a margin of safety and environmental protection comparable to pipe replacement:

1. Internally inspect the waiver segments using geometry and magnetic flux leakage in-line inspection tools, which are not required under current regulations. These tools identify indications of wall loss (e.g. corrosion), as well as dents and gouges from initial construction damage or third party excavators working along the pipeline right-of-way. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.

2. Internally inspect approximately 166 miles of additional pipe on the three parallel lines in the Mt. Pleasant Discharge. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.

3. Investigate dents upon completion of the dent inspections for an extended length of pipe (the ''extended segments'') bordering and including each waiver segment to further extend the benefits of the integrity analysis. The extended segments cover a length of pipe totaling 660 feet on both ends of each waiver segment. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.

4. Repair indications of corrosion, existing construction damage, and existing outside force damage identified by the internal inspection. Duke used more conservative investigation and repair criteria in the proposed waiver and extended segments than is currently required by the pipeline safety regulations. The criteria used by Duke call for investigation and repairs of small dents and anomalies that are well below the threshold where pipeline integrity might be compromised.

5. Perform hydrostatic tests of the portions of Line 10 which have not previously been tested to 100 percent (SMYS). This includes two of the waiver segments, 2.5 miles northwest of Rally Hill in Maury County and 3.5 miles east-northeast of Arrington in Williamson County. These hydrostatic tests have been completed.

6. Perform enhanced damage prevention activities including implementing selected recommendations from a recent study of one-call systems and damage prevention programs best practice, ''Common Ground''. Duke will also install, for a trial period of one year, the TransWave monitoring system covering all of the waiver segments. This system will be tested to determine its reliability and usefulness for detecting third-party encroachments (construction, excavation, etc.) in the pipeline right-of-way.

Notice 1

In response to Duke's application and justification for performing the Activities in lieu of current regulatory requirements, OPS issued a Notice of Intent to Consider Waiver and Environmental Assessment of Waiver, inviting persons to submit written comments (65 FR 77419; December 11, 2000) (Notice 1). In that Notice, OPS explained its finding that Duke's implementation of the Activities in lieu of compliance with 49 CFR 192.611 is consistent with safety. OPS received no public comments in response to Notice 1.

OPS Review

OPS has compared the expected risk reduction produced by the Activities to that which would be achieved by compliance with 49 CFR § 192.611 and concluded that the Activities will likely achieve a comparable margin of safety and environmental protection.

OPS has determined that the conduct of the Activities in lieu of compliance with 49 CFR § 192.611 is consistent with pipeline safety. The following factors were considered when making this determination:

1. The proposed Activities will provide a comparable margin of safety and protection for the environment and the communities in the vicinity of Duke's pipelines.

2. Duke's risk-based justification of the alternatives to the class location change regulations is technically sound.

3. The fifteen waiver segments have a good integrity history, with no leaks

recorded during operation or hydrostatic testing.

4. Duke has internally inspected a total of 191 miles of pipe on the three parallel lines in the Mt. Pleasant discharge, including all of the waiver segments. These inspections provide added protection against pipeline failures from corrosion, manufacturing and construction defects, and outside third-party damage along the full 191 mile length. Compliance with 49 CFR § 192.611 would require replacement of pipe within the waiver segments only (approximately 12 miles of pipe) with no added protection for the extended segments (approximately 181 miles of pipe). The proposed Activities provide added protection by including the additional pipe. Duke also conducted hydrostatic tests to 100% SMYS on Line 10. In addition, Duke has installed the TransWave system and will be evaluating it over the coming year.

5. Duke was selected as a candidate for the Risk Management Demonstration Program and has participated in a rigorous consultation process with OPS, which required a greater sharing of information with OPS related to the integrity of Duke's pipeline. The consultation process is nearly complete and may result in acceptance of Duke into the Risk Management Demonstration Program including enforceable commitments for the additional risk control activities.

Action on Application for Waiver

In accordance with the foregoing and by this order, OPS finds that Duke's requested waiver is consistent with pipeline safety. Accordingly, Duke's application for waiver from compliance with the requirements of 49 CFR 192.611 is granted, provided that Duke carries out all the alternative risk control activities described in the ''Alternative Approach'' section of this notice. This waiver will expire upon approval of Duke's risk management demonstration project.

OPS is considering whether or not additional regulations to enhance pipeline integrity in high consequence areas are warranted for natural gas transmission pipelines. Additional information on integrity management rule-related activities is available on the OPS web site at http://ops.dot.gov. No more than 90 days after OPS adopts new rules related to integrity management of natural gas pipelines, Duke will be required to re-evaluate the terms and effects of this waiver and report to OPS on its findings. If final action is taken on Duke's risk management demonstration project and this waiver therefore expires earlier than 90 days after OPS adopts new rules related to integrity management of natural gas pipelines, then this re-evaluation will not be required.

OPS will review Duke's report, evaluate Duke's assessment, and determine whether the waiver remains appropriate and consistent with pipeline safety. If the OPS evaluation finds that the waiver is no longer appropriate or no longer consistent with pipeline safety, then OPS will revoke the waiver and require Duke to comply with 49 CFR 192.611 and all other applicable regulations.

Finding of No Significant Impact (FONSI)

OPS has reviewed the Duke waiver for conformity with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. section 4332), the Council on Environmental Quality regulations (40 CFR sections 1500–1508), and Department of Transportation (DOT) Order 5610.1c, Procedures for Considering Environmental Impacts. OPS conducted an Environmental Assessment of granting the Duke waiver (65 FR 77419, ''Pipeline Safety: Intent to Consider Waiver and Environmental Assessment of Waiver for Duke Energy,'' December 11, 2000).

OPS received no public comment on the Environmental Assessment. Based on the analysis and conclusions of the Environmental Assessment, OPS has determined that no significant impacts on the environment are associated with granting this waiver. The Environmental Assessment is incorporated by reference into this FONSI.

In summary, OPS believes that the Activities performed under the waiver by Duke in lieu of regulatory requirements are consistent with pipeline safety and environmental protection. Although the waiver is expected to provide net environmental benefits, these beneficial impacts are not expected to be significant, because of the minimal environmental impact associated with gas pipeline failures. In addition, if OPS denied the proposed waiver, Duke would be required to replace pipe in the waiver segments in order to increase operating pressure. Pipe replacement would likely introduce some adverse environmental impacts that are avoided with the proposed action. Denying the waiver request would likely result in Duke replacing pipe along portions of the waiver segments, thereby causing environmental disruption due to excavation activity.

Issued in Washington, DC on January 23, 2001.

Jeffrey D. Wiese,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 01–5825 Filed 3–8–01; 8:45 am]

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Federal Register

Friday,
March 9, 2001

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chaper 1

Federal Acquisition Regulation; Delay of Effective Date; Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Federal Acquisition Circular 97–22 (Delay of Effective Date)]

Federal Acquisition Regulation; Delay of Effective Date

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rules: delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001, this action delays for 60 days the effective date of Items I, III, IV, and V of Federal Acquisition Circular (FAC) 97–22 published in the **Federal Register** on January 10, 2001 (66 FR 2116). The 60-day delay in the effective date is necessary to give agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001.

DATES: Effective Date: The effective date of Item I of FAC 97–22, the final rule amending 48 CFR parts 1 through 9, 11, 13, 14, 15, 17, 19, 22, 23, 24, 26 through 29, 31 through 37, 39, 42, 43, 44, 46 through 50, and 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2117 is delayed until May 11, 2001.

The effective date of Item III of FAC 97–22, the final rule amending 48 CFR parts 32 and 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2137 is delayed until May 11, 2001.

The effective date of Item IV of FAC 97–22, the final rule amending 48 CFR part 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2139 is delayed until May 11, 2001.

The effective date of Item V of FAC 97–22, the final rule amending 48 CFR part 52, published in the **Federal Register** on January 10, 2001 at 66 FR 2140 is delayed until May 11, 2001.

Applicability Date: The FAR, as amended by these rules, is applicable to solicitations issued on or after May 11, 2001, per FAR 1.108(d).

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501-4755, for information pertaining to status or publication schedules. Please cite FAC 97–22 (delay of effective date).

SUPPLEMENTARY INFORMATION: This document extends, for 60 days, the effective date of the following FAR rules published in FAC 97–22 in the **Federal Register** at 66 FR 2116, January 10, 2001:

FAR Case 1999–403—Definitions

This final rule clarifies the applicability of definitions used in the FAR, eliminates redundant or conflicting definitions, and makes definitions easier to find. The rule—

- Relocates definitions of terms that are used in more than one FAR part with the same meaning to 2.101;
- Relocates other definitions of terms to the ''Definitions'' section of the highest level FAR division (part, subpart, or section) where the term as defined is used. For example, if a term was defined in a FAR section, but the term is used as defined in another section of that subpart, then the definition was moved to the ''Definitions'' section of that subpart;
- Clarifies that a term, defined in FAR 2.101, has the same meaning throughout the FAR unless the context in which the term is used clearly requires a different meaning; or unless another FAR part, subpart, or section provides a different definition for that particular part, subpart, or section;
- Adds cross-references to definitions of terms in FAR 2.101 that are defined differently in another part, subpart, or section of the FAR; and
- Makes technical corrections throughout the FAR.

FAR Case 1999–016—Advance Payments for Non-Commercial Items

This final rule amends the FAR to permit federally insured credit unions, in addition to banks, to participate in the maintenance of special accounts for advance payments. The rule will only affect contracting officers that provide contract financing using advance payments for non-commercial items.

FAR Case 1999–021—Part 12 and Assignment of Claims

This final rule amends the FAR to correct an inconsistency between two clauses related to the assignment of claims. FAR 52.232–36, Payment by Third Party, prohibits a contractor from assigning its rights to receive payment under the contract if payment is made by a third party, such as when a Governmentwide commercial purchase card is used. This clause is cited in the contract clause at FAR 52.212–5 that addresses terms and conditions required to implement statutes or Executive orders for commercial items.

FAR 52.212–4, Contract Terms and Conditions—Commercial Items, addresses assignment of claims but does not include the third party prohibition. This rule revises FAR 52.212–4(b) to add the prohibition.

FAR Case 1996–023—Clause Flowdown—Commercial Items

This final rule amends the clause at FAR 52.244–6, Subcontracts for Commercial Items, to revise the listing of clauses the contractor must flow down to subcontractors. The rule revises the listing to add the clause at FAR 52.219–8, Utilization of Small Business Concerns, when specified circumstances have been met. In addition, the rule adds language to inform contractors that they may flow down a minimal number of additional clauses to subcontractors to satisfy their contractual obligations.

Dated: February 27, 2001.

Deidre A. Lee,

Director, Defense Procurement, Department of Defense.

Dated: March 1, 2001.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: February 26, 2001.

Anne Guenther,

Acting Associate Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 01–5653 Filed 3–8–01; 8:45 am]

BILLING CODE 6820–EP–U

Federal Register

Friday,
March 9, 2001

Part III

Commodity Futures Trading Commission

17 CFR Parts 1, et al.

A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations; Proposed Rule

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 5, 15, 36, 37, 38, 40, 41, 100, 166, 170 and 180

RIN 3038–AB63

A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing rules to implement the Commodity Futures Modernization Act of 2000 and the Commission's new regulatory framework. These proposed rules apply to trading facilities. The proposed rules implement the new statutory framework establishing three new market categories, including exempt markets and two categories of markets subject to Commission regulatory oversight—designated contract markets and registered derivatives transaction execution facilities. These proposed rules implement statutory changes that profoundly alter federal regulation of commodity futures and option markets. Nothing in these rules, however, diminishes the Commission's responsibility for overseeing and enforcing compliance by self-regulatory organizations, Commission registrants and market participants with the provisions of the Commodity Exchange Act.

The remaining parts of the framework relating to clearing organizations and to intermediaries will be reproposed shortly.

DATES: Comments must be received by April 9, 2001.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile transmission to (202) 418–5521 or, by e-mail to secretary@cftc.gov. Reference should be made to ''Regulatory Reinvention.''

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis; Alan L. Seifert, Deputy Director, Division of Trading and Markets; Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets; or Riva Spears Adriance, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5260. E-mail: (PArchitzel@cftc.gov), (ASeifert@cftc.gov), (LPatent@cftc.gov) or (RAdriance@cftc.gov).

SUPPLEMENTARY INFORMATION:

I. Background

The Commission on June 22, 2000, proposed (65 FR 38986) and on December 13, 2000, issued (65 FR 77962) final rules promulgating a new regulatory framework to apply to multilateral transaction execution facilities that trade contracts for sale of a commodity for future delivery or commodity options. The final rules were to become effective on February 12, 2001. However, Congress on December 15, 2000, passed, and the President on December 21, 2000, signed into law, the Commodity Futures Modernization Act of 2000 (CFMA),[1] which substantially amended the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (Act). The Commission on December 28, 2000, withdrew most of the final rules in order to determine their consistency with the Act as amended. 65 FR 82272.

The Commission's new regulatory framework was intended to ''promote innovation, maintain U.S. competitiveness, and at the same time reduce systemic risk and protect customers,'' 65 FR 38986, and to provide U.S. futures exchanges greater flexibility with which to respond to the competitive challenges brought about by new technologies.[2] Specifically, the framework replaced ''one-size-fits-all'' regulation for futures markets with broad, flexible ''core principles,'' and established three regulatory tiers for markets.

In general, the framework provided a lower level of regulatory oversight where access to an exchange or facility would have been restricted to eligible participants or commercial participants or where the nature of the underlying commodity would have posed a relatively low susceptibility to manipulation. This reflects the reduced need to monitor closely such markets. The Commission also provided that markets serving a price discovery function, irrespective of the product traded or market participants, offer a degree of price transparency. The framework therefore balanced the public interests of market and price integrity, protection against manipulation and customer protection with the need to permit exchanges and other trading facilities to operate more flexibly in today's competitive environment.

II. The Statutory Scheme

The Act, as amended by the CFMA, establishes two tiers of regulated markets, designated contract markets (contract markets) and registered derivatives transaction execution facilities (DTFs). In addition, the Act, as amended, provides for two markets exempt from regulation, exempt boards of trade and, under section 2(h)(3) of the Act, as amended, exempt commercial markets.

The CFMA, in both its broad contours and in many of its specific provisions, codifies the Commission's regulatory framework without significant change. It varies from the rules withdrawn by the Commission in a number of its details and renders unnecessary a number of Commission rules by enacting their provisions into statute. The Commission therefore is reproposing rules conforming to and implementing the amended statutory scheme.

III. The Proposed Rules

A. Designated Contract Markets

Proposed part 38 governs designated contract markets. Under the Act as amended, ''designated contract markets'' are those approved boards of trade or trading facilities on which contracts for future delivery on any commodity may be traded by any type

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[1] See Commodity Futures Modernization Act of 2000, Appendix E, Pub. L. No. 106–554, 114 Stat. 2763 (2000).

[2] The President's Working Group on Financial Markets (PWG) and the chairmen of the Commission's congressional oversight committees encouraged the Commission to consider proposing such major revisions to the regulatory framework. 65 FR at 38987. Recognizing the importance of the OTC derivatives markets, the chairmen of the Senate and House Agriculture Committees asked the PWG to conduct a study of OTC derivatives markets. After studying OTC derivatives, the PWG on November 9, 1999, reported to Congress its recommendations. *See* Over-the-Counter Derivatives Markets and the Commodity Exchange Act, Report of the President's Working Group. The PWG report focused on promoting innovation, competition, efficiency, and transparency in OTC derivatives markets and in reducing systemic risk. Although specific recommendations about the regulatory structure applicable to exchange-traded futures were beyond the scope of its report, the PWG suggested that the Commission review existing regulatory structures (particularly those applicable to markets for financial futures) to determine whether they were appropriately tailored to serve valid regulatory goals.

Subsequently, by letter dated November 30, 1999, the Chairmen of the Senate and House Agriculture Committees, joined by additional senior Senators and Members of the House of Representatives, ''encourag[ed] the Commission to use the exemptive authority granted it by the Commodity Exchange Act to lessen regulatory burdens on United States' futures markets so that they may compete more effectively.''

of market participant.[3] Proposed rule 38.2 exempts designated contract markets operating under this part from all other Commission rules not specifically reserved.[4]

Proposed rule 38.3 establishes the application and approval procedure for designation of new contract markets.[5] As proposed, applicants meeting the criteria will be deemed to be designated by the Commission 60 days after receipt of the application.[6] The proposed procedure permits the Commission to designate a contract market upon conditions. Applications must demonstrate that the contract market satisfies the criteria for designation under section 5(b) of the Act and the core principles for operation under section 5(d) of the Act. The application also must include a copy of the contract market's rules and, to the extent that compliance with the conditions for designation is not self-evident, a brief explanation of how the conditions for designation are satisfied. As provided under the Commission's current fast-track review rules, the applicant may not make substantive amendments to the application during the 60-day review period unless requested to do so by the Commission. Amended applications would be treated as being filed anew for purposes of fast-track review.

As proposed, the Commission may terminate the 60-day fast-track review if it appears during that period that the application violates or appears to violate, or if there is insufficient information to determine whether it would violate, the Act or Commission rules. The Commission, after terminating a fast-track review, will continue to review the application under the deadlines of section 6 of the Act. Alternatively, within ten days of receiving a termination notification, the applicant may seek to have the Commission determine whether or not to institute a proceeding to deny a proposed designation application under section 6 of the Act.

Section 5 of the Act, as amended, requires that an applicant meet a number of designation requirements. Under the proposed rules, an applicant must also demonstrate its ability to comply with core regulatory principles. The Commission has proposed rules giving notice of how it will interpret the meaning of several of the statutory requirements.[7] In addition, the Commission has provided an appendix containing general guidance regarding application criteria and guidance with regard to acceptable practices for meeting the core principles.[8] As the Commission previously noted, the guidance establishes non-exclusive safe harbors. It does not establish a mandatory means of compliance with the core principles.

Section 5c of the Act permits designated contract markets to request that the Commission provide ''prior'' approval of the facility's rules and products. Proposed rule 38.4, pursuant to the Commission's exemptive authority under section 4(c) of the Act, provides designated contract markets the additional flexibility to request such approval at any time. Contract markets, for competitive reasons, may wish to choose to list a new product for trading by certification and subsequently to request Commission approval. The Commission believes that, in light of the increased competitiveness of these markets, such procedural flexibility is in the public interest. Based on the Commission's prior administrative experience, it has simplified and streamlined the review procedures. Under these procedures, qualifying contract market rules that are voluntarily submitted for review would be eligible for review and approval in 45 days, half the time permitted under the Act.[9]

The Commission further proposes to exercise its section 4(c) exemptive authority to make less burdensome the statutory certification provision regarding contract market rules. Section 5c of the Act requires contract markets to certify that each and every rule or rule change does not violate the Act and Commission rules. However, based upon its experience administering the Act prior to its recent amendment, the Commission is of the view that many rules need not be so certified. Indeed, under prior practice, contract markets were required only to provide notice to the Commission when amending certain types of administrative rules, and in some instances, no notice was required. In light of the past successful conduct of its oversight duties without the submission of every rule change, the Commission believes that it is in the public interest to exempt contract markets from the requirement that they certify all rules. The Commission also believes that this additional flexibility is consistent with the overall intent and structure of the recent amendments to the Act.

As proposed, the Commission would permit contract markets simply to notify the Commission on a weekly basis of amendments to some types of rules, and would not require a certification or

[3] Prior to its recent amendment, the Act referred to ''designated contract markets'' as the Commission-approved products traded on a board of trade. Commission rules were consistent with that usage. The Act, as amended, however, uses the term ''designated contract market'' to refer to the approved or licensed market on which futures contracts and commodity options are traded. Part 38 refers to ''designated contract markets'' in this sense. The meaning of ''designated contract market'' in all other Commission rules must be inferred from the context.

[4] In addition, the Commission is proposing to delete a number of rules herein. With respect to those rules not reserved or deleted, the Commission intends to review its rulebook in its entirety and to remove all rules that have been superseded or that are otherwise no longer in force following completion of all of the rulemakings necessary to implement the CFMA.

[5] Section 5(c) of the Act, as amended, provides that existing boards of trade designated as a contract market are considered to be designated contract markets under the Act as amended.

[6] This 60-day review period is one-third of the 180-day review period permitted by the Act. *See* 7 U.S.C. 8(a).

[7] In particular, in proposed rule 38.3(b)(1) the Commission notes that the statutory designation requirement relating to preventing market manipulation includes the requirement that designated contract markets have a dedicated regulatory department or delegate that function. Proposed rule 38.3(b)(2) provides that the designation requirement relating to fair and equitable trading rules includes fair and timely availability to market participants of information regarding prices, bids and offers. This requirement may be satisfied by making such information available to traders through commercial vendors.

In addition, proposed rule 38.3(b)(3) makes clear that a trading facility applying for designation may satisfy the requirement that it have disciplinary procedures with respect to non-members by having the capacity to sanction non-member violations by expelling them or by denying them future access. The proposed guidance with respect to acceptable practices for core principles applicable to contract markets and DTFs has similar provisions.

[8] Separate from the Appendix providing guidance on compliance with the core principles, proposed rule 38.3(b)(4) clarifies that the core principle on fitness standards, in the context of proprietary, rather than mutually-owned exchanges, applies to natural persons with greater than a ten percent ownership interest in the facility or in its owners. Moreover, fitness requirements that apply to members are required by the Act. However, the Commission, in providing guidance with regard to this requirement, has made clear that some types of members, such as those who do not have voting rights or exercise disciplinary or governing responsibilities, meet the fitness requirements by meeting the applicable requirements for market access or participation.

[9] As noted above, prior to adoption of the CFMA, a board of trade or trading facility was required to be designated as a contract market in each specific contract traded thereon. As amended by the CFMA, however, the trading facility itself and not each contract is required to be designated as a contract market and contracts may be listed for trading pursuant to exchange certification. The facility also may request that the Commission review and approve new products.

Proposed rule 38.4(a) provides that any contract that has been submitted for Commission review and approved by the Commission may be labeled in the facility's rules as ''Listed for trading pursuant to Commission approval.'' Contracts that were designated by the Commission as contract markets prior to December 21, 2000, may be labeled as approved by the Commission. Contracts listed for trading by exchange certification under the procedures then in effect under rule 5.3 are not eligible to be so labeled.

notification of changes to rules that relate solely to administrative or ministerial matters. Nevertheless, each contract market is required to have available a full and accurate record of the procedural history of each of its rules.

Proposed rule 38.5 provides for information requests to contract markets regarding compliance with the conditions for designation. These requests may be made for any oversight purpose.[10] In this regard, for example, the Commission may request designated contract markets to provide information relating to their operations or their practices in connection with their compliance with particular core principles or other conditions of their designation or in connection with the Commission's formulation of statements of acceptable practice and its general oversight responsibilities under the Act.

Proposed rule 38.6 makes clear that a violation of these part 38 rules is not intended to and does not constitute a basis for voiding an agreement, contract, or transaction that has been duly entered into. Under rule 38.6, a Commission proceeding to alter or supplement a rule, term, or condition of a contract for trading on the facility under section 8a(7) of the Act, to declare an emergency under section 8a(9), or to take any other action to require a designated contract market to take or refrain from taking specific action would not constitute grounds for rescinding contracts. This provision does not change applicable law and merely restates the existing understanding of the effect of such a Commission action on contracts entered into already.

B. Derivatives Transaction Execution Facilities

Proposed part 37 implements section 5a of the Act, as amended. Section 5a of the Act provides for registration by the Commission of a board of trade or trading facility under an intermediate level of regulation as a DTF. This new category of market is available to eligible traders for futures and option contracts on commodities that have a nearly inexhaustible deliverable supply; are highly unlikely to be susceptible to the threat of manipulation; have no cash market; security futures products; or futures and option contracts on commodities that the Commission may determine, on a case-by-case basis, are highly unlikely to be susceptible to the threat of manipulation. In addition, except as provided in section 5(e)(2) of the Act, eligible commercial entities trading for their own account may do so on a DTF with respect to futures and option contracts on commodities other than those enumerated in section 1a(4) of the Act. Furthermore, a board of trade operating as a DTF may trade on the facility agreements, contracts, or transactions involving commodities excluded or exempt pursuant to sections 2(c), 2(d), 2(g), or 2(h) as provided by section 5a(g) of the Act, subject to the Commission's exclusive jurisdiction. Proposed rule 37.2 exempts DTFs from all Commission regulations applicable to a trading facility that are not reserved. It also makes clear that the reserved regulations apply as though DTFs were specifically referenced therein.

Proposed rule 37.3 identifies the commodities eligible to be traded on a DTF under section 5a of the Act. Specifically, proposed rule 37.3 identifies those commodities that qualify under the requirements of section 5a(b)(2)(A) through (C) of the Act[11] as those commodities defined as an ''excluded commodity'' in section 1a(13) of the Act.[12] Excluded commodities under section 1a(13) of the Act include exempt securities. Unlike the provisions governing exempt boards of trade, the CFMA imposes no specific limitations or requirements for exempt securities to trade on a DTF. The Commission is requesting comment on whether additional regulatory requirements, such as large trader reporting, should be imposed as a condition for such trading on a DTF.

Proposed rule 37.3 also establishes a procedure whereby a specific DTF would be able to make a showing under section 5a(b)(2)(E) of the Act that a contract is highly unlikely to be susceptible to the threat of manipulation and should be eligible for trading on that DTF in light of the characteristics of the commodity and the market's surveillance history, including its self-regulatory record, capacity and undertakings. Proposed rule 37.3(a)(3)(ii)(B) lists those factors that are relevant in making such a showing. The rule does not require that the written demonstration include explanations of information that is self-evident. Agricultural commodities that are not enumerated in the Act, such as soft, world commodities, may trade on a DTF upon successfully making such a demonstration, or under section 5a(b)(2)(F) of the Act, by limiting trading access to eligible commercial entities.[13]

Consistent with section 5(e)(2) of the Act, as amended, the Commission will determine in a future rulemaking whether those agricultural commodities that are enumerated in the Act should be eligible for trading on a DTF and, if so, the appropriate conditions for such trading. The Commission has reserved a paragraph in rule 37.3 for this purpose.

Proposed part 37 includes a number of procedural provisions to provide greater administrative flexibility in the registration and oversight of DTFs. For example, proposed rule 37.5(b) permits the Commission to register a DTF upon conditions. This would enable the Commission to register a facility conditioned upon its subsequent compliance with a particular condition for registration. In addition, the Commission is proposing a fast-track review procedure for applications for registration that are not amended while under review. Such applicants would be deemed to be registered 30 days after receipt.[14]

Section 5a(c)(1) of the Act provides that applicants for DTF registration shall be required to demonstrate only that they comply with the requirements for trading specified in section 5a(b) and the criteria for registration specified in

[10] Section 5c(d) of the Act provides a mechanism for notifying contract markets (and other registered entities) that they are violating a core principle. The request for a demonstration of compliance operates independently of the section 5c(d) procedure. Indeed, the request for such a demonstration from a registered entity, and the Commission's consideration of the entity's response may constitute a useful alternative to the more formal procedures of section 5c(d) of the Act. It would be the Commission's intent to explore such informal methods of resolving issues of compliance with core principles by registered entities prior to invoking more formal mechanisms.

[11] Section 5a(b)(2)(A) through (C) of the Act as amended provides that a registered derivatives transaction execution facility may trade any contract of sale of a commodity for future delivery (or option on such a contract) only if—

''(A) the underlying commodity has a nearly inexhaustible deliverable supply;

(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation; [or]

(C) the underlying commodity has no cash market[.]''

[12] Section 1a(13) of the Act as amended defines an ''excluded commodity'' to mean among other things an interest rate, exchange rate, currency, credit risk or measure, debt instrument, measure of inflation, or other macroeconomic index or measure.

[13] The Commission, pursuant to section 1a(11)(C) of the Act, has proposed to include within the definition of eligible commercial entity floor traders or floor brokers whose trading obligations are guaranteed by a futures commission merchant, trading for their own account. This is consistent with the Commission's withdrawn rules and with Congress' inclusion in the statutory definition (under section 1a(11)(B)) of certain other specified liquidity providers.

[14] Again, the proposed rule provides for a review period that is substantially less than that permitted by the statute. *See* 7 U.S.C. 8(a).

section 5a(c).[15] However, to maintain registration, DTFs must be in compliance with the core principles of section 5a(d) of the Act. Accordingly, the Commission is proposing that an applicant for DTF registration may, if it chooses, become registered without demonstrating its capacity to comply with the core principles for trading. A new DTF that chooses not to make such a demonstration, however, must certify to the Commission that it has the capacity to, and upon commencing operations will, operate in compliance with the core principles. This certification may be made separately or as part of the initial application.

As with the rules regarding contract markets, the Commission is proposing in an appendix general guidance regarding applications and acceptable practices for core principles. The proposed acceptable practices are not mandatory in nature, but rather provide a non-exclusive safe-harbor for compliance. Proposed rule 37.6(d) interprets application of certain of the core principles in the circumstances specified in the rule. For example, the Commission proposes that an electronic platform that is accessible for trading only by eligible commercial entities and that trades only tailored products may satisfy the requirement to monitor trading in a manner ''appropriate to the market'' by assuring compliance with its rules regarding access limitations.

In addition, the Commission is proposing in rule 37.1(b) to include within the definition of ''eligible commercial entity'' a registered floor broker or floor trader, trading for its own account, whose trading obligations are guaranteed by a futures commission merchant. This is consistent both with the Commission's withdrawn rules and with the CFMA's inclusion of certain types of liquidity providers within the statutory definition of ''eligible commercial entity.'' In this regard, it has been suggested that electronic markets may have functional counterparts to floor brokers and floor traders, and that these persons should also be included within the definition of eligible commercial entity. The Commission is requesting comment on how and by whom this market making function may be performed on electronic trading facilities, the similarities and differences in this market making function and its regulation when performed on an electronic platform rather than in a physical trading environment, and whether such persons should be included within the definition of eligible commercial entity.

The Commission has proposed to interpret the core principle regarding disclosure of information relevant to market participants as including the principle of providing market participants information regarding prices, bids and offers on a fair, equitable and timely basis. Such transparency is key to protecting market participants from fraud and other types of abusive trading practices. Price transparency has been the hallmark of regulated markets and should be so recognized in the core principles. Finally, the Commission has proposed to interpret the core principle concerning fitness standards as including a DTF's owners, defined as natural persons that directly or indirectly have greater than a ten percent interest in the facility. By this interpretation, the Commission is proposing to clarify the application of the core principle on fitness to proprietary trading facilities.

Like contract markets, DTFs may request that the Commission approve their trading rules, which may be trading protocols, and the products that they trade. The Commission has used its section 4(c) exemptive authority to permit DTFs to request such approval at any time, before or after the rule's implementation or the product's listing. Although this modification to the statutory scheme is modest, it may provide DTFs with far greater flexibility in bringing products to market.

Proposed section 37.7 includes several special call provisions. Under these provisions, the Commission may issue special calls to the DTF, its market intermediaries or participants upon a determination that the Commission needs certain information to conduct limited surveillance of trading in one or more products traded on the DTF. On occasion, it may need to examine trading activity for a specific period of time to ensure against excessive speculation, manipulation, controls, corners or squeezes.

C. Exempt Markets

In addition to the types of markets subject to the regulatory oversight of the Commission—designated contract markets and DTFs—the Act as amended authorizes two categories of markets that are exempt from regulatory oversight by the Commission. They are: exempt commercial markets and exempt boards of trade. The Commission in part 36 has proposed rules necessary to implement these statutory exemptions.

1. Exempt Commercial Markets

Transactions by eligible commercial entities in exempt commodities traded on an electronic trading facility are exempt commercial markets under section 2(h)(3) of the Act. These markets that satisfy the initial and ongoing requirements of sections 2(h)(3) through (5) of the Act as amended are excluded from the Act's other requirements.[16] The Commission is proposing rules for these markets that implement the qualifying conditions of the exemption.

Proposed rule 36.3(a) implements the notification requirements of section 2(h)(5)(A) of the Act. Proposed rule 36.3(b)(1) establishes information requirements for exempt commercial markets consistent with section 2(h)(5)(B) of the Act. In this regard, an exempt commercial market may satisfy reporting requirements by providing the Commission with electronic access to transactions conducted on the facility. Alternatively, an exempt commercial market may choose to satisfy its reporting requirements for such transactions by providing the Commission with information regarding such positions by large traders by an alternative means, the form and content of which the Commission may determine is acceptable pursuant to a petition to the Commission for such a determination. Such an alternative should provide the Commission with information comparable in coverage and frequency to that provided to the Commission by its large trader reporting system.

As required by section 2(h)(6) of the Act, proposed rule 36.3(b)(3) establishes procedures for a foreign person named in a subpoena issued by the Commission under section 2(h)(5)(C) to challenge the Commission's action. In this regard, the Commission is proposing to use its existing hearing procedures found in rules 21.03(g) through (h) and to incorporate them by reference.

Although the Act as amended exempts these electronic markets from Commission regulatory oversight, the

[15] Existing contract markets need not make such a demonstration. As proposed, they must simply notify the Commission of their intent to operate as a DTF, and file with the Commission the DTF's rules and a certification that they meet all of the requirements for registration as a DTF.

[16] *See* Sections 2(e)(1) and 2(h)(3) of the Act, as added by sections 104 and 106 of the CFMA. The Act refers to electronic commercial markets as ''excluded'' from the Act's regulatory requirements that are not qualifying conditions for the exemption. These qualifying conditions are found in paragraphs 2(h)(4) and (5). Moreover, it should be noted that among these qualifying conditions, the Commission is authorized to promulgate rules to ensure disclosure of prices and to specify procedures regarding redress by participants to an order denying them access in response to a determination that the participant did not comply with a subpoena issued by the Commission. *See* sections 2(h)(4)(D), 2(h)(5)(C)(ii) and 2(h)(6) of the Act as amended.

Act at the same time affirmatively vests the Commission with comprehensive antimanipulation and antifraud enforcement authority over these trading facilities. Section 2(h)(4)(A) of the Act provides that an agreement, contract or transaction entered into on a qualifying exempt commercial market shall be subject to sections 6(c) and 9(a)(2) of the Act ''to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract or transaction would otherwise be subject to such sections[.]'' Section 2(h)(4)(B) of the Act provides that such transactions are subject to sections 4b and 4o, as well as regulations promulgated pursuant to 4c(b) proscribing fraudulent activity. Thus, the Commission is charged with monitoring these markets for manipulation and fraudulent conduct, and enforcing the antimanipulation and antifraud provisions of the Act. The informational requirements imposed by the Act and by these proposed rules are designed to ensure that the Commission can effectively perform these functions.

2. Exempt Boards of Trade

Section 5d of the Act, as added by section 114 of the CFMA, establishes a category of market exempt from Commission regulatory oversight referred to as an ''exempt board of trade.'' The Commission in rule 36.2 is proposing implementing regulations for section 5d of the Act. First, the Commission is proposing to define those commodities that are eligible to trade on an exempt board of trade to include commodities defined in section 1a(13) of the Act as ''excluded commodities,'' other than securities, and such other commodities as the Commission may define by rule, regulation or order. *See* proposed rule 36.2(a). The Commission believes that this definition provides legal certainty and further satisfies section 5d's requirements that the underlying commodity has ''(A) a nearly inexhaustible deliverable supply; (B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or (C) no cash market[.]'' In addition, proposed rule 36.2(b) implements the notification requirements of section 5d of the Act.

3. Additional Requirements

Consistent with sections 2(h)(5)(F) and 5d(g) of the Act, the proposed rules prohibit exempt boards of trade and exempt commercial markets from representing that they are registered with, designated, recognized, licensed or approved by the Commission. The Commission invites comment on whether the rule also should require that such exempt entities affirmatively disclose to traders that the facility and trading on the facility are not so regulated or approved by the Commission.

D. Anti-Fraud Provisions

One of the purposes for which the CFMA was enacted was ''to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated.'' CFMA, section 2(5). The Commission is proposing rule 1.1, which applies in scope to such retail foreign exchange transactions not otherwise regulated, pursuant to its authority in sections 3 and 8a(5) of the Act. Congress recently amended section 3 of the Act through enactment of the CFMA. Section 3(a) expressly finds that the transactions subject to the Act are regularly entered into in interstate and international commerce and are affected with a ''national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities.'' Section 3(b) provides, as pertinent here, that it is the purpose of the Act

> to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuse of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.

Section 8a(5) authorizes the Commission ''to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act.''

In the judgment of the Commission, proposed rule 1.1 is reasonably necessary to effectuate the express purpose of the Act to protect retail foreign exchange market participants from fraudulent or other abusive sales practices. It is the Commission's intention that proposed rule 1.1 not replace the applicability of any existing antifraud rule, including rules 32.9 (fraud in connection with commodity option transactions), and 33.10 (fraud in connection with domestic exchange-traded option transactions), which were promulgated under section 4c(b) of the Act, rule 30.9 (fraud involving any foreign futures contract or foreign options transaction), rule 4.41 (fraudulent advertising by commodity pool operators, commodity trading advisors, and principals thereof) and rule 31.3 (fraud in connection with leverage transactions).

E. Arbitration

Section 110 of the CFMA removed the Act's previous requirements for contract market designation, including former section 5a(11) of the Act, governing exchange arbitration proceedings. The Commission is therefore proposing to delete Part 180 of its rules, which was based, in part, on the provisions of former Section 5a(11) of the Act, and to repropose its withdrawn rule 166.5, incorporating certain amendments required by the new legislation. For example, the reproposed version provides that an FCM may require an eligible contract participant to sign an agreement waiving the right to reparations as a condition to using the FCM's services.[17] The CFMA is silent as to whether pre-dispute arbitration agreements must be entered into voluntarily. Compare former § 5a(11) of the Act with § 5(d)(13) of the Act, as amended. The proposed rule retains this requirement.

IV. Section 4(c) Findings

Some of the proposals contained in this **Federal Register** notice are being proposed under section 4(c) of the Act, which grants the Commission broad exemptive authority. Section 4(c) of the Act provides that, in order to promote responsible economic or financial innovation and fair competition, the Commission may by rule, regulation or order exempt any class of agreements, contracts or transactions, either unconditionally or on stated terms or conditions, from any of the requirements of any provision of the Act (except certain provisions governing a group or index of securities and security futures products). As relevant here, when granting an exemption pursuant to section 4(c), the Commission must find that the exemption would be consistent with the public interest.

The Commission is proposing to use its section 4(c) exemptive authority here to provide registered entities with greater procedural flexibility than is contained in the Act. For instance, pursuant to proposed rule 38.4, designated contract markets may request

[17] This provision is consistent with section 118 of the CFMA.

approval of their contracts following certification of those contracts, notwithstanding the Act's limitation of the Commission's approval authority to ''prior'' approval. Furthermore, the Commission is proposing a less burdensome certification procedure than that provided in the Act. The Commission believes that providing this additional flexibility to registered entities is consistent with the public interest. The Commission invites public comment on this finding.

V. Cost-Benefit Analysis

Section 15 of the Act, as amended by section 119 of the CFMA, requires the Commission to consider the costs and benefits of its action before issuing a new regulation under the Act. The Commission is applying the cost-benefit provisions of section 15 for the first time in this rulemaking and understands that, by its terms, section 15 as amended does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the proposed regulation outweigh its costs. Nor does it require that each proposed rule be analyzed in isolation when that rule is a component of a larger package of rules or rule revisions. Rather, section 15 simply requires the Commission to ''consider the costs and benefits'' of its action.

The amended section 15 further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: protection of market participants and the public; efficiency, competitiveness, and financial integrity of futures markets; price discovery; sound risk management practices; and other public interest considerations. Accordingly, the Commission could in its discretion give greater weight to any one of the five enumerated areas of concern and could in its discretion determine that, notwithstanding its costs, a particular rule was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The new regulatory framework constitutes a package of related rule provisions. The Commission has considered their costs and benefits as a totality. The rules impose reporting, recordkeeping and other informational requirements on trading facilities that are either mandated by or fully consistent with the new provisions of the CFMA. The Commission has considered the costs and benefits of this rule package in light of the specific areas of concern identified in the CFMA:

1. Protection of market participants and the public. In general, the proposed rules would be expected to cost little in terms of diminishing the protection of market participants and the public. The rules impose limited costs in terms of informational requirements. The countervailing benefit of these costs, however, is that the Commission will have the necessary information to perform its oversight functions and thus carry out its mandate of assuring the continued existence of competitive and efficient markets.

2. Efficiency and competition. The rules are expected to benefit competition and market efficiency broadly by providing more options for market structure and greater legal certainty for covered instruments. The rules do not impose a cost on market efficiency or competition.

3. Financial integrity of futures markets. The rules permit but do not require clearing for DTFs and contract markets. Nevertheless, the proposed rules require that such markets have and disclose their framework for financial integrity. Thus, consistent with the statute, the benefits of clearing are available but not mandated, and the facility may establish a financial integrity framework appropriate to its market.

4. Price discovery. Consistent with the statute, markets that serve a price discovery function are required to disseminate publicly certain market information. While such a requirement may impose a cost on markets required to disseminate such information, the cost would be expected to be minimal since such price discovery markets are likely to make available such information anyway in the interest of attracting additional liquidity to the market. Moreover, many markets use this price information as a source of revenue and would therefore make it available even in the absence of a requirement to do so. Nevertheless, this information provides a great benefit to the public in terms of ensuring the supply of economic guidance to commodity producers and users and is important to a market participant's ability to protect him or herself from fraudulent and other abusive practices.

5. Sound risk management practices. It is anticipated that the creation of the new regulatory structure will encourage better risk management practices by making available additional market outlets and more customized products for risk management purposes. The added competition for offering these products will tend to reduce the cost of risk management.

6. Other public interest considerations. The rules also include an antifraud rule for certain retail foreign exchange transactions and bucket shops that may not otherwise be regulated. The Commission believes that this provision will benefit market participants and the public and will further serve the public interest by deterring illegal behavior. The nonrepudiation provisions included in the rules benefit the public interest by furthering legal certainty.

After considering these factors, the Commission has determined to propose the revisions to its rules discussed above. The Commission invites public comment on its application of the new cost-benefit provision. Commenters also are invited to submit any data that they may have quantifying the costs and benefits of the proposed rules with their comment letters.

VI. Related Rulemakings

As part of the final rules promulgating the new regulatory framework,[18] the Commission also issued final rules and rule amendments that would have applied to market intermediaries and to clearing organizations.[19] They too, for the most part, were withdrawn following the enactment of the CFMA.[20]

Upon further consideration, the Commission has determined that many of the withdrawn final rules and rule amendments relating to intermediaries are substantively unaffected by the CFMA's statutory revisions. Accordingly, the Commission intends, at a future date, to repropose and readopt those rules and rule amendments relating to intermediaries that are not implicated by the statutory revisions to the Act, with any necessary technical, conforming changes. These rules and rule amendments address, among other things, the definition of the

[18] Implementation of the CFMA requires the Commission to undertake a number of rulemakings in addition to those that were part of the Commission's new regulatory framework, such as rules relating to security futures products. Moreover, the initial rules of the new regulatory framework contemplated a number of subsequent rulemakings, such as permitting risk-based net capital requirements for intermediaries. Those rulemaking proceedings are separate from the rules that are referenced herein and also will be considered by the Commission within the coming year.

[19] *See* Rules Relating to Intermediaries of Commodity Interest Transactions, 65 FR 77993 (Dec. 13, 2000), and A New Regulatory Framework for Clearing Organizations, 65 FR 78020 (Dec. 13, 2000).

[20] With respect to those rules concerning the investment of customer funds, the Commission determined to move forward their effective date to December 28, 2000, as well as to make certain technical corrections to the rule amendments. See 65 FR 82270 (Dec. 28, 2000).

term ''principal,'' the addition of a principal, certified financial reports, ethics training, disclosure, account opening procedures, trading standards, reporting requirements, and offsetting positions. The Commission also intends to repropose rules for clearing organizations shortly, with the intention of promulgating final rules for registered derivatives clearing organizations. The Commission encourages interested persons to review the **Federal Register** releases discussing the background and purpose of the rules and rule amendments mentioned above for further information.[21]

VII. Implementation Issues; Comment Period and No-action

The amendments to the Act contained in the CFMA generally became effective on December 21, 2000, the date that the CFMA was enacted into law.[22] In light of the need to promulgate implementing regulations without delay, the Commission encourages commenters to submit their comments as early as possible during the comment period. The early filing of comments will assist the Commission in acting expeditiously to adopt the necessary implementing regulations. In any event, comments should be filed with the Commission by the end of the comment period. To the extent that the promulgation of implementing regulations is necessary to effectuate certain statutory provisions, any extension of the comment period likely would be contrary to the public interest and contrary to the intent of Congress that these statutory changes be made effective without delay.

In light of the Congressional intent to implement these statutory changes without delay, during this transition period between the effective date of the amendments to the Act and the adoption of final implementing regulations, the Commission will not bring any enforcement action against any person who complies with the rules proposed herein. Persons that do comply with the proposed rules, however, will be required to bring their conduct into compliance with the final rules to the extent that the final rules differ from the proposed rules.

[21] *See* 65 FR 77993 and 65 FR 78020. *See also* 65 FR 39008 and 65 FR 39027 (June 22, 2000) (proposing rules).

[22] Certain provisions of the CFMA, however, have a delayed effective date. The Commission will adopt implementing rules for those provisions of the CFMA at a later date.

VIII. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities. The rules adopted herein would affect contract markets and other trading facilities. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its rules on small entities in accordance with the RFA.[23] In its previous determinations, the Commission has concluded that contract markets are not small entities for the purpose of the RFA.[24] The Commission is proposing to determine that the other trading facilities covered by these rules, for reasons similar to those applicable to contract markets, are not small entities for purposes of the RFA. In any event, the rules being proposed today authorize these trading facilities to operate in a less regulated environment than may currently be the case; consequently, these rules should not have any, or result in only a de minimus, increase in the regulatory requirements that apply to contract markets and other trading facilities.

Accordingly, the Commission does not expect the rules, as proposed herein, to have a significant economic impact on a substantial number of small entities. Therefore, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the proposed amendments will not have a significant economic impact on a substantial number of small entities. The Commission invites the public to comment on this finding and on its proposed determination that the trading facilities covered by these rules would not be small entities for purposes of the RFA.

B. Paperwork Reduction Act of 1995

This proposed rulemaking contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3504(h)), the Commission has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Collection of Information: Rules Relating to Part 37, Establishing Procedures for Entities to be Registered as Derivatives Transaction Execution Facilities (DTFs), OMB Control Number 3038–0053. The proposed rules will not change the burden previously approved by OMB.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.

Annual responses by each respondent: 1.

Total annual responses: 10.

Estimated average hours per response: 200.

Annual reporting burden: 2,000.

Collection of Information: Rules Relating to Part 38, Establishing Procedures for Entities to become Designated as Contract Markets, OMB Control Number 3038–0052. The proposed rules will not change the burden previously approved by OMB.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.

Annual responses by each respondent: 1.

Total annual responses: 10.

Estimated average hours per response: 300.

Annual reporting burden: 3,000.

Collection of Information: Rules Pertaining to Large Trader Reports, OMB Control Number 3038–0009. The proposed rules will not change the burden previously approved by OMB.

Estimated number of respondents: 4,731.

Annual responses by each respondent: 14.67.

Total annual responses: 69,392.

Estimated average hours per response: .35213.

Annual reporting burden: 24,435.

Collection of Information: Rules Relating to Part 36, Establishing Procedures for Exempt Markets, OMB Control Number 3038–XXXX.

The estimated burden was calculated as follows:

Estimated number of respondents: 10.

Annual responses by each respondent: 1.

Total annual responses: 10.

Estimated average hours per response: 1.

Annual reporting burden: 10.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503; Attention: Desk Officer for the Commodity Futures Trading Commission.

The Commission considers comments by the public on this proposed collection of information in:

• Evaluating whether the proposed collection of information is necessary

[23] 47 FR 18618–21 (Apr. 30, 1982).

[24] 47 FR 18618, 18619 (discussing contract markets).

for the proper performance of the functions of the Commission, including whether the information will have a practical use;

• Evaluating the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhancing the quality, usefulness, and clarity of the information to be collected; and

• Minimizing the burden of collecting 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.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Commission on the proposed regulations.

Copies of the information collection submission to OMB are available from the CFTC Clearance Officer, 1155 21st Street, NW., Washington DC 20581, (202) 418–5160.

List of Subjects

17 CFR Part 1

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 5

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 15

Commodity futures, Contract markets, Reporting and recordkeeping requirements.

17 CFR Part 36

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 37

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 38

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 40

Commodity futures, Contract markets, Designation application, Reporting and recordkeeping requirements.

17 CFR Part 41

Security Futures, Commodity Futures Trading Commission.

17 CFR Part 100

Commodity futures, Commodity Futures Trading Commission.

17 CFR Part 166

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

17 CFR Part 170

Commodity futures, Reporting and recordkeeping requirements.

17 CFR Part 180

Claims, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000), and in particular, sections 1a, 2, 3, 4, 4c, 4i, 5, 5a, 5b, 5c, 5d, 6 and 8a thereof, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 is proposed to be amended to read as follows:

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23, and 24, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. No. 106–554, 114 Stat. 2763 (2000).

2. Section 1.1 is proposed to be revised to read follows:

§ 1.1 Fraud in or in connection with transactions in foreign currency subject to the Commodity Exchange Act.

(a) *Scope.* The provisions of this subsection shall be applicable to accounts, agreements, or transactions described in section 2(c)(1) of the Act, to the extent that the Commission exercises jurisdiction over such accounts, agreements, or transactions as provided in section 2(c)(2)(B) of the Act (except that this section shall not be applicable to persons described in section 2(c)(2)(B)(ii)(II) or 2(c)(2)(B)(ii)(III) of the Act).

(b) *Fraudulent conduct prohibited.* It shall be unlawful for any person, directly or indirectly, in or in connection with any account, agreement, or transaction that is subject to paragraph (a) of this section:

(1) To cheat or defraud or attempt to cheat or defraud any person;

(2) Willfully to make or cause to be made to any person any false report or statement or cause to be entered for any person any false record; or

(3) Willfully to deceive or attempt to deceive any person by any means whatsoever.

3. Section 1.3 is proposed to be amended by revising the undesignated introductory paragraph to read as follows:

§ 1.3 Definitions.

Words used in the singular form in the rules and regulations in this chapter shall be deemed to import the plural and vice versa, as the context may require. The following terms, as used in the Commodity Exchange Act, or in the rules and regulations in this chapter, shall have the meanings hereby assigned to them, unless the context otherwise requires:

* * * * *

4. Section 1.37 is proposed to be amended by adding paragraphs (c) and (d) to read as follows:

§ 1.37 Customer's or option customer's name, address, and occupation recorded; record of guarantor or controller of account.

* * * * *

(c) Each designated contract market shall keep a record in permanent form, which shall show the true name, address, and principal occupation or business of any foreign trader executing transactions on the facility or exchange. In addition, upon request, a designated contract market shall provide to the Commission information regarding the name of any person guaranteeing such transactions or exercising any control over the trading of such foreign trader.

(d) Paragraph (c) of this section shall not apply to a designated contract market on which transactions in futures or option contracts of foreign traders are executed through and the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introducing broker subject to the provisions of paragraph (a) of this section.

5.–6. Sections 1.41, 1.41b, 1.43, 1.45, 1.50 and 1.51 are proposed to be removed and reserved.

PART 15—REPORTS—GENERAL PROVISIONS

7. The authority citation for Part 15 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 2, 4, 5, 6(c), 6a, 6c(a)–(d), 6f, 6g, 6i, 6k, 6m, 6n, 7, 9, 12a, 19 and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

8. Section 15.05 is proposed to be amended by revising the heading and adding paragraphs (e) through (h) to read as follows:

§ 15.05 Designation of agent for foreign brokers, customers of a foreign broker and foreign traders.

* * * * *

(e) Any designated contract market or derivatives transaction execution facility that permits a foreign broker to intermediate contracts, agreements or transactions, or permits a foreign trader to effect contracts, agreements or transactions on the facility or exchange, shall be deemed to be the agent of the foreign broker and any of its customers for whom the transactions were executed, or the foreign trader, for purposes of accepting delivery and service of any communication issued by or on behalf of the Commission to the foreign broker, any of its customers or the foreign trader with respect to any contracts, agreements or transactions executed by the foreign broker or the foreign trader on the designated contract market or derivatives transaction execution facility. Service or delivery of any communication issued by or on behalf of the Commission to a designated contract market or derivatives transaction execution facility shall constitute valid and effective service upon the foreign broker, any of its customers, or the foreign trader. A designated contract market or derivatives transaction execution facility which has been served with, or to which there has been delivered, a communication issued by or on behalf of the Commission to a foreign broker, any of its customers, or a foreign trader shall transmit the communication promptly and in a manner which is reasonable under the circumstances, or in a manner specified by the Commission in the communication, to the foreign broker, any of its customers or the foreign trader.

(f) It shall be unlawful for any designated contract market or derivatives transaction execution facility to permit a foreign broker, any of its customers or a foreign trader to effect contracts, agreements or transactions on the facility unless the designated contract market or derivatives transaction execution facility prior thereto informs the foreign broker, any of its customers or the foreign trader in any reasonable manner the facility deems to be appropriate, of the requirements of this section.

(g) The requirements of paragraphs (e) and (f) of this section shall not apply to any contracts, transactions or agreements traded on any designated contract market or derivatives transaction execution facility if the foreign broker, any of its customers or the foreign trader has duly executed and maintains in effect a written agency agreement in compliance with this paragraph with a person domiciled in the United States and has provided a copy of the agreement to the designated contract market or derivatives transaction execution facility prior to effecting any contract, agreement or transaction on the facility. This agreement must authorize the person domiciled in the United States to serve as the agent of the foreign broker, any of its customers or the foreign trader for purposes of accepting delivery and service of all communications issued by or on behalf of the Commission to the foreign broker, any of its customers or the foreign trader and must provide an address in the United States where the agent will accept delivery and service of communications from the Commission. This agreement must be filed with the Commission by the designated contract market or derivatives transaction execution facility prior to permitting the foreign broker, any of its customers or the foreign trader to effect any transactions in futures or option contracts. Unless otherwise specified by the Commission, the agreements required to be filed with the Commission shall be filed with the Secretary of the Commission at Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. A foreign broker, any of its customers or a foreign trader shall notify the Commission immediately if the written agency agreement is terminated, revoked, or is otherwise no longer in effect. If the designated contract market or derivatives transaction execution facility knows or should know that the agreement has expired, been terminated, or is no longer in effect, the designated contract market or derivatives transaction execution facility shall notify the Secretary of the Commission immediately. If the written agency agreement expires, terminates, or is not in effect, the designated contract market or derivatives transaction execution facility and the foreign broker, any of its customers or the foreign trader are subject to the provisions of paragraphs (e) and (f) of this section.

(h) The provisions of paragraphs (e), (f) and (g) of this section shall not apply to a designated contract market or derivatives transaction execution facility on which all transactions in futures or option contracts or other instruments subject to the Act pursuant to section 5a(g) of the Act of foreign brokers, their customers or foreign traders are executed through or the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introduced by a registered introducing broker subject to the provisions of paragraphs (a), (b), (c) and (d) of this section.

9. Part 36 is proposed to be revised to read as follows:

PART 36—EXEMPT MARKETS

Sec.
36.1 Scope.
36.2 Exempt boards of trade.
36.3 Exempt commercial markets.

Authority: 7 U.S.C. 2, 5, 6, 6c, and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 36.1 Scope.

The provisions of this part apply to any board of trade or electronic trading facility eligible for exemption under sections 5d and 2(h)(3) through (5) of the Act, respectively.

§ 36.2 Exempt boards of trade.

(a) *Eligible commodities.* Commodities eligible under section 5d(b)(1) of the Act to be traded by an exempt board of trade are:

(1) Commodities having—

(i) A nearly inexhaustible deliverable supply;

(ii) A deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

(iii) No cash market.

(2) The commodities that meet the criteria of paragraph (a)(1) of this section are:

(i) The commodities defined in section 1a(13) of the Act as ''excluded commodities'' (other than a security, including any group or index thereof or any interest in, or based on the value of, any security or group or index of securities); and

(ii) Such other commodity or commodities as the Commission may determine by rule, regulation or order.

(b) *Notification.* Boards of trade operating under section 5d of the Act as

exempt boards of trade shall so notify the Commission. This notification shall be filed with the Secretary of the Commission at its Washington, DC headquarters, in either electronic or hard copy form, shall be labeled as ''Notification of Operation as Exempt Board of Trade,'' and shall include:

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

(2) The name and telephone number of a contact person.

(c) *Additional requirements.* (1) A board of trade notifying the Commission that it meets the criteria of section 5d of the Act and elects to operate as an exempt board of trade shall not represent to any person that it is registered with, designated, recognized, licensed or approved by the Commission.

(2) If the Commission finds by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, that the facility serves as a significant source for the discovery of prices in the cash market for the underlying commodity, the facility must on a daily basis disseminate publicly trading volume, opening and closing price ranges, open interest and other trading data to the extent appropriate to that market with respect to transactions executed in reliance on the exemption as specified in the order.

§ 36.3 Exempt commercial markets.

(a) *Notification.* An electronic trading facility relying upon the exemption in section 2(h)(3) of the Act shall notify the Commission of its intention to do so. This notification, and subsequent notification of any material changes in the information initially provided, shall be filed with the Secretary of the Commission at its Washington, DC headquarters, in either electronic or hard copy form, shall be labeled as ''Notification of Operation as Exempt Commercial Market,'' and shall include the information and certifications specified in section 2(h)(5)(A) of the Act.

(b) *Required information.* (1) A facility operating in reliance on the exemption in section 2(h)(3) of the Act, initially and on an on-going basis, must provide the Commission with access to the facility's trading protocols and electronic access to transactions conducted on the facility in reliance on such exemption. Alternatively, the facility may attach its initial trading protocols and any amendments thereto in hard copy form to the notification required in paragraph (a) of this section and may provide in a form and manner acceptable to the Commission, as determined by the Commission in response to a petition by the exempt market relying upon the exemption in section 2(h)(3) of the Act, information regarding transactions by large traders on the facility.

(2) *Special calls.* (i) All information required upon special call of the Commission under section 2(h)(5)(B)(iii) of the Act shall be prepared in the form and manner and in accordance with the instructions, and shall be transmitted at the time and to the office of the Commission, as may be specified in the call.

(ii) The Commission hereby delegates, until the Commission orders otherwise, the authority to make special calls as set forth in section 2(h)(5)(B)(iii) of the Act to the Director of the Division of Trading and Markets and to the Director of Economic Analysis to be exercised by either Director or by such other employee or employees as the Director may designate. The directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

(3) *Subpoenas to foreign persons.* A foreign person whose access to a trading facility is limited or denied at the direction of the Commission based on the Commission's belief that the foreign person has failed timely to comply with a subpoena as provided under section 2(h)(5)(C)(ii) of the Act shall have an opportunity for a prompt hearing under the procedures provided in § 21.03(g) and (h) of this chapter.

(c) *Additional requirements.* (1) An electronic trading facility relying upon the exemption in section 2(h)(3) of the Act shall not represent to any person that it is registered with, designated, recognized, licensed or approved by the Commission.

(2) If the Commission finds by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, that the facility performs a significant price discovery function for transactions in the cash market for the underlying commodity, the facility must disseminate publicly price, trading volume and other trading data to the extent appropriate with respect to transactions executed in reliance on the exemption as specified in the order.

(3) The facility must require that each participant agree to comply with all applicable laws and the facility must have a reasonable basis for believing that authorized participants are ''eligible commercial entities'' as defined in section 1a(11) of the Act.

10. Part 37 is proposed to be added to read as follows:

PART 37—DERIVATIVES TRANSACTION EXECUTION FACILITIES

Sec.

Authority: 7 U.S.C. 2, 5, 6, 6c, 6(c), 6(i), 7a and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 37.1 Scope and definition.

(a) *Scope.* The provisions of this part apply to any board of trade or trading facility operating as a registered derivatives transaction execution facility.

(b) *Definition.* As used in this part, the term ''eligible commercial entity'' means, and shall include, in addition to a party or entity so defined in section 1a(11) of the Act, a registered floor trader or floor broker trading for its own account, whose trading obligations are guaranteed by a registered futures commission merchant.

§ 37.2 Exemption.

Contracts, agreements or transactions traded on a derivatives transaction execution facility registered as such with the Commission under section 5a of the Act, the facility and the facility's operator are exempt from all Commission regulations for such activity, except for the requirements of this part 37 and §§ 1.3, 1.31, 15.05, 33.10, part 40 and part 190 of this chapter; and as applicable to the market, parts 15 through 21 of this chapter, which are applicable to a registered derivatives transaction execution facility as though they were set forth in this section and included specific reference to derivatives transaction execution facilities.

§ 37.3 Requirements for underlying commodities.

(a) *Trading facilities limited to eligible traders.* Trading facilities limited to eligible traders as defined by section 5a(b)(3) of the Act, may trade any contract of sale of a commodity for future delivery (or option on such a contract) on any of the following underlying commodities:

(1) Commodities having—

(i) A nearly inexhaustible deliverable supply;

(ii) A deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation; or

(iii) No cash market.

(iv) The commodities defined in section 1a(13) of the Act as ''excluded commodities,'' meet the criteria of paragraphs (a)(1)(i) through (iii) of this section.

(2)(i) Commodities that are a security futures product, and

(ii) The registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934;

(3)(i) Commodities for which the Commission has determined, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility, that trading in the contract (or option) based on that commodity is highly unlikely to be susceptible to the threat of manipulation.

(ii) The Commission may make such a determination by rule, regulation or order, after notice and an opportunity for a hearing through submission of written data, views and arguments. A registered derivative transaction execution facility may request that the Commission make such an individualized determination by filing with the Commission at its Washington, DC headquarters a petition that includes:

(A) The terms and conditions of the product to be listed; and

(B) A demonstration, supported by data, that the underlying commodity has a sufficiently liquid and deep cash market and a surveillance history based on actual trading experience and in light of any self-regulatory undertakings of the facility, to provide assurance that the contract or product is highly unlikely to be manipulated. The demonstration should address the following specific factors to the extent that the factor is not self-evident:

(*1*) A high level of cash-market liquidity;

(*2*) Cash-market bid-ask spreads that are narrow relative to traded values;

(*3*) Relatively frequent cash market transactions involving participants that represent major segments of the industry;

(*4*) The absence of material impediments to participation in the cash market by commercial entities;

(*5*) Transfer of ownership of the cash commodity that is easily and readily accomplished at minimal cost;

(*6*) A pattern of cash market pricing that exhibits continuity and the absence of frequent, sharp price changes such that a person cannot readily move materially the price of the product in normal cash market channels;

(*7*) A history of actual trading experience that the contract or product's terms and conditions provide for a deliverable supply that is adequate to minimize the threat of market abuses such as price manipulation and distortions, congestion, and defaults; and

(*8*) Procedures to effectively oversee the market, including a large trader reporting system, as well as a history of active surveillance to prevent or mitigate market problems; or

(4) Commodities that are agricultural commodities enumerated in section 1a(4) of the Act that have been so approved by the Commission under the procedures of paragraph (c) of this section;

(b) *Trading facilities limited to eligible commercial entities.* Any commodity, other than the agricultural commodities enumerated in section 1a(4) of the Act, is eligible under section 5a(b)(2)(F) of the Act to be traded on a derivatives transaction execution facility that limits participants on the facility to eligible commercial entities as defined by § 37.1(b) trading for their own account. *Provided, however,* an agricultural commodity enumerated in section 1a(4) of the Act may be so approved by the Commission under the procedures of paragraph (c) of this section.

(c) *Enumerated agricultural commodities.* [Reserved]

§ 37.4 Election to trade excluded and exempt commodities.

A board of trade that is or elects to become a registered derivatives transaction execution facility may, pursuant to section 5a(g) of the Act, trade agreements, contracts, or transactions that are excluded or exempt from the Act pursuant to sections 2(c), 2(d), 2(g), or 2(h).

§ 37.5 Procedures for registration.

(a) *Notification by contract markets.* To operate as a derivatives transaction execution facility pursuant to section 5a of the Act, a board of trade, facility or entity that is designated as a contract market, must:

(1) Comply with the core principles for operation under section 5a(d) of the Act and the provisions of this part 37; and

(2) Notify the Commission of its intent to so operate by filing with the Commission at its Washington, DC headquarters a copy of the facility's rules, which may be trading protocols, and a certification by the contract market that it meets:

(i) The requirements for trading of section 5a(b) of the Act; and

(ii) The criteria for registration under section 5a(c) of the Act.

(b) *Registration by application.* A board of trade, facility or entity shall be deemed to be registered as a derivatives transaction execution facility thirty days after receipt by the Commission of an application for registration as a derivatives transaction execution facility unless notified otherwise during that period, or, as determined by Commission order, registered upon conditions, if:

(1) The application demonstrates that the applicant satisfies the requirements for trading and the criteria for registration of sections 5a(b) and 5a(c) of the Act, respectively;

(2) The submission is labeled, ''Application for DTF Registration'';

(3) The submission includes:

(i) The derivatives transaction execution facility's rules, which may be trading protocols;

(ii) Any agreements entered into or to be entered into between or among the facility, its operator or its participants, technical manuals and other guides or instructions for users of such facility, descriptions of any system test procedures, tests conducted or test results, and descriptions of the trading mechanism or algorithm used or to be used by such facility, to the extent such documentation was otherwise prepared; and

(iii) To the extent that compliance with the requirements for trading or the criteria for recognition is not self-evident, a brief explanation of how the rules or trading protocols satisfy each of the conditions for registration;

(4) The applicant does not amend or supplement the application for recognition, except as requested by the Commission or for correction of typographical errors, renumbering or other nonsubstantive revisions, during that period; and

(5) The applicant has not instructed the Commission in writing during the review period to review the application pursuant to the time provisions of and procedures under section 6 of the Act.

(c) *Guidance for applicants.* Appendix A to this part provides guidance to applicants for registration as a derivatives transaction execution facility on how the conditions for registration in section 5a(b) and 5a(c) of the Act could be satisfied.

(d) *Termination of fast track review.* During the thirty-day period for review pursuant to paragraph (b) of this section, the Commission shall notify the applicant seeking registration that the Commission is terminating review under this section and will review the proposal under the time period and procedures of section 6 of the Act, if it appears that the application's form or substance fails to meet the requirements of this part. This termination notification will state the nature of the issues raised and the specific condition of registration that the applicant would violate, appears to violate, or the violation of which cannot be ascertained from the application. Within ten days of receipt of this termination notification, the applicant seeking registration may request that the Commission render a decision whether to register the derivatives transaction execution facility or to institute a proceeding to deny the proposed application under procedures specified in section 6 of the Act by notifying the Commission that the applicant seeking registration views its submission as complete and final as submitted.

(e) *Request for withdrawal of application for registration or withdrawal of registration.* An applicant to be registered, or a registered derivatives transaction execution facility may withdraw its application or its registration by filing with the Commission at its Washington, DC, headquarters such a request. Withdrawal from registration shall not affect any action taken or to be taken by the Commission based upon actions, activities or events occurring during the time that the application for registration was pending with, or that the facility was registered by, the Commission.

(f) *Delegation of authority.* (1) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis or the Director's delegatee, with the concurrence of the General Counsel or the General Counsel's delegatee, authority to exercise the functions provided under paragraph (b) of this section.

(2) The directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph.

(3) Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in paragraph (f)(1) of this section.

§ 37.6 Compliance with core principles.

(a) *In general.* To maintain registration as a derivatives transaction execution facility upon commencing operations by listing products for trading or otherwise and on a continuing basis thereafter, the derivatives transaction execution facility must have the capacity to be, and be, in compliance with the core principles of section 5a(d) of the Act.

(b) *New derivatives transaction execution facilities.* (1) *Certification of compliance.* Unless an applicant for registration has chosen to make a voluntary demonstration under paragraph (b)(2) of this section, a newly registered derivatives transaction execution facility at the time it commences operations must certify to the Commission that it has the capacity to, and will, operate in compliance with the core principles under section 5a(d) of the Act.

(2) *Voluntary demonstration of compliance.* An applicant for registration may choose to make a voluntary demonstration of its capacity to operate in compliance with the core principles as follows:

(i) At least thirty days prior to commencing operations, the applicant for registration must file with the Commission at its Washington, D.C. headquarters, either separately or with the application required by § 37.4, a submission that includes:

(A) The label, ''Demonstration of Compliance with Core Principles for Operation;''

(B) The derivatives transaction execution facility's rules, which may be trading protocols, that enable or empower the facility to comply with the core principles;

(C) Any agreements entered into or to be entered into between or among the facility, its operator or its participants that enable or empower the facility to comply with the core principles, including where applicable, technical manuals and other guides or instructions for users of the facility; and

(D) To the extent that capacity to comply with a core principle is not self-evident, a brief explanation of how the facility has the capacity to meet the core principle.

(ii) Unless the applicant requests an extension of time, the applicant shall be deemed to have demonstrated its capacity to comply with the core principles thirty days after receipt by the Commission, unless notified otherwise.

(iii) If it appears that the applicant has failed to make the requisite showing, the Commission will so notify the applicant at the end of that period. Upon commencement of operations by the derivatives transaction execution facility, such a notice may be considered by the Commission in a determination to issue a notice of violation of core principles under section 5c(d) of the Act.

(c) *Existing derivatives transaction execution facilities.* Upon request by the Commission, a registered derivatives transaction execution facility shall file with the Commission such data, documents and other information as the Commission may specify in its request that demonstrates that the registered derivatives transaction execution facility is in compliance with one or more core principles as specified in the request or that is requested by the Commission to enable the Commission to satisfy its obligations under the Act.

(d) *Guidance regarding compliance with core principles.* A derivatives transaction execution facility may meet the following core principles of section 5a(d) of the Act as specified in this paragraph:

(1) *Compliance with rules.* The core principle regarding compliance with rules under section 5a(d)(2) of the Act may be met, as appropriate to the facility, through the effective monitoring of limitations on access to the facility;

(2) *Monitoring of trading.* The core principle regarding monitoring of trading under section 5a(d)(3) of the Act may be met, as appropriate to the market and the products traded thereon, by providing information to the Commission as requested to satisfy the Commission's obligations under the Act;

(3) *Disclosure of general information.* The core principle regarding disclosure of general information relevant to participation in trading on the facility under section 5a(d)(4)(D) of the Act also includes providing to market participants on a fair, equitable and timely basis information regarding prices, bids and offers, and such other information that the Commission may determine by rule, regulation or order, after notice and an opportunity for a hearing through submission of written data, views and arguments;

(4) *Daily publication of trading information.* The Commission will determine by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, whether the requirement of the core principle on publication of trading information under section

5a(d)(5) of the Act applies to a particular product or products traded on a facility;

(5) *Fitness.* Appropriate minimum standards for participants having direct access to the facility under the core principle on fitness pursuant to section 5a(d)(6) of the Act also includes natural persons that directly or indirectly have greater than a ten percent ownership interest in the facility; and

(6) *In general.* Appendix B to this part provides guidance to registered derivatives transaction execution facilities on how the core principles under section 5a(d) of the Act could be satisfied.

§ 37.7 Additional requirements.

(a) *Products.* Notwithstanding the provisions of section 5c(c) of the Act and § 40.2 of this chapter, derivative transaction execution facilities need only notify the Commission of the listing of new products for trading, posting of new product descriptions, terms and conditions or trading protocols or providing for a new system product functionality, by filing with the Commission at its Washington, D.C. headquarters, a submission labeled ''DTF Notice of Product Listing'' that includes the text of the product's terms or conditions, product description, trading protocol or description of the system functionality or by electronic notification of the foregoing at the time traders or participants in the market are notified, but in no event later than the close of business on the business day preceding initial listing, posting or implementation of the trading protocol or system functionality.

(b) *Material modifications.* Notwithstanding the provisions of section 5c(c) of the Act, registered derivative transaction execution facilities need not certify rules or rule amendments under § 40.6 of this chapter, and must only notify the Commission prior to placing into effect or amending such a rule, which includes trading protocols, by:

(1) Filing with the Commission at its Washington, D.C. headquarters at the time traders or participants in the market are notified, but (unless taken as an emergency action) in no event later than the close of business on the business day preceding implementation of the rule, a submission labeled, ''DTF Rule Notice.'' The submission shall include the text of the rule or rule amendment, (deletions and additions must be indicated); or

(2) By electronic notification to the Commission of the rule to be placed into effect or to be changed, in a format approved by the Secretary of the Commission, at the time traders or participants in the market are notified, but (unless taken as an emergency action) in no event later than the close of business on the business day preceding implementation. *Provided, however,* the derivatives transaction execution facility need not notify the Commission of rules or rule amendments for which no certification is required under § 40.6(c) of this chapter.

(3) The derivatives transaction execution facility must maintain documentation regarding all changes to rules, terms and conditions or trading protocols.

(c) *Voluntary request for Commission approval of rules or products.* (1) A board of trade or trading facility seeking to be registered as, or registered as, a derivatives transaction execution facility, may request that the Commission approve under section 5c(c) of the Act, any or all of its rules and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, prior to their implementation or, notwithstanding the provisions of section 5c(c)(2) of the Act, at anytime thereafter, under the procedures of §§ 40.5 or 40.3 of this chapter, as applicable. A derivatives transaction execution facility may label a product in its rules as, ''Listed for trading pursuant to Commission approval,'' if the product and its terms or conditions have been approved by the Commission and it may label as, ''Approved by the Commission,'' only those rules that have been so approved.

(2) An applicant for registration, or a registered derivatives transaction execution facility may request that the Commission consider under the provisions of section 15(b) of the Act any of the derivatives transaction execution facility's rules or policies, including both operational rules and the terms or conditions of products listed for trading, at the time of registration or thereafter.

(d) *Identify participants.* Registered derivative transaction execution facilities must keep a record in permanent form, which shall show the true name, address, and principal occupation or business of any foreign trader executing transactions on the facility. In addition, upon request, a derivative transaction execution facility shall provide to the Commission information regarding the name of any person exercising control over the trading of such foreign trader. *Provided, however,* this paragraph shall not apply to a derivatives transaction execution facility insofar as transactions in futures or option contracts of foreign traders are executed through and the resulting transactions are maintained in accounts carried by a registered futures commission merchant or introducing broker subject to § 1.37 of this chapter.

(e) *Identify persons subject to fitness requirement.* Upon request by the Commission, a registered derivatives transaction execution facility shall furnish to the Commission a current list of persons subject to the fitness requirements of section 5a(d)(6) of the Act.

§ 37.8 Information relating to transactions on derivatives transaction execution facilities.

(a) *Special calls for information from derivatives transaction execution facilities.* Upon special call by the Commission, a registered derivatives transaction execution facility shall provide to the Commission such information related to its business as a derivatives transaction execution facility, including information relating to data entry and trade details, in the form and manner and within the time as specified by the Commission in the special call.

(b) *Special calls for information from futures commission merchants.* Upon special call by the Commission, each person registered as a futures commission merchant that carries or has carried an account for a customer on a derivatives transaction execution facility shall provide information to the Commission concerning such accounts or related positions carried for the customer on that or other facilities or markets, in the form and manner and within the time specified by the Commission in the special call.

(c) *Special calls for information from participants.* Upon special call by the Commission, any person who enters into or has entered into an agreement, contract or transaction on a derivatives transaction execution facility shall provide information to the Commission concerning such agreements, contracts or transactions or related agreements, contracts or transactions, or concerning related positions on other facilities or markets, in the form and manner and within the time specified by the Commission in the special call.

(d) *Delegation of authority.* The Commission hereby delegates, until the Commission orders otherwise, the authority set forth in paragraphs (a) through (c) of this section to the Directors of the Division of Trading and Markets and separately to the Director of Economic Analysis or such other employee or employees as the Directors may designate from time to time. The Directors may submit to the

Commission for its consideration any matter that has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

§ 37.9 Enforceability.

An agreement, contract or transaction entered into on, or pursuant to, the rules of a registered derivatives transaction execution facility shall not be void, voidable, subject to rescission or otherwise invalidated or rendered unenforceable as a result of:

(a) A violation by the registered derivatives transaction execution facility of the provisions of section 5a of the Act or this part 37; or

(b) Any Commission proceeding to alter or supplement a rule, term or condition under section 8a(7) of the Act, to declare an emergency under section 8a(9) of the Act, or any other proceeding the effect of which is to disapprove, alter, supplement, or require a registered derivatives transaction execution facility to adopt a specific term or condition, trading rule or procedure, or to take or refrain from taking a specific action.

Appendix A to Part 37—Application Guidance

This appendix provides guidance to applicants for registration as derivatives transaction execution facilities under section 5a(c) of the Act and § 37.5. The guidance following each registration criterion is illustrative only of the types of matters an applicant may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the application has met the criteria for registration. To the extent that compliance with, or satisfaction of, a criterion for registration is not self-explanatory from the face of the derivatives transaction execution facility's rules, which may be terms and conditions or trading protocols, the application should include an explanation or other form of documentation demonstrating that the applicant meets the registration criteria of section 5a(c) of the Act and § 37.5.

Registration Criterion 1 of section 5a(c) of the Act: *IN GENERAL—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.*

A board of trade preparing to submit to the Commission an application to operate as a registered derivatives transaction execution facility is encouraged to contact Commission staff for guidance and assistance in preparing its application. Applicants may submit a draft application for review prior to the submission of an actual application without triggering the application review procedures of § 37.5.

Registration Criterion 2 of section 5a(c) of the Act: *DETERRENCE OF ABUSES—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—(A) obtain information necessary to perform the functions required under this section; or (B) use technological means to—(i) provide market participants with impartial access to the market; and (ii) capture information that may be used in establishing whether rule violations have occurred.*

An application of a board of trade to operate as a registered derivatives transaction execution facility should include arrangements and resources for effective and affirmative rule enforcement, including documentation of the facility's authority to do so. The submission should include documentation on the ability of the facility either to obtain necessary information or to provide participants with impartial access and capture information for use in establishing possible rule violations.

Registration Criterion 3 of section 5a(c) of the Act: *TRADING PROCEDURES—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—(A) transfer trades or office trades; (B) an exchange of—(i) futures in connection with a cash commodity transaction; (ii) futures for cash commodities; or (iii) futures for swaps; or (C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.*

(a) A submission of a board of trade to operate as an electronic registered derivatives transaction execution facility should include the system's trade-matching algorithm and order entry procedures. A submission involving a trade-matching algorithm that is based on order priority factors other than price and time should include a brief explanation of the algorithm.

(b) A board of trade's specifications on initial and periodic objective testing and review of proper system functioning, adequate capacity, and security for any automated systems should be included in its submission. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the ''Principles for Screen-Based Trading Systems''), and subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for an electronic trading facility to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional.

(c) A registered derivatives transaction execution facility that authorizes transfer trades or office trades; an exchange of futures for physicals or futures for swaps; or any other non-competitive transactions, including block trades, should have rules particularly authorizing such transactions and establishing appropriate recordkeeping requirements. Block trading rules should ensure that the block trading does not operate in a manner that compromises the integrity of the prices or price discovery on the relevant market.

Registration Criterion 4 of section 5a(c) of the Act: *FINANCIAL INTEGRITY OF TRANSACTIONS—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade, and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.*

(a) A board of trade operating as a registered derivatives transaction execution facility should provide for the financial integrity of transactions by setting appropriate minimum financial standards for users and/or members, appropriate margin forms and levels, and appropriate default rules and procedures. If cleared, transactions executed on the facility must be cleared through a derivatives clearing organization. The Commission believes ensuring and enforcing the financial integrity of transactions and intermediaries, and the protection of customer funds should include monitoring compliance with the facility's minimum financial standards. In order to monitor for minimum financial requirements, a facility should routinely receive and promptly review financial and related information.

(b) A registered derivatives transaction execution facility that allows customers that qualify as ''eligible traders'' under the definition found in section 5a(b)(3) of the Act only by trading through a futures commission merchant pursuant to section 5a(b)(3)(B), should have rules concerning the protection of customer funds that address appropriate minimum financial standards for intermediaries, the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping procedures and related intermediary default procedures.

Appendix B to Part 37—Guidance on Compliance With Core Principles

1. This appendix provides guidance concerning the core principles with which a registered derivatives transaction execution facility must comply to maintain registration under section 5a(d) of the Act and § 37.5(a). This guidance is illustrative only and is not intended to be a mandatory checklist.

2. If a registered derivatives transaction execution facility chooses to certify that it has the capacity to, and upon initiation will, operate in compliance with the core principles under section 5a(d) of the Act and § 37.6, it should consider the issues set forth in this appendix prior to certification.

3. Alternatively, if a registered derivatives transaction execution facility chooses pursuant to § 37.6(b)(2) to provide the

Commission with a demonstration of its compliance with core principles, addressing the issues set forth in this appendix would help the Commission in its consideration of such compliance. To the extent that compliance with, or satisfaction of, the core principles is not self-explanatory from the face of the derivatives transaction execution facility's rules, which may be terms and conditions or trading protocols, a submission under § 37.6(b)(2) should include an explanation or other form of documentation demonstrating that the derivatives transaction execution facility complies with the core principles.

Core Principle 1 of section 5a(d) of the Act: *IN GENERAL—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.*

A board of trade newly registered to operate as a derivatives transaction execution facility must certify or satisfactorily demonstrate its capacity to operate in compliance with the core principles under section 5a(d) of the Act prior to the commencement of its operations. The Commission also may require that a board of trade operating as a registered derivatives transaction execution facility demonstrate to the Commission that it is operating in compliance with one or more core principles.

Core Principle 2 of section 5a(d) of the Act: *COMPLIANCE WITH RULES—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.*

(a) A board of trade operating as a registered derivatives transaction execution facility should have arrangements, resources and authority for effectively and affirmatively enforcing its rules (which, in the case of a facility that restricts traders to eligible commercial entities, may be the effective monitoring of limitations on access to the facility), including the authority and ability to collect or capture information and documents on both a routine and non-routine basis and to investigate effectively possible rule violations.

(b) This should include the authority and ability to discipline, limit or suspend, and terminate a member/participant's activities or access or, in the case of a derivatives transaction execution facility restricting its traders to eligible commercial entities, the authority and ability to terminate a member/participant's activities or access. In either case, any termination should be carried out pursuant to clear and fair standards.

Core Principle 3 of section 5a(d) of the Act: *MONITORING OF TRADING—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.*

(a) Arrangements and resources for effective trade monitoring programs should facilitate, on both a routine and nonroutine basis, direct supervision of the market. Appropriate objective testing and review of any automated systems should occur initially and periodically to ensure proper system functioning, adequate capacity and security. The analysis of data collected should be suitable for the type of information collected and should occur in a timely fashion. A board of trade operating as a registered derivatives transaction execution facility should have the authority to collect the information and documents necessary to reconstruct trading for appropriate market analysis as it carries out its programs to ensure orderly trading and to maintain an orderly market. The facility also should have the authority to intervene as necessary to maintain an orderly market.

(b) Alternatively, if a board of trade operating as a registered derivatives transaction execution facility restricts contracts traded pursuant to those under §§ 37.3(a)(1) and 37.3(b), it may choose to satisfy this core principle by providing information to the Commission as requested by the Commission to satisfy its obligations under the Act. The facility should have the authority to collect or capture and retrieve all necessary information.

Core Principle 4 of section 5a(d) of the Act: *DISCLOSURE OF GENERAL INFORMATION—The board of trade shall disclose publicly and to the Commission information concerning—(A) contract terms and conditions; (B) trading conventions, mechanisms, and practices; (C) financial integrity protections; and (D) other information relevant to participation in trading on the facility.*

A board of trade operating as a registered derivatives transaction execution facility should have arrangements and resources for the disclosure and explanation of contract terms and conditions, trading conventions, trading mechanisms, trading practices, system functioning, system capacity, system security, system testing and review, and financial integrity protections, including whether eligible contract participants will have the right to opt out of segregation of customer funds. The facility must also disclose any limitations of liability (which may not include limitations of liability for violations of the Act or Commission regulations by fraud, or wanton or willful misconduct). Such information may be made publicly available through the derivatives transaction execution facility's website. The facility should also make information regarding prices, bids and offers, or other information as determined by the Commission, readily available to market participants on a fair, equitable and timely basis. Furthermore, the facility should make available information concerning steps taken by the facility in response to an emergency.

Core Principle 5 of section 5a(d) of the Act: *DAILY PUBLICATION OF TRADING INFORMATION—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.*

A board of trade operating as a registered derivatives transaction execution facility should provide to the public information regarding settlement prices, price range, trading volume, open interest and other related market information for all applicable contracts, as determined by the Commission. The Commission will determine by order, after notice and an opportunity for a hearing through submission of written data, views and arguments, whether the requirement of the core principle on publication of trading information under section 5a(d)(5) of the Act applies to a particular product or products traded on a facility. Provision of information for any applicable contract could be through such means as providing the information to a financial information service or by timely placing the information on a facility's website.

Core Principle 6 of section 5a(d): *FITNESS STANDARDS—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.*

A derivatives transaction execution facility should have appropriate eligibility criteria for the categories of persons set forth in the core principle that would include standards for fitness and for the collection and verification of information supporting compliance with such standards. Minimum standards of fitness for persons who have member voting privileges, governing obligations or responsibilities, or who exercise disciplinary authority are those bases for refusal to register a person under section 8a(2) of the Act, or a history of serious disciplinary offenses, such as those which would be disqualifying under § 1.63 of this chapter. Eligible contract participants or eligible commercial entities who have direct access but do not have these privileges, obligations, responsibilities or disciplinary authority could satisfy minimum fitness standards by meeting the standards that they must meet to qualify under the Act's respective definitions of eligible contract participants or eligible commercial entities. Natural persons who directly or indirectly have greater than a ten percent interest in a facility should meet the fitness standards applicable to members with voting rights. A demonstration of the fitness of the applicant's directors, members, or natural persons who directly or indirectly have a greater than ten percent interest in a facility may include providing the Commission with registration information for such persons, certification to the fitness of such persons, an affidavit of such persons' fitness by the facility's Counsel or other information substantiating the fitness of such persons.

Core Principle 7 of section 5a(d) of the Act: *CONFLICTS OF INTEREST—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction execution facility and establish a process for resolving such conflicts of interest.*

The means to address conflicts of interest in decision-making of a board of trade operating as a registered derivatives transaction execution facility should include methods to ascertain the presence of conflicts of interest and to make decisions in the event of such a conflict. The Commission also believes that a board of trade operating as a registered derivatives transaction execution facility should provide for appropriate limitations on the use or disclosure of material non-public information gained through the performance of official duties by board members, committee members and facility employees or gained through an ownership interest in the facility.

Core Principle 8 of section 5a(d) of the Act: *RECORDKEEPING—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.*

Section 1.31 of this chapter governs recordkeeping obligations under the Act and the Commission's regulations thereunder. In order to provide broad flexible performance standards for recordkeeping, § 1.31 was updated and amended by the Commission in 1999. Accordingly, § 1.31 itself establishes the guidance regarding the form and manner for keeping records.

Core Principle 9 of section 5a(d) of the Act: *ANTITRUST CONSIDERATIONS—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or (B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.*

A board of trade seeking to operate as a registered derivatives transaction execution facility may request that the Commission consider under the provisions of section 15(b) of the Act any of the board of trade's rules, which may be trading protocols or policies, and including both operational rules and the terms or conditions of products listed for trading, at the time it submits its registration application or thereafter. The Commission intends to apply section 15(b) of the Act to its consideration of issues under this core principle in a manner consistent with that previously applied to contract markets.

11. Chapter I of 17 CFR is amended by adding new Part 38 as follows:

PART 38—DESIGNATED CONTRACT MARKETS

Sec.

Authority: 7 U.S.C. 2, 5, 6, 6c, 7 and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 38.1 Scope.

The provisions of this part 38 shall apply to every board of trade or trading facility that has been designated as a contract market in a commodity under section 6 of the Act. *Provided, however,* nothing in this provision affects the eligibility of designated contract markets to operate under the provisions of parts 36 or 37 of this chapter.

§ 38.2 Exemption.

Agreements, contracts, or transactions traded on a designated contract market under section 6 of the Act, the contract market and the contract market's operator are exempt from all Commission regulations for such activity, except for the requirements of this part 38 and §§ 1.3, 1.31, 1.38, 33.10, part 9, parts 15 through 21, part 40, and part 190 of this chapter.

§ 38.3 Procedures for designation by application.

(a) *Application.* A board of trade or trading facility shall be deemed to be designated as a contract market sixty days after receipt by the Commission of an application for designation unless notified otherwise during that period, or, as determined by Commission order, designated upon conditions, if:

(1) The application demonstrates that the applicant satisfies the criteria for designation of section 5(b) of the Act, the core principles for operation under section 5(d) of the Act and the provisions of this part 38;

(2) The application is labeled as being submitted pursuant to this part 38;

(3) The application includes a copy of the applicant's rules and, to the extent that compliance with the conditions for designation is not self-evident, a brief explanation of how the rules satisfy each of the conditions for designation;

(4) The applicant does not amend or supplement the designation application, except as requested by the Commission or for correction of typographical errors, renumbering or other nonsubstantive revisions, during that period; and

(5) The applicant has not instructed the Commission in writing during the review period to review the application pursuant to procedures under section 6 of the Act.

(b) *Guidance regarding application for designation.* An applicant for contract market designation may meet the following conditions for designation as specified in this paragraph:

(1) *Prevention of market manipulation.* The designation criterion to prevent market manipulation under section 5(b)(2) of the Act also includes the requirement that the designated contract market have a dedicated regulatory department, or delegation of that function;

(2) *Fair and equitable trading.* The designation criterion requiring fair and equitable trading rules under section 5(b)(3) of the Act also includes fair, equitable and timely availability to market participants of information regarding prices, bids and offers;

(3) *Disciplinary procedures.* The designation criterion to enforce disciplinary procedures under section 5(b)(6) of the Act may be satisfied by an organized exchange or a trading facility with respect to non-member participants of the contract market by expelling or by denying future access to such a person found to have violated the contract market's rules;

(4) *Governance fitness standards.* The requirement to establish appropriate minimum fitness standards for participants in a facility having direct access to the facility under the core principle on fitness pursuant to section 5(d)(14) of the Act includes natural persons that directly or indirectly have greater than a ten percent ownership interest in the facility; and

(5) *In general.* Appendix A to this part provides guidance to applicants for designation as contract markets on how the criteria for designation under section 5(b) of the Act can be satisfied and Appendix B to this part provides guidance to applicants for designation and designated contract markets on how the core principles of section 5(d) of the Act can be satisfied;

(c) *Termination of fast track review.* During the sixty-day period for review pursuant to paragraph (a) of this section, the Commission shall notify the applicant seeking designation that the Commission is terminating review under this section and will review the proposal under the time period and procedures of section 6 of the Act, if it appears that the application's form or substance fails to meet the requirements of this part. This termination notification will state the nature of the issues raised and the specific condition of designation that the applicant would violate, appears to violate, or the violation of which cannot be ascertained from the application. Within ten days of receipt of this termination notification, the applicant seeking designation may request that the Commission render a decision whether to designate the

contract market or to institute a proceeding to deny the proposed application under procedures specified in section 6 of the Act by notifying the Commission that the applicant views its submission as complete and final as submitted.

(d) *Request for withdrawal of application for designation or vacation of designation.* An applicant to be designated, or a designated contract market, may withdraw its application or vacate its designation under section 7 of the Act by filing with the Commission at its Washington, D.C., headquarters such a request. Withdrawal from registration or vacation of designation shall not affect any action taken or to be taken by the Commission based upon actions, activities or events occurring during the time that the application for designation was pending with, or that the facility was designated by, the Commission.

(e) *Delegation of authority.* (1) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Division of Trading and Markets and separately to the Director of Economic Analysis or the Directors' delegatee, with the concurrence of the General Counsel or the General Counsel's delegatee, authority to notify the entity seeking designation under paragraph (a) of this section that review under those procedures is being terminated or to designate the entity as a contract market upon conditions.

(2) The Directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph.

(3) Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in paragraph (e)(1) of this section.

§ 38.4 Procedures for listing products and implementing contract market rules.

(a) *Request for Commission approval of rules and products.* An applicant for designation, or a designated contract market, may request that the Commission approve under section 5c(c) of the Act, any or all of its rules and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, prior to their implementation or, notwithstanding the provisions of section 5c(c)(2) of the Act, at anytime thereafter, under the procedures of §§ 40.5 or 40.3 of this chapter, as applicable. A designated contract market may label a product in its rules as, ''Listed for trading pursuant to Commission approval,'' if the product and its terms or conditions have been approved by the Commission and it may label as, ''Approved by the Commission,'' only those rules that have been so approved.

(b) *Self-certification of rules and products.* Rules of a designated contract market and subsequent amendments thereto, including both operational rules and the terms or conditions of products listed for trading on the facility, not voluntarily submitted for prior Commission approval pursuant to paragraph (a) of this section must be submitted to the Commission with a certification that the rule, rule amendment or product complies with the Act or rules thereunder pursuant to the procedures of §§ 40.6 and 40.2 of this chapter, as applicable. Provided, however, any rule or rule amendment that would, for a delivery month having open interest, materially change a term or condition of a contract for future delivery in an agricultural commodity enumerated in section 1a(4) of the Act, or of an option on such a contract or commodity, must be submitted to the Commission prior to its implementation for review and approval under § 40.4 of this chapter.

(c) An applicant for designation, or a designated contract market, may request that the Commission consider under the provisions of section 15(b) of the Act any of the contract market's rules or policies, including both operational rules and the terms or conditions of products listed for trading.

§ 38.5 Information relating to contract market compliance.

(a) Upon request by the Commission, a designated contract market shall file with the Commission such information related to its business as a contract market, including information relating to data entry and trade details, in the form and manner and within the time as specified by the Commission in the request.

(b) Upon request by the Commission, a designated contract market shall file with the Commission a written demonstration, containing such supporting data, information and documents, in the form and manner and within such time as the Commission may specify, that the designated contract market is in compliance with one or more core principles as specified in the request.

§ 38.6 Enforceability.

An agreement, contract or transaction entered into on, or pursuant to the rules of a designated contract market shall not be void, voidable, subject to rescission or otherwise invalidated or rendered unenforceable as a result of:

(a) A violation by the designated contract market of the provisions of section 5 of the Act or this part 38; or

(b) Any Commission proceeding to alter or supplement a rule, term or condition under section 8a(7) of the Act, to declare an emergency under section 8a(9) of the Act, or any other proceeding the effect of which is to alter, supplement, or require a designated contract market to adopt a specific term or condition, trading rule or procedure, or to take or refrain from taking a specific action.

Appendix A to Part 38—Application Guidance

This appendix provides guidance for applicants for designation as a contract market under section 5(b) of the Act and § 38.3. The guidance following each designation criterion is illustrative only of the types of matters an applicant may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the application has met the criteria for designation. To the extent that compliance with, or satisfaction of, a criterion for designation is not self-explanatory from the face of the contract market's rules, which may be trading protocols or terms and conditions, the application should include an explanation or other form of documentation demonstrating that the applicant meets the designation criteria of section 5(b) of the Act.

Designation Criterion 1 of section 5(b) of the Act: *IN GENERAL—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.*

A board of trade preparing to submit to the Commission an application for designation as a contract market is encouraged to contact Commission staff for guidance and assistance in preparing an application. Applicants may submit a draft application for review and feedback prior to the submission of an actual application without triggering the application review procedures of § 38.3.

Designation Criterion 2 of section 5(b) of the Act: *PREVENTION OF MARKET MANIPULATION—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.*

A designation application should demonstrate a capacity to prevent market manipulation, including that the contract market has trading and participation rules deterring abuses and a dedicated regulatory department, or an effective delegation of that function.

Designation Criterion 3 of section 5(b) of the Act: *FAIR AND EQUITABLE TRADING—The board of trade shall establish and enforce trading rules to ensure fair and*

equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—(A) transfer trades or office trades; (B) an exchange of—(i) futures in connection with a cash commodity transaction; (ii) futures for cash commodities; or (iii) futures for swaps; or (C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

(a) Ensuring fair and equitable trading on a contract market, among other things, includes:

(1) Providing to market participants, on a fair, equitable and timely basis, information regarding prices, bids and offers; and

(2) Limitations of contract market liability (or of any of its officers, directors, employees, licensors, contractors and/or affiliates) only if such limitations of liability do not arise from a person's violation of the Act or Commission regulations by fraud, or wanton or willful misconduct.

(b) A contract market that authorizes transfer trades or office trades; an exchange of futures for physicals or futures for swaps; or any other non-competitive transactions, including block trades, should have rules particularly authorizing such transactions and establishing appropriate recordkeeping requirements.

Designation Criterion 4 of section 5(b) of the Act: *TRADE EXECUTION FACILITY—The board of trade shall—(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and (B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.*

(a) An application of a board of trade to be designated as a contract market should include the system's trade-matching algorithm and order entry procedures. An application involving a trade-matching algorithm that is based on order priority factors other than price and time should include a brief explanation of the algorithm.

(b) A designated contract market's specifications on initial and periodic objective testing and review of proper system functioning, adequate capacity and security for any automated systems should be included in its application. A board of trade should submit in the contract market application, information on the objective testing and review carried out on its automated system. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the ''Principles for Screen-Based Trading Systems''), subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for an electronic trading facility to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional.

Designation Criterion 5 of section 5(b) of the Act: *FINANCIAL INTEGRITY OF TRANSACTIONS—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.*

(a) A designated contract market should provide for the financial integrity of transactions by setting appropriate minimum financial standards for users and/or members, appropriate margin forms and levels, and appropriate default rules and procedures. Clearing of transactions executed on the contract market should be provided through a derivatives clearing organization. The Commission believes ensuring and enforcing the financial integrity of transactions and intermediaries, and the protection of customer funds should include monitoring compliance with the contract market's minimum financial standards. In order to monitor for minimum financial requirements, a contract market should routinely receive and promptly review financial and related information.

(b) A designated contract market should have rules concerning the protection of customer funds that address appropriate minimum financial standards for intermediaries, the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping procedures and related intermediary default procedures.

Designation Criterion 6 of section 5(b) of the Act: *DISCIPLINARY PROCEDURES—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.*

The disciplinary procedures established by a designated contract market should give the contract market both the authority and ability to discipline and limit or suspend a member's activities as well as the authority and ability to terminate a member's activities pursuant to clear and fair standards. The authority to discipline or limit or suspend a member or participant's activities could be found in a contract market's rules, user agreements or other means. An organized exchange or a trading facility could satisfy this criterion for non-members by expelling or denying future access to such persons upon a finding that such a person has violated the board of trade's rules.

Designation Criterion 7 of section 5(b) of the Act: *PUBLIC ACCESS—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.*

A board of trade operating as a contract market may provide information to the public by placing the information on its web site.

Designation Criterion 8 of section 5(b) of the Act: *ABILITY TO OBTAIN INFORMATION—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.*

A designated contract market should have the authority to collect information and documents on both a routine and non-routine basis including the examination of books and records kept by members/participants of the contract market. Appropriate information-sharing agreements could be established with other boards of trade or the Commission could act in conjunction with the contract market to carry out such information sharing.

Appendix B to Part 38—Guidance on, and Acceptable Practices in, Compliance with Core Principles

1. This appendix provides guidance concerning the core principles with which a board of trade must comply to maintain designation under section 5(d) of the Act and §§ 38.3 and 38.5. The guidance is provided in subsection (a) following each core principle and it can be used to demonstrate to the Commission core principle compliance, under §§ 38.3(a) and 38.5. The guidance for each core principle is illustrative only of the types of matters a board of trade may address, as applicable, and is not intended to be a mandatory checklist. Addressing the issues and questions set forth in this appendix would help the Commission in its consideration of whether the board of trade is in compliance with the core principles. To the extent that compliance with, or satisfaction of, a core principle is not self-explanatory from the face of the board of trade's rules, which may be terms and conditions or trading protocols, an application pursuant to § 38.3, or a submission pursuant to § 38.5 should include an explanation or other form of documentation demonstrating that the board of trade complies with the core principles.

2. Acceptable practices meeting the requirements of the core principles are set forth in subsection (b) following each core principle. Boards of trade that follow the specific practices outlined under subsection (b) for any core principle in this appendix will meet the applicable core principle. Subsection (b) is for illustrative purposes only, and does not state the exclusive means for satisfying a core principle.

Core Principle 1 of section 5(d) of the Act: *IN GENERAL—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.*

A board of trade applying for designation as a contract market must satisfactorily demonstrate its capacity to operate in compliance with the core principles under section 5(d) of the Act and § 38.3. The Commission may require that a board of trade

operating as a contract market demonstrate to the Commission that it is in compliance with one or more core principles.

Core Principle 2 of section 5(d) of the Act: *COMPLIANCE WITH RULES—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.*

(a) *Application Guidance.* (1) A designated contract market should have arrangements and resources for effective trade practice surveillance programs, with the authority to collect information and documents on both a routine and non-routine basis including the examination of books and records kept by members/participants of the contract market. The arrangements and resources should facilitate the direct supervision of the market and the analysis of data collected. Trade practice surveillance programs could be carried out by the contract market itself or through delegation to a third party. If the contract market out-sources its trade practice surveillance program to a third party, such third party should have the capacity and authority to carry out such program, and the contract market should retain appropriate supervisory authority over the third party.

(2) A designated contract market should have arrangements, resources and authority for effective rule enforcement. The Commission believes that this should include the authority and ability to discipline and limit, or suspend, a member/participant's activities as well as the authority and ability to terminate a member/participant's activities pursuant to clear and fair standards. An organized exchange or a trading facility could satisfy this criterion for non-members by expelling or denying such persons future access upon a finding that such a person has violated the board of trade's rules.

(b) *Acceptable Practices.* An acceptable trade practice surveillance program generally would include:

(1) Maintenance of data reflecting the details of each transaction executed on the contract market;

(2) Electronic analysis of this data routinely to detect potential trading violations;

(3) Appropriate and thorough investigative analysis of these and other potential trading violations brought to the contract market's attention; and

(4) Prompt and effective disciplinary action for any violation that is found to have been committed. The Commission believes that the latter element should include the authority and ability to discipline and limit or suspend the activities of a member or participant pursuant to clear and fair standards. *See, e.g.,* 17 CFR part 8.

Core Principle 3 of section 5(d) of the Act: *CONTRACTS NOT READILY SUBJECT TO MANIPULATION—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.*

(a) *Application Guidance.* Contract markets may list new products for trading by self-certification under § 40.2 of this chapter or may submit products for Commission approval under § 40.3 and part 40, Appendix A, of this chapter.

(b) *Acceptable Practices.* Guideline No. 1, 17 CFR Part 40, Appendix A may be used as guidance in meeting this core principle for both new product listings and existing listed contracts.

Core Principle 4 of section 5(d) of the Act: *MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.*

(a) *Application Guidance.* A contract market could prevent market manipulation through a dedicated regulatory department, or by delegation of that function to an appropriate third party.

(b) *Acceptable Practices.* (1) An acceptable program for monitoring markets will generally involve the collection of various market data, including information on traders' market activity. Those data should be evaluated on an ongoing basis in order to make an appropriate regulatory response to potential market disruptions or abusive practices.

(2) The designated contract market should collect data in order to assess whether the market price is responding to the forces of supply and demand. Appropriate data usually include various fundamental data about the underlying commodity, its supply, its demand, and its movement through marketing channels. Especially important are data related (1) to the size and ownership of deliverable supplies—the existing supply and the future or potential supply, and (2) to the pricing of the deliverable commodity relative to the futures price and relative to similar, but nondeliverable, kinds of the commodity. For cash-settled markets, it is more appropriate to pay attention to the availability and pricing of the commodity making up the index to which the market will be settled, as well as monitoring the continued suitability of the methodology for deriving the index.

(3) To assess traders' activity and potential power in a market, at a minimum, every contract market should have routine access to the positions and trading done by the members of its clearing facility. Although clearing member data may be sufficient for some contract markets, an effective surveillance program for contract markets with substantial numbers of customers trading through intermediaries should employ a much more comprehensive large-trader reporting system (LTRS). The Commission operates an industry-wide LTRS. As an alternative to having its own LTRS or contracting out for such a system, contract markets may find it more efficient to use information available from the Commission's LTRS data for position monitoring.

Core Principle 5 of section 5(d) of the Act: *POSITION LIMITATIONS OR ACCOUNTABILITY—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.*

(a) *Application Guidance.* [Reserved]

(b) *Acceptable Practices.*

(1) In order to diminish potential problems arising from excessively large speculative positions, the Commission sets limits on traders' positions for certain commodities. These position limits specifically exempt bona fide hedging, permit other exemptions, and set limits differently by markets, by futures or delivery months, or by time periods. For purposes of evaluating a contract market speculative-limit program, the Commission considers the specified limit levels, aggregation policies, types of exemptions allowed, methods for monitoring compliance with the specified levels, and procedures for enforcement to deal with violations.

(2) In general, position limits are not necessary for markets where the threat of excessive speculation or manipulation is very low. Thus, contract markets do not need to set position-limit levels for futures markets in major foreign currencies and in certain financial futures having very liquid and deep underlying cash markets. Where speculative limits are appropriate, acceptable speculative-limit levels typically are set in terms of a trader's combined position in the futures contract plus its position in the option contract (on a delta-adjusted basis).

(3) Spot-month levels for physical-delivery markets should be based upon an analysis of deliverable supplies and the history of spot-month liquidations. Spot-month limits for physical-delivery markets are appropriately set at no more than 25 percent of the estimated deliverable supply. For cash-settled markets, spot-month position limits may be necessary if the underlying cash market is small or illiquid such that traders can disrupt the cash market or otherwise influence the cash-settlement price to profit on a futures position. In these cases, the limit should be set at a level that minimizes the potential for manipulation or distortion of the futures contract's or the underlying commodity's price. Markets may elect not to provide all-months-combined and non-spot month limits.

(4) A contract market may provide for position accountability provisions in lieu of position limits for contracts on financial instruments, intangible commodities, or certain tangible commodities. Markets appropriate for position accountability rules include those with large open-interest, high daily trading volumes and liquid cash markets.

(5) Contract markets should have aggregation rules that apply to those accounts under common control, those with common ownership, *i.e.*, where there is a ten percent or greater financial interest, and those traded according to an express or implied agreement. Contract markets will be permitted to set more stringent aggregation policies. For example, one major board of trade has adopted a policy of automatically aggregating the position of members of the same household, unless they were granted a specific waiver. Contract markets may grant exemptions to their position limits for bona fide hedging (as defined in § 1.3(z) of this chapter) and may grant exemptions for reduced risk positions, such as spreads, straddles and arbitrage positions.

(6) Contract markets should establish a program for effective monitoring and

enforcement of these limits. One acceptable enforcement mechanism is a program whereby traders apply for these exemptions by the contract market and are granted a position level higher than the applicable speculative limit. The position levels granted under hedge exemptions are based upon the trader's commercial activity in related markets. Contract markets may allow a brief grace period where a qualifying trader may exceed speculative limits or an existing exemption level pending the submission and approval of appropriate justification. A contract market should consider whether it wants to restrict exemptions during the last several days of trading in a delivery month. Acceptable procedures for obtaining and granting exemptions include a requirement that the contract market approve a specific maximum higher level.

(7) Contract markets with many products with large numbers of traders should have an automated means of detecting traders' violations of speculative limits or exemptions. Contract markets should monitor the continuing appropriateness of approved exemptions by periodically reviewing each trader's basis for exemption or requiring a reapplication.

(8) Finally, an acceptable speculative limit program should have specific policies for taking regulatory action once a violation of a position limit or exemption is detected. The contract market policy will need to consider appropriate actions where the violation is by a non-member and should address traders carrying accounts through more than one intermediary.

(9) A violation of contract market position limits that have been approved by the Commission is also a violation of section 4a(e) of the Act.

Core Principle 6 of section 5(d) of the Act: *EMERGENCY AUTHORITY—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—(A) liquidate or transfer open positions in any contract; (B) suspend or curtail trading in any contract; and (C) require market participants in any contract to meet special margin requirements.*

(a) *Application Guidance.* A designated contract market should have clear procedures and guidelines for contract market decision-making regarding emergency intervention in the market, including procedures and guidelines to carry out such decision-making without conflicts of interest. A contract market should also have the authority to intervene as necessary to maintain markets with fair and orderly trading as well as procedures for carrying out the intervention. Procedures and guidelines should also include notifying the Commission of the exercise of a contract market's regulatory emergency authority, preventing conflicts of interest, and documenting the contract market's decision-making process and the reasons for using its emergency action authority. Information on steps taken under such procedures should be included in a submission of a certified rule under § 40.6 of this chapter and any related submissions for rule approval pursuant to § 40.5 of this chapter, when carried out pursuant to a contract market's emergency authority.

(b) *Acceptable Practices.* As is necessary to address perceived market threats, the contract market, among other things, should be able to impose position limits in particular in the delivery month, impose or modify price limits, modify circuit breakers, call for additional margin either from customers or clearing members, order the liquidation or transfer of open positions, order the fixing of a settlement price, order a reduction in positions, extend or shorten the expiration date or the trading hours, suspend or curtail trading on the market, order the transfer of customer contracts and the margin for such contracts from one member of the contract market to another, or alter the delivery terms or conditions.

Core Principle 7 of section 5(d) of the Act: *AVAILABILITY OF GENERAL INFORMATION—The board of trade shall make available to market authorities, market participants, and the public information concerning—(A) the terms and conditions of the contracts of the contract market; and (B) the mechanisms for executing transactions on or through the facilities of the contract market.*

(a) *Application Guidance.* A designated contract market should have arrangements and resources for the disclosure of contract terms and conditions and trading mechanisms to the Commission, users and the public. Procedures should also include providing information on listing new products, rule amendments or other changes to previously disclosed information to the Commission, users and the public.

(b) *Acceptable Practices.* [Reserved]

Core Principle 8 of section 5(d) of the Act: *DAILY PUBLICATION OF TRADING INFORMATION—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.*

(a) *Application Guidance.* A contract market should provide to the public information regarding settlement prices, price range, volume, open interest and other related market information for all actively traded contracts, as determined by the Commission, on a fair, equitable and timely basis. The Commission believes that section 5(d)(8) requires contract markets to publicize trading information for any non-dormant contract. Provision of information for any applicable contract could be through such means as provision of the information to a financial information service and by timely placement of the information on a contract market's web site.

(b) *Acceptable Practices.* [Reserved]

Core Principle 9 of section 5(d) of the Act: *EXECUTION OF TRANSACTIONS—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.*

(a) *Application Guidance.* (1) Appropriate objective testing and review of any automated systems should occur initially and periodically to ensure proper system functioning, adequate capacity and security. A designated contract market's analysis of its automated system should address appropriate principles for the oversight of automated systems, ensuring proper system function, adequate capacity and security. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 (which have been referred to as the ''Principles for Screen-Based Trading Systems''), subsequently adopted by the Commission on November 21, 1990 (55 FR 48670), are appropriate guidelines for a designated contract market to apply to electronic trading systems. Any program of objective testing and review of the system should be performed by a qualified independent professional. The Commission believes that information gathered by analysis, oversight or any program of objective testing and review of any automated systems regarding system functioning, capacity and security should be made available to the Commission and the public.

(2) A designated contract market that determines to allow block trading should ensure that the block trading does not operate in a manner that compromises the integrity of prices or price discovery on the relevant market.

(b) *Acceptable Practices.* A professional that is a certified member of the Informational Systems Audit and Control Association experienced in the industry would be an example of an acceptable party to carry out testing and review of an electronic trading system.

Core Principle 10 of section 5(d) of the Act: *TRADE INFORMATION—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.*

(a) *Application Guidance.* A designated contract market should have arrangements and resources for recording of full data entry and trade details and the safe storage of audit trail data. A designated contract market should have systems sufficient to enable the contract market to use the information for purposes of assisting in the prevention of customer and market abuses through reconstruction of trading.

(b) *Acceptable Practices.* (1) The goal of an audit trail is to detect and deter customer and market abuse. An effective contract market audit trail should capture and retain sufficient trade-related information to permit contract market staff to detect trading abuses and to reconstruct all transactions within a reasonable period of time. An audit trail should include specialized electronic surveillance programs that would identify potentially abusive trades and trade patterns, including for instance, withholding or disclosing customer orders, trading ahead, and preferential allocation. An acceptable audit trail must be able to track a customer order from time of receipt through fill allocation. The contract market must create and maintain an electronic transaction history database that contains information

with respect to transactions effected on the designated contract market.

(2) An acceptable audit trail, therefore, should include the following: original source documents, transaction history, electronic analysis capability, and safe storage capability. A contract market whose audit trail satisfies the following acceptable practices would satisfy Core Principle 9.

(i) *Original Source Documents.* Original source documents include unalterable, sequentially identified records on which trade execution information is originally recorded, whether recorded manually or electronically. For each customer order (whether filled, unfilled or cancelled, each of which should be retained or electronically captured), such records reflect the terms of the order, an account identifier that relates back to the account(s) owner(s), and the time of order entry. For floor-based contract markets, the time of report of execution of the order should also be captured.

(ii) *Transaction History.* A transaction history which consists of an electronic history of each transaction, including (a) all data that are input into the trade entry or matching system for the transaction to match and clear; (b) whether the trade was for a customer or proprietary account; (c) timing and sequencing data adequate to reconstruct trading; and (d) the identification of each account to which fills are allocated.

(iii) *Electronic Analysis Capability.* An electronic analysis capability that permits sorting and presenting data included in the transaction history so as to reconstruct trading and to identify possible trading violations with respect to both customer and market abuse.

(iv) *Safe Storage Capability.* Safe storage capability provides for a method of storing the data included in the transaction history in a manner that protects the data from unauthorized alteration, as well as from accidental erasure or other loss. Data should be retained in accordance with the recordkeeping standards of Core Principle 17.

Core Principle 11 of section 5(d) of the Act: *FINANCIAL INTEGRITY OF CONTRACTS—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.*

(a) *Application Guidance.* Clearing of transactions executed on a designated contract market should be provided through a Commission-designated clearing facility. In addition, a designated contract market should maintain the financial integrity of its transactions by maintaining minimum financial standards for its members and having default rules and procedures. The minimum financial standards should be monitored for compliance purposes. The Commission believes that in order to monitor for minimum financial requirements, a designated contract market should routinely receive and promptly review financial and related information. Rules concerning the protection of customer funds should address the segregation of customer and proprietary funds, the custody of customer funds, the investment standards for customer funds, related recordkeeping and related intermediary default procedures.

(b) *Acceptable Practices.* [Reserved]

Core Principle 12 of section 5(d) of the Act: *PROTECTION OF MARKET PARTICIPANTS—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.*

(a) *Application Guidance.* A designated contract market should have rules prohibiting conduct by intermediaries that is fraudulent, noncompetitive, unfair, or an abusive practice in connection with the execution of trades and a program to detect and discipline such behavior. The contract market should have methods and resources appropriate to the nature of the trading system and the structure of the market to detect trade practice abuses.

(b) *Acceptable Practices.* [Reserved]

Core Principle 13 of section 5(d) of the Act: *DISPUTE RESOLUTION—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.*

(a) *Application Guidance.* A designated contract market should provide customer dispute resolution procedures that are fair and equitable and that are made available to the customer on a voluntary basis, either directly or through another self-regulatory organization.

(b) *Acceptable Practices.* (1) Under Core Principle 13, a designated contract market is required to provide for dispute resolution mechanisms that are appropriate to the nature of the market.

(2) In order to satisfy acceptable standards, a designated contract market should provide a customer dispute resolution mechanism that is fundamentally fair and is equitable. An acceptable customer dispute resolution mechanism would provide:

(i) The customer with an opportunity to have his or her claim decided by a decision-maker that is objective and impartial,

(ii) Each party with the right to be represented by counsel, at the party's own expense,

(iii) Each party with adequate notice of claims presented against him or her, an opportunity to be heard on all claims, defenses and permitted counterclaims, and an opportunity for a prompt hearing,

(iv) For prompt written final settlement awards that are not subject to appeal within the contract market, and

(v) Notice to the parties of the fees and costs that may be assessed.

(3) The procedure employed also should be voluntary, and could permit counterclaims as provided in § 166.5 of this chapter.

(4) If the designated contract market also provides a procedure for the resolution of disputes that do not involve customers (*i.e.,* member-to-member disputes), the procedure for resolving such disputes must be independent of and shall not interfere with or delay the resolution of customers' claims or grievances.

(5) A designated contract market may delegate to another self-regulatory organization or to a registered futures association its responsibility to provide for customer dispute resolution mechanisms, *provided, however,* that, if the designated contract market does delegate that responsibility, the contract market shall in all respects treat any decision issued by such other organization or association as if the decision were its own including providing for the appropriate enforcement of any award issued against a delinquent member.

Core Principle 14 of section 5(d) of the Act: *GOVERNANCE FITNESS STANDARDS—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).*

(a) *Application Guidance.* (1) A designated contract market should have appropriate eligibility criteria for the categories of persons set forth in the Core Principle that should include standards for fitness and for the collection and verification of information supporting compliance with such standards. Minimum standards of fitness for persons who have member voting privileges, governing obligations or responsibilities, or who exercise disciplinary authority are those bases for refusal to register a person under section 8a(2) of the Act or a history of serious disciplinary offenses, such as those that would be disqualifying under § 1.63 of this chapter. Participants who have direct access to trade on the contract market, but do not have these privileges, obligations, responsibilities or disciplinary authority could satisfy minimum fitness standards by meeting the standards that they must meet to qualify as a ''participant.'' Natural persons who directly or indirectly have greater than a ten percent interest in a designated contract market should meet the fitness standards applicable to members with voting rights.

(2) The Commission believes that such standards should include providing the Commission with fitness information for such persons, whether registration information, certification to the fitness of such persons, an affidavit of such persons' fitness by the contract market's counsel or other information substantiating the fitness of such persons. If a contract market provided certification of the fitness of such a person, the Commission believes that such certification should be based on verified information that the person is fit to be in his or her position.

(b) *Acceptable Practices.* [Reserved]

Core Principle 15 of section 5(d) of the Act: *CONFLICTS OF INTEREST—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the contract market and establish a process for resolving such conflicts of interest.*

The means to address conflicts of interest in decision-making of a contract market should include methods to ascertain the presence of conflicts of interest and to make decisions in the event of such a conflict. In addition, the Commission believes that the

contract market should provide for appropriate limitations on the use or disclosure of material non-public information gained through the performance of official duties by board members, committee members and contract market employees or gained through an ownership interest in the contract market.

Core Principle 16 of section 5(d) of the Act: *COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.*

The composition of a mutually-owned contract market should fairly represent the diversity of interests of the contract market's market participants.

Core Principle 17 of section 5(d) of the Act: *RECORDKEEPING—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.*

(a) *Application Guidance.* [Reserved]

(b) *Acceptable Practices.* Section 1.31 of this chapter governs recordkeeping obligations under the Act and the Commission's regulations thereunder. In order to provide broad flexible performance standards for recordkeeping, § 1.31 was updated and amended by the Commission in 1999. Accordingly, § 1.31 itself establishes the guidance regarding the form and manner for keeping records.

Core Principle 18 of section 5(d) of the Act: *ANTITRUST CONSIDERATIONS—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or (B) imposing any material anticompetitive burden on trading on the contract market.*

(a) *Application Guidance.* An entity seeking designation as a contract market may request that the Commission consider under the provisions of section 15(b) of the Act any of the entity's rules, including trading protocols or policies, and including both operational rules and the terms or conditions of products listed for trading, at the time of designation or thereafter. The Commission intends to apply section 15(b) of the Act to its consideration of issues under this core principle in a manner consistent with that previously applied to contract markets.

(b) *Acceptable Practices.* [Reserved]

12. Chapter I of 17 CFR is proposed to be amended by adding new Part 40 as follows:

PART 40—PROVISIONS COMMON TO CONTRACT MARKETS, DERIVATIVES TRANSACTION EXECUTION FACILITIES AND DERIVATIVES CLEARING ORGANIZATIONS

Sec.

Authority: 7 U.S.C. 1a, 2, 2a, 5, 6, 6c, 7, 7a, 8 and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix ____ of Pub. L. No. 106–554, 114 Stat. 2763 (2000).

§ 40.1 Definitions.

As used in this part:

Contract market includes a clearing organization that clears trades for the contract market, unless reference also is made within the same section of the Code of Federal Regulations to derivatives clearing organization, as defined in § 39.1 of this chapter.

Dormant contract means any commodity futures or option contract or other instrument in which no trading has occurred in any future or option expiration for a period of six complete calendar months; *provided, however,* no contract or instrument shall be considered to be dormant until the end of 60 complete calendar months following initial listing.

Emergency means any occurrence or circumstance which, in the opinion of the governing board of the contract market or derivatives transaction execution facility, requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any agreements, contracts or transactions on such a trading facility, including any manipulative or attempted manipulative activity; any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions; any circumstances which may materially affect the performance of agreements, contracts or transactions traded on the trading facility, including failure of the payment system or the bankruptcy or insolvency of any participant; any action taken by any governmental body, or any other board of trade, market or facility which may have a direct impact on trading on the trading facility; and any other circumstance which may have a severe, adverse effect upon the functioning of a designated contract market or derivatives transaction execution facility.

Rule means any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, stated policy, term and condition, trading protocol, agreement or instrument corresponding thereto, in whatever form adopted, and any amendment or addition thereto or repeal thereof, made or issued by a contract market, derivatives transaction execution facility or derivatives clearing organization or by the governing board thereof or any committee thereof.

Terms and conditions mean any definition of the trading unit or the specific commodity underlying a contract for the future delivery of a commodity or commodity option contract, specification of settlement or delivery standards and procedures, and establishment of buyers' and sellers' rights and obligations under the contract. Terms and conditions include provisions relating to the following:

(1) Quality or quantity standards for a commodity and any applicable premiums or discounts;

(2) Trading hours, trading months and the listing of contracts;

(3) Minimum and maximum price limits and the establishment of settlement prices;

(4) Position limits and position reporting requirements;

(5) Delivery points and locational price differentials;

(6) Delivery standards and procedures, including alternatives to delivery and applicable penalties or sanctions for failure to perform;

(7) Settlement of the contract; and

(8) Payment or collection of commodity option premiums or margins.

§ 40.2 Listing products for trading by certification.

To list a new product for trading, to list a product for trading that has become dormant, or to accept for clearing a product (not traded on a designated contract market or a derivatives transaction execution facility), a registered entity must file with the Commission at its Washington, D.C., headquarters no later than the close of business of the business day preceding the product's listing or acceptance for clearing, either in electronic or hard-copy form, a copy of the product's rules, including its terms and conditions, and a certification by the registered entity that the trading product or other instrument complies with the Act and rules thereunder.

§ 40.3 Voluntary submission of new products for Commission review and approval.

(a) *Request for approval.* A designated contract market or registered derivatives transaction execution facility may request under section 5c(c)(2) of the Act that the Commission approve new products under the following procedures:

(1) The submitting entity labels the request as ''Request for Commission Product Approval'';

(2) The request for product approval is for a commodity other than a security future or a security futures product as defined in sections 1a(31) or 1a(32) of the Act, respectively;

(3) The submission complies with the requirements of Appendix A to this part—Guideline No. 1;

(4) The submission includes the fee required under Appendix B to this part.

(b) *Forty-five day review.* All products submitted for Commission approval under this paragraph shall be deemed approved by the Commission forty-five days after receipt by the Commission, or at the conclusion of such extended period as provided under paragraph (c) of this section, unless notified otherwise within the applicable period, if:

(1) The submission complies with the requirements of paragraphs (a)(1) of this section; and

(2) The submitting entity does not amend the terms or conditions of the proposed product or supplement the request for approval, except as requested by the Commission or for correction of typographical errors, renumbering or other such nonsubstantive revisions, during that period. Any voluntary, substantive amendment by the requestor will be treated as a new submission under this section.

(c) *Extension of time.* The Commission may extend the forty-five day review period in paragraph (b) of this section for:

(1) An additional forty-five days, if within the initial forty-five day review period, the Commission notifies the submitting entity that the proposed rule raises novel or complex issues that require additional time for review or is of major economic significance. This notification shall briefly describe the nature of the specific issues for which additional time for review is required; or

(2) Such period as the submitting entity so instructs the Commission in writing.

(d) *Notice of non-approval.* The Commission at any time during its review under this section may notify the submitting entity that it will not, or is unable to, approve the product or instrument. This notification will briefly specify the nature of the issues raised and the specific provision of the Act or regulations, including the form or content requirements of paragraph (a) of this section, that the proposed rule would violate, appears to violate or the violation of which cannot be ascertained from the submission.

(e) *Effect of non-approval.* (1) Notification to a submitting entity under paragraph (d) of this section of the Commission's refusal to approve a proposed product or instrument does not prejudice the entity from subsequently submitting a revised version of the product or instrument for Commission approval or from submitting the product or instrument as initially proposed pursuant to a supplemented submission.

(2) Notification to a submitting entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment shall be presumptive evidence that the entity may not truthfully certify under § 40.2 that the same, or substantially the same, product does not violate the Act or rules thereunder.

§ 40.4 Amendments to terms or conditions of enumerated agricultural contracts.

Designated contract markets and registered derivatives transaction execution facilities must submit for Commission approval under the procedures of § 40.5, prior to its implementation, any rule or rule amendment that would, for a delivery month having open interest, materially change a term or condition as defined in § 40.1(f), of a contract for future delivery in an agricultural commodity enumerated in section 1a(4) of the Act, or of an option on such a contract or commodity. *Provided, however,* the following rules or rule amendments would not be material changes:

(a) Changes in trading hours;

(b) Changes in lists of approved delivery facilities pursuant to previously set standards or criteria;

(c) Changes to terms and conditions of options on futures other than those relating to last trading day, expiration date, option strike price delistings, and speculative position limits; and

(d) Reductions in the minimum price fluctuation (or ''tick'').

§ 40.5 Voluntary submission of rules for Commission review and approval.

(a) *Request for approval of rules.* A registered entity may request pursuant to section 5c(c) of the Act that the Commission approve any rule or proposed rule or rule amendment under the following procedures:

(1) Three copies of each rule or rule amendment submission under this section shall be furnished in hard copy form to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 or electronically in a format specified by the Secretary of the Commission. Each request for approval under this section shall be in the following order and shall:

(i) Label the submission as ''Request for Commission rule approval'';

(ii) Set forth the text of the rule or proposed rule (in the case of a rule amendment, deletions and additions must be indicated);

(iii) Describe the proposed effective date of a proposed rule and any action taken or anticipated to be taken to adopt the proposed rule by the registered entity or by its governing board or by any committee thereof, and cite the rules of the entity that authorize the adoption of the proposed rule;

(iv) Explain the operation, purpose, and effect of the proposed rule, including, as applicable, a description of the anticipated benefits to market participants or others, any potential anticompetitive effects on market participants or others, how the rule fits into the registered entity's framework of self-regulation, and any other information which may be beneficial to the Commission in analyzing the proposed rule. If a proposed rule affects, directly or indirectly, the application of any other rule of the submitting entity, set forth the pertinent text of any such rule and describe the anticipated effect;

(v) Note and briefly describe any substantive opposing views expressed with respect to the proposed rule that were not incorporated into the proposed rule prior to its submission to the Commission; and

(vi) Identify any Commission regulation that the Commission may need to amend, or sections of the Act or Commission regulations that the Commission may need to interpret in order to approve or allow into effect the proposed rule. To the extent that such an amendment or interpretation is necessary to accommodate a proposed rule, the submission should include a reasoned analysis supporting the amendment to the Commission's rule or interpretation.

(2) [Reserved]

(b) *Forty-five day review.* All rules submitted for Commission approval under paragraph (a) of this section shall be deemed approved by the Commission under section 5c(c) of the Act, forty-five days after receipt by the Commission, or at the conclusion of such extended period as provided under paragraph (c)

of this section, unless notified otherwise within the applicable period, if:

(1) The submission complies with the requirements of paragraphs (a)(1)(i) through (vi) of this section, and

(2) The submitting entity does not amend the proposed rule or supplement the submission, except as requested by the Commission, during the pendency of the review period. Any amendment or supplementation not requested by the Commission will be treated as the submission of a new filing under this section.

(c) *Extensions of time.* The Commission may extend the review period in paragraph (b) of this section for:

(1) An additional forty-five days, if the Commission, within the initial forty-five day review period, notifies the submitting entity that the proposed rule raises novel or complex issues that require additional time for review or is of major economic significance. This notification shall briefly describe the nature of the specific issues for which additional time for review is required; or

(2) Such additional period as the submitting entity has so instructed the Commission in writing.

(d) *Notice of non-approval.* The Commission at any time during its review under this section may notify the submitting entity that it will not, or is unable to, approve the proposed rule or rule amendment. This notification will briefly specify the nature of the issues raised and the specific provision of the Act or regulations, including the form or content requirements of this section, that the proposed rule would violate, appears to violate or the violation of which cannot be ascertained from the submission.

(e) *Effect of non-approval.* (1) Notification to a registered entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment of a registered entity does not prejudice the entity from subsequently submitting a revised version of the proposed rule or rule amendment for Commission approval or from submitting the rule or rule amendment as initially proposed pursuant to a supplemented submission.

(2) Notification to a registered entity under paragraph (d) of this section of the Commission's refusal to approve a proposed rule or rule amendment of a registered entity shall be presumptive evidence that the entity may not truthfully certify that the same, or substantially the same, proposed rule or rule amendment does not violate the Act or rules thereunder.

(f) *Expedited approval.* Notwithstanding the provisions of paragraph (b) of this section, changes to terms and conditions of a product that are consistent with the Act and Commission regulations and with standards approved or established by the Commission in a written notification to the registered entity of the applicability of this paragraph (f) shall be deemed approved by the Commission at such time and under such conditions as the Commission shall specify in the notice, provided, however, that the Commission may, at any time, alter or revoke the applicability of such a notice to any particular product.

§ 40.6 Self-certification of rules by designated contract markets and registered derivatives clearing organizations.

(a) *Required certification.* A designated contract market or a registered derivatives clearing organization may implement any new rule or rule amendment only if:

(1) The rule or rule amendment does not materially change a term or condition of a contract for future delivery of an agricultural commodity enumerated in section 1a(4) of the Act or an option on such a contract or commodity in a delivery month having open interest;

(2) The designated contract market or registered derivatives clearing organization has filed a submission for the rule or rule amendment, and the Commission has received the submission at its Washington, D.C. headquarters by close of business on the business day preceding implementation of the rule; provided, *however,* rules or rule amendments implemented under procedures of the governing board to respond to an emergency as defined in § 40.1(d), must be filed with the Commission at the time of implementation of the rule or rule amendment, if implementation is sooner than the next business day; and

(3) The rule submission includes:

(i) The label, ''Rule Certification'' or, in the case of a rule or rule amendment that responds to an emergency, ''Emergency Rule Certification'';

(ii) The text of the rule (in the case of a rule amendment, deletions and additions must be indicated);

(iii) The date of implementation;

(iv) A brief explanation of any substantive opposing views not incorporated into the rule; and

(v) A certification by the entity that the rule complies with the Act and regulations thereunder.

(b) *Stay.* The Commission may stay the effectiveness of a rule implemented pursuant to paragraph (a) of this section during the pendency of Commission proceedings for filing a false certification or to alter or amend the rule pursuant to section 8a(7) of the Act. The decision to stay the effectiveness of a rule in such circumstances shall not be delegable to any employee of the Commission.

(c) *Notification of rule amendments.* Notwithstanding the rule certification requirement of section 5c(c)(1) of the Act, and paragraphs (a)(2) and (a)(3) of this section, a designated contract market or a registered derivatives clearing organization may place the following rules or rule amendments into effect without certification to the Commission if the following conditions are met:

(1) The designated contract market or registered derivatives clearing organization provides to the Commission at least weekly a summary notice of all rule changes made effective pursuant to this paragraph during the preceding week. Such notice must be labeled ''Weekly Notification of Rule Changes'' and need not be filed for weeks during which no such actions have been taken. One copy of each such submission shall be furnished in hard copy to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street N.W., Washington, DC 20581, or electronically in a format specified by the Secretary of the Commission; and

(2) The rule governs:

(i) *Nonmaterial revisions.* Corrections of typographical errors, renumbering, periodic routine updates to identifying information about approved entities and other such nonsubstantive revisions of a product's terms and conditions that have no effect on the economic characteristics of the product;

(ii) *Delivery standards set by third parties.* Changes to grades or standards of commodities deliverable on a product that are established by an independent third party and that are incorporated by reference as product terms, provided that the grade or standard is not established, selected or calculated solely for use in connection with futures or option trading and such changes do not affect deliverable supplies or the pricing basis for the product;

(iii) *Index products.* Routine changes in the composition, computation, or method of selection of component entities of an index (other than a stock index) referenced and defined in the product's terms, that do not affect the pricing basis of the index, which are made by an independent third party whose business relates to the collection or dissemination of price information and that was not formed solely for the

purpose of compiling an index for use in connection with a futures or option product; or

(iv) *Option contract terms.* Changes to option contract rules relating to the strike price listing procedures, strike price intervals, and the listing of strike prices on a discretionary basis.

(3) *Notification of rule amendments not required.* Notwithstanding the rule certification requirements of section 5c(c)(1) of the Act and of paragraphs (a)(2) and (a)(3) of this section, designated contract markets and registered derivatives clearing organizations may place the following rules or rule amendments into effect without certification or notice to the Commission if the following conditions are met:

(i) The designated contract market or registered derivatives clearing organization maintains documentation regarding all changes to rules; and

(ii) The rule governs:

(A) *Transfer of membership or ownership.* Procedures and forms for the purchase, sale or transfer of membership or ownership, but not including qualifications for membership or ownership, any right or obligation of membership or ownership or dues or assessments;

(B) *Administrative procedures.* The organization and administrative procedures of a contract market's governing bodies such as a Board of Directors, Officers and Committees, but not voting requirements, Board of Directors or Committee composition requirements, or procedures or requirements relating to conflicts of interest;

(C) *Administration.* The routine, daily administration, direction and control of employees, requirements relating to gratuity and similar funds, but not guaranty, reserves, or similar funds; declaration of holidays, and changes to facilities housing the market, trading floor or trading area; and

(D) *Standards of decorum.* Standards of decorum or attire or similar provisions relating to admission to the floor, badges, or visitors, but not the establishment of penalties for violations of such rules.

§ 40.7 Delegations.

(a) Procedural matters. (1) *Review of products or rules.* The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis or to the Director's delegatee with the concurrence of the General Counsel or the General Counsel's delegatee, authority to request under § 40.3(b)(2) or § 40.5(b)(2) that the entity requesting approval amend the proposed product, rule or rule amendment or supplement the submission, to notify a submitting entity under § 40.3(c) or § 40.5(c) that the time for review has been extended, and to notify the submitting entity under § 40.3(d) or § 40.5(d) that the Commission is not approving, or is unable to approve, the proposed product, rule or rule amendment.

(2) *Emergency rules.* The Commission hereby delegates authority to the Director of the Division of Trading and Markets, or the delegatees of the Director, authority to receive notification and the required certification of emergency rules under § 40.6(a)(2).

(b) *Approval authority.* The Commission hereby delegates, until the Commission orders otherwise, to the Director of the Division of Trading and Markets and separately to the Director of Economic Analysis, with the concurrence of the General Counsel or the General Counsel's delegatee, to be exercised by either of such Directors or by such other employee or employees of the Commission under the supervision of such Directors as may be designated from time to time by the Directors, the authority to approve, pursuant to section 5c(c)(3) of the Act and § 40.5, rules or rule amendments of a designated contract market, registered derivatives transaction execution facility or registered derivatives clearing organization that:

(1) Relate to, but do not materially change, the quantity, quality, or other delivery specifications, procedures, or obligations for delivery, cash settlement, or exercise under an agreement, contract or transaction approved for trading by the Commission; daily settlement prices; clearing position limits; requirements or procedures for governance of a registered entity; procedures for transfer trades; trading hours; minimum price fluctuations; and maximum price limit and trading suspension provisions;

(2) Reflect routine modifications that are required or anticipated by the terms of the rule of a registered entity;

(3) [Reserved].

(4) Are in substance the same as a rule of the same or another registered entity which has been approved previously by the Commission pursuant to section 5c(c)(3) of the Act;

(5) Are consistent with a specific, stated policy or interpretation of the Commission; or

(6) Relate to the listing of additional trading months of approved contracts.

(c) The Directors may submit to the Commission for its consideration any matter that has been delegated pursuant to paragraph (a) or (b) of this section.

(d) Nothing in this section shall be deemed to prohibit the Commission, at its election, from exercising the authority delegated in paragraph (a) or (b) of this section to the Directors.

* * * * *

Appendix B—Schedule of fees

(a) *Applications for product approval.* Each application for product approval under § 40.3 must be accompanied by a check or money order made payable to the Commodity Futures Trading Commission in an amount to be determined annually by the Commission and published in the **Federal Register**.

(b) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, DC 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with an application for product approval will result in return of the application. Fees will not be returned after receipt.

* * * * *

12–a. Appendix A to Part 5 is redesignated as Appendix A to Part 40 and the heading is revised; Appendix E to Part 5 is redesignated as Appendix C to Part 40; and Part 5 is removed and reserved. The revised heading reads as follows:

Appendix A to Part 40—Guideline No. 1

13. Chapter I of 17 CFR is proposed to be amended by adding new Part 41 as follows:

PART 41—SECURITY FUTURES

Sec.
41.1 [Reserved]

PART 166—CUSTOMER PROTECTION RULES

14. The authority citation for Part 166 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 1a, 2, 4, 6b, 6c, 6d, 6g, 6h, 6k, 6l, 6o, 7, 12a, 21, and 23, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

15. § Section 166.5 is proposed to be added to read as follows:

§ 166.5 Dispute settlement procedures.

(a) *Definitions.* (1) The term *claim or grievance* as used in this section shall mean any dispute that:

(i) Arises out of any transaction executed on or subject to the rules of a designated contract market,

(ii) Is executed or effected through a member of such facility, a participant transacting on or through such facility or an employee of such facility, and

(iii) Does not require for adjudication the presence of essential witnesses or third parties over whom the facility does not have jurisdiction and who are not otherwise available.

(iv) The term claim or grievance does not include disputes arising from cash market transactions that are not a part of or directly connected with any transaction for the purchase or sale of any commodity for future delivery or commodity option.

(2) The term *customer* as used in this section includes an option customer (as defined in § 1.3(jj) of this chapter) and any person for or on behalf of whom a member of a designated contract market, or a participant transacting on or through such designated contract market, except another member of or participant in such designated contract market. *Provided, however,* a person who is an ''eligible contract participant'' as defined in section 1a(12) of the Act shall not be deemed to be a customer within the meaning of this section.

(3) The term *Commission registrant* as used in this section means a person registered under the Act as a futures commission merchant, introducing broker, floor broker, commodity pool operator, commodity trading advisor, or associated person.

(b) *Voluntariness.* The use by customers and eligible contract participants of dispute settlement procedures shall be voluntary as provided in paragraphs (c) and (g) of this section.

(c) *Customers.* No Commission registrant shall enter into any agreement or understanding with a customer in which the customer agrees, prior to the time a claim or grievance arises, to submit such claim or grievance to any settlement procedure except as follows:

(1) Signing the agreement must not be made a condition for the customer to utilize the services offered by the Commission registrant.

(2) If the agreement is contained as a clause or clauses of a broader agreement, the customer must separately endorse the clause or clauses containing the cautionary language and provisions specified in this section. A futures commission merchant or introducing broker may obtain such endorsement as provided in § 1.55(d) of this chapter for the following classes of customers only:

(i) A plan defined as a government plan or church plan in section 3(32) or section 3(33) of title I of the Employee Retirement Income Security Act of 1974 or a foreign person performing a similar role or function subject as such to comparable foreign regulation; and

(ii) A person who is a ''qualified eligible participant'' or a ''qualified eligible client'' as defined in § 4.7 of this chapter.

(3) The agreement may not require any customer to waive the right to seek reparations under section 14 of the Act and part 12 of this chapter. Accordingly, such customer must be advised in writing that he or she may seek reparations under section 14 of the Act by an election made within 45 days after the Commission registrant notifies the customer that arbitration will be demanded under the agreement. This notice must be given at the time when the Commission registrant notifies the customer of an intention to arbitrate. The customer must also be advised that if he or she seeks reparations under section 14 of the Act and the Commission declines to institute reparations proceedings, the claim or grievance will be subject to the pre-existing arbitration agreement and must also be advised that aspects of the claim or grievance that are not subject to the reparations procedure (*i.e,* do not constitute a violation of the Act or rules thereunder) may be required to be submitted to the arbitration or other dispute settlement procedure set forth in the pre-existing arbitration agreement.

(4) The agreement must advise the customer that, at such time as he or she may notify the Commission registrant that he or she intends to submit a claim to arbitration, or at such time as such person notifies the customer of its intent to submit a claim to arbitration, the customer will have the opportunity to elect a qualified forum for conducting the proceeding.

(5) *Election of forum.* (i) Within ten business days after receipt of notice from the customer that he or she intends to submit a claim to arbitration, or at the time a Commission registrant notifies the customer of its intent to submit a claim to arbitration, the Commission registrant must provide the customer with a list of organizations whose procedures meet Acceptable Practices established by the Commission for dispute resolution, together with a copy of the rules of each forum listed. The list must include:

(A) The designated contract market, if available, upon which the transaction giving rise to the dispute was executed or could have been executed;

(B) A registered futures association; and

(C) At least one other organization that will provide the customer with the opportunity to select the location of the arbitration proceeding from among several major cities in diverse geographic regions and that will provide the customer with the choice of a panel or other decision-maker composed of at least one or more persons, of which at least a majority are not members or associated with a member of the designated contract market or employee thereof, and that are not otherwise associated with the designated contract market (mixed panel): *Provided, however,* that the list of qualified organizations provided by a Commission registrant that is a floor broker need not include a registered futures association unless a registered futures association has been authorized to act as a decision-maker in such matters.

(ii) The customer shall, within forty-five days after receipt of such list, notify the opposing party of the organization selected. A customer's failure to provide such notice shall give the opposing party the right to select an organization from the list.

(6) *Fees.* The agreement must acknowledge that the Commission registrant will pay any incremental fees that may be assessed by a qualified forum for provision of a mixed panel, unless the arbitrators in a particular proceeding determine that the customer has acted in bad faith in initiating or conducting that proceeding.

(7) *Cautionary Language.* The agreement must include the following language printed in large boldface type:

Three Forums Exist for the Resolution of Commodity Disputes: Civil Court litigation, reparations at the Commodity Futures Trading Commission (CFTC) and arbitration conducted by a self-regulatory or other private organization.

The CFTC recognizes that the opportunity to settle disputes by arbitration may in some cases provide many benefits to customers, including the ability to obtain an expeditious and final resolution of disputes without incurring substantial costs. The CFTC requires, however, that each customer individually examine the relative merits of arbitration and that your consent to this arbitration agreement be voluntary.

By signing this agreement, you: (1) May be waiving your right to sue in a court of law; and (2) are agreeing to be bound by arbitration of any claims or counterclaims which you or [name] may submit to arbitration under this agreement. You are not, however, waiving your right to elect instead to petition the CFTC to institute reparations proceedings under Section 14 of the Commodity Exchange Act with respect to any dispute that may be arbitrated pursuant to this agreement. In the event a dispute arises, you will be notified if [name] intends to submit the dispute to arbitration. If you believe a violation of the Commodity

Exchange Act is involved and if you prefer to request a section 14 ''Reparations'' proceeding before the CFTC, you will have 45 days from the date of such notice in which to make that election.

You need not sign this agreement to open or maintain an account with [name]. *See* 17 CFR 166.5.

(d) *Enforceability.* A dispute settlement procedure may require parties utilizing such procedure to agree, under applicable state law, submission agreement or otherwise, to be bound by an award rendered in the procedure, provided that the agreement to submit the claim or grievance to the procedure was made in accordance with paragraph (c) or (g) of this section or that the agreement to submit the claim or grievance was made after the claim or grievance arose. Any award so rendered shall be enforceable in accordance with applicable law.

(e) *Time limits for submission of claims.* The dispute settlement procedure established by a designated contract market shall not include any unreasonably short limitation period foreclosing submission of customers' claims or grievances or counterclaims.

(f) *Counterclaims.* A procedure established by a designated contract market under the Act for the settlement of customers' claims or grievances against a member or employee thereof may permit the submission of a counterclaim in the procedure by a person against whom a claim or grievance is brought. The designated contract market may permit such a counterclaim where the counterclaim arises out of the transaction or occurrence that is the subject of the customer's claim or grievance and does not require for adjudication the presence of essential witnesses, parties, or third persons over whom the designated contract market does not have jurisdiction. Other counterclaims arising out of a transaction subject to the Act and rules promulgated thereunder for which the customer utilizes the services of the registrant may be permissible where the customer and the registrant have agreed in advance to require that all such submissions be included in the proceeding, and if the aggregate monetary value of the counterclaims is capable of calculation.

(g) *Eligible contract participants.* (1) A person who is an ''eligible contract participant'' as defined in section 1a(12) of the Act may negotiate any term of an agreement or understanding with a Commission registrant in which the eligible contract participant agrees, prior to the time a claim or grievance arises, to submit such claim or grievance to any settlement procedure, except that signing the agreement must not be made a condition for the eligible contract participant to use the services offered by the registrant.

(2) The agreement may require an eligible contract participant, to waive the right to seek reparations under section 14 of the Act and part 12 of this chapter.

(3) If the agreement is contained as a clause or clauses of a broader agreement, the eligible contract participant must separately endorse the clause or clauses containing the agreement; *Provided, however,* a futures commission merchant may obtain such endorsement as provided in § 1.55(d) of this chapter.

PART 170—REGISTERED FUTURES ASSOCIATIONS

Subpart A—Standards Governing Commission Review of Applications for Registration as a Futures Association Under Section 17 of the Act

16. The authority citation for Part 170 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 6p, 12a, and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

17. Section 170.8 is proposed to be revised to read as follows:

§ 170.8 Settlement of customer disputes (section 17(b)(10) of the Act).

A futures association must be able to demonstrate its capacity to promulgate rules and to conduct proceedings that provide a fair, equitable and expeditious procedure, through arbitration or otherwise, for the voluntary settlement of a customer's claim or grievance brought against any member of the association or any employee of a member of the association. Such rules shall conform to and be consistent with section 17(b)(10) of the Act and be consistent with the guidelines and acceptable practices for dispute resolution found within Appendix A and Appendix B to Part 38 of this chapter.

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

18. Part 180 is proposed to be removed.

Issued in Washington, D.C., this 2nd day of March, 2001, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Concurring Statement of Commissioner Thomas J. Erickson

A New Regulatory Framework for Trading Facilities, Intermediaries, and Clearing Organizations

I concur with the release of these proposed rules. First, the Commodity Futures Modernization Act of 2000 (''CFMA'') [1] is now law, and it is imperative that the Commission provide some regulatory structure and guidance so that the intent behind the CFMA might be fully effectuated. Second, the CFMA represents profound change for the derivatives industry, and I therefore believe that it is important to solicit as much comment as is possible from as broad a cross-section of the public as is possible. This brings me to my primary concern.

Over the past year, this Commission has devoted a tremendous amount of time and resources to devising a new regulatory framework,[2] working with Congress on the CFMA, and drafting today's proposed rules which implement the CFMA. Throughout this process, the Commission has provided draft rules to certain interested parties for their review and comment—at times, prior to their publication in the **Federal Register** for general comment. Certainly, discussion and dialogue with the industry is to be encouraged, and I am pleased that the Commission has reached out to the industry and made every effort to accommodate its views. However, I fear that this process has given great weight to the views of a select few, depriving the Commission of an opportunity to hear from the broader community of interests on a broader range of issues. In particular, I believe the Commission would benefit from input on two additional issues: disclosure and fraud.

Disclosure

The CFMA is based largely on a regulatory reform package initially proposed by the Commission. From the very inception of this reform effort, the Commission has referred to its new regulatory framework as a

[1] *See* Consolidated Appropriations Act 2001, Appendix E, Pub. L. No. 106–554, 114 Stat. 2763 (2000).

[2] *See* A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (final rulemaking), 65 FR. 77961 (Dec. 13, 2000); A New Regulatory Framework for Clearing Organizations (final rulemaking), 65 FR 78020 (Dec. 13, 2000); Exemption for Bilateral Transactions (final rules), 65 FR 78030 (Dec. 13, 2000); and Rules Relating to Intermediaries of Commodity Interest Transactions (final rules), 65 FR 77993 (Dec. 13, 2000). The final rules were subsequently withdrawn following the passage of the CFMA. *See* A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations; Rules Relating to Intermediaries of Commodity Interest Transactions; A New Regulatory Framework for Clearing Organizations; Exemption for Bilateral Transactions (final rules; partial withdrawal), 65 FR 82272 (Dec. 28, 2000).

''disclosure-based'' system.[3] The Commission today rightly asks whether, in the case of exempt markets, it should require that exempt entities affirmatively disclose to traders that the facility and trading on the facility are not regulated or approved by the Commission. It seems self-evident to me that rules implementing such a disclosure-based system ought to require disclosure. I would further suggest that it may be appropriate for the Commission to consider requiring all trading facilities at each of the tiers of regulation to disclose to their participants the type of regulation to which they are subject (if any). I am interested in hearing comment regarding the merits of a disclosure obligation. In the absence of such an obligation, should the Commission publish a listing of exchange markets identifying their regulatory status?

Fraud

One of the points about which there has been a great deal of discussion from the earliest days of the reform effort involves the Commission's antifraud authority. In the past, the Commission has had difficulty applying the antifraud provisions of the Act in some novel situations. In particular, the Commission's efforts to address fraud against retail customers has been hamstrung by some courts' interpretation of Section 4b of the Commodity Exchange Act.[4] Given the inevitability of new market structures and classes of participants, the Commission has been wise to consider how its antifraud authority might be clarified through rulemaking. Nevertheless, throughout the reform process, the Commission has repeatedly heard from industry representatives that this would be a bad idea.

With the passage of the CFMA, members of Congress acknowledged the problems faced by the Commission in enforcing its antifraud provisions and stated their understanding that Section 4b was intended to be read broadly so as to give the Commission maximum enforcement authority.[5] This intent is reflected in the ''Findings and Purpose'' section of the CFMA. That provision explicitly provides that, among other things, it is the purpose of the Act ''to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets * * *.''[6]

Today, the Commission proposes rules that include a free-standing fraud provision. But the proposed rule, Rule 1.1, applies only to forex bucket shops because of expressed concerns about a broader rule of application. I believe it is in the public interest to propose a more comprehensive antifraud rule. While I concur generally with the publication of these proposed rules and certainly support the Commission asserting its authority under the CFMA to address forex bucket shops, I would like to hear precisely why adoption of such a comprehensive fraud rule in any way violates the public interest, overrides the intent of Congress, or oversteps the Commission's authority.

Dated: March 2, 2001.

Thomas J. Erickson,

Commissioner.

[FR Doc. 01–5618 Filed 3–8–01; 8:45 am]

BILLING CODE 6351–01–U

[3] *See* A New Regulatory Framework: Report of the Commodity Futures Trading Commission Task Force, Feb. 2000, p. 2 (describing the taskforce's mission as providing recommendations regarding, among other things, ''moving the Commission * * * from merit to disclosure-based regulation''); A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (proposed rulemaking), 65 FR 38985, 38986 (June 22, 2000) (''the proposed framework to a large degree relies more heavily on disclosure rather than merit regulation''); A New Regulatory Framework for Multilateral Transaction Execution Facilities, Intermediaries and Clearing Organizations (final rulemaking), 65 FR 77961, 77962 (Dec. 13, 2000) (''the new framework relies more heavily on disclosure rather than merit regulation''); *see also id.* at 77974.

[4] *See Commodity Trend Service, Inc.* v. *Commodity Futures Trading Comm'n,* 233 F.3d 981 (7th Cir. 2000) (Section 4b held not to apply to a financial publisher because the prohibition on fraud in connection with certain contracts of sale of a commodity for future delivery made for or on behalf of any other person applies only to brokers or others who have an agency relationship with their clients).

[5] ''It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework.'' 146 Cong. Rec. S11924 at S11926 (daily ed. Dec. 15, 2000) (statement of Sen. Lugar). *See also* 146 Cong. Rec. H12488 at H12489 (daily ed. Dec. 15, 2000)(statement of Rep. Ewing) (same).

[6] Consolidated Appropriations Act 2001, Appendix ____, Pub. L. No. 106–554 § 108, 114 Stat. 2763 (2000) (amending Section 3 of the Commodity Exchange Act (7 U.S.C. 5)).

Federal Register

Friday,
March 9, 2001

Part IV

Department of Education

Office of Special Education and Rehabilitative Services; List of Correspondence; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; List of Correspondence

AGENCY: Department of Education.

ACTION: List of correspondence from July 1, 2000 through September 30, 2000.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

FOR FURTHER INFORMATION CONTACT: Melisande Lee or JoLeta Reynolds. Telephone: (202) 205–5507. If you use a telecommunications device for the deaf (TDD) you may call (202) 205–5465 or the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director of the Alternate Formats Center. Telephone: (202) 205–8113.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued between July 1, 2000 through September 30, 2000.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

Part A—General Provisions

Section 602—Definitions

Topic Addressed: Child With a Disability

- Letter dated July 25, 2000 to individual, (personally identifiable information redacted), regarding the provision of appropriate instructional methodologies, educational services, and placements under individualized education programs (IEP) for children with autism.

Part B—Assistance for Education of All Children With Disabilities

Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations.

Section 619—Preschool Grants.

Topic Addressed: Allocation of Grants

- Letter dated July 28, 2000 to Wyoming Department of Education Special Programs Unit Director, Rebecca Walk, regarding Wyoming's implementation of the new Preschool Grants and Grants to States formulas and the options available for distribution of funds under sections 611 and 619.
- Letter dated September 18, 2000 to Arizona Superintendent of Public Instruction, Lisa Graham Keegan, regarding adjustments to Arizona's distribution of the population payment allocation under sections 611 and 619.

Topic Addressed: Use of Funds

- Letter dated July 20, 2000 to U.S. Senator John Breaux regarding the availability of Part B funds to purchase playground equipment.
- Letter dated September 21, 2000 to Louisiana State Director of Special Education, Virginia C. Beridon, regarding the availability of pre-award costs and Part B funds under the Cash Management Improvement Act of 1990 and the Education Department General Administrative Regulations (EDGAR).

Topic Addressed: Authorization of Appropriations

- Memorandum dated August 29, 2000 to Governors and Chief State School Officers regarding nonregulatory guidance pertaining to Federal education programs, including section 611 of IDEA, with advance appropriations in fiscal year (FY) 2000.

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

- Letter dated August 22, 2000 to Illinois State Board of Education Special Education Director, Dr. Gordon M. Riffel, regarding the availability of compensatory education services after the right to a free appropriate public education (FAPE) has terminated.

Topic Addressed: Procedural Safeguards

- OSEP memorandum 00–20 dated July 17, 2000 to Chief State School Officers regarding State complaint resolution procedures under Part B of IDEA.
- Letter dated July 25, 2000 to U.S. Representative Sue Myrick regarding options available to parents to resolve disputes relating to the identification, evaluation, educational placement, or provision of FAPE to a child with a disability and in addressing such concerns as they relate to an existing school's compliance with the IDEA's least restrictive environment requirements.

Topic Addressed: Confidentiality

- Letter dated July 20, 2000 to the Honorable Kenneth Apfel, Social Security Administration Commissioner, regarding applicability of the Family Educational Rights and Privacy Act's (FERPA) consent and IDEA, Part B's confidentiality provisions to disclosure of personally identifiable information contained in education records in order to determine the eligibility of children with disabilities for benefits under the Supplemental Security Income program.

Topic Addressed: General Supervision

- Letter dated June 20, 2000 to U.S. Congressman Charles W. Stenholm regarding the flexibility Federal regulations provide States in establishing due process and alternative dispute resolution mechanisms.

Topic Addressed: Assessments

- OSEP memorandum 00–24 dated August 24, 2000 to State Directors of Special Education clarifying requirements for including students with disabilities in State and district-wide assessments.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Charter Schools

- Letter dated July 20, 2000 to individual, (personally identifiable information redacted), regarding the status of charter schools established as local educational agencies (LEAs) in the District of Columbia, a jurisdiction that performs both State and local functions, and the procedural safeguards available to parents of children with disabilities who attend these charter schools.

Section 615—Procedural Safeguards

Topic Addressed: Manifestation Determination Review

- Letter dated July 25, 2000 to David P. Osterhout clarifying the circumstances that constitute a change in placement that would trigger a manifestation determination review and the use of positive behavioral interventions, strategies, and supports to address the needs of students with behavioral issues.

Topic Addressed: Transfer of Rights

• Letter dated July 20, 2000 to Kansas State Department of Education General Counsel, Rodney J. Bieker, regarding the circumstances under which a school district can, without the consent of the student to whom educational rights have transferred, invite the student's parents to an IEP meeting or disclose information from the student's educational records to the parents.

Topic Addressed: Student Discipline

• Letter dated August 3, 2000 to Kansas State Department of Education General Counsel, Rodney J. Bieker, regarding calculating disciplinary removals of up to 10 school days in determining whether a change in placement has occurred.

• Letter dated August 11, 2000 to U.S. Representative J.D. Hayworth regarding the options available to school authorities in disciplining students with disabilities under IDEA, Part B and the Americans with Disabilities Act and whether parents of other students have the right to be notified of incidents involving unusual or threatening behavior by students with disabilities given the confidentiality requirements under IDEA, Part B and FERPA.

PART C—Infants and Toddlers with Disabilities

Sections 631–641

Topic Addressed: Definitions

• Letter dated September 18, 2000 to Illinois Department of Human Services Secretary, Linda Renee Baker, regarding the State's inability to serve as a ''parent'' under the Part C regulatory definition for a child who is a ''ward'' of the State.

Topic Addressed: Early Intervention Services

• Letter dated August 16, 2000 to Bureau of Indian Affairs Education Specialist, Julie Goings, regarding the role and responsibilities of the Bureau of Indian Affairs, States and tribes in providing services to children with disabilities from birth to age five who are members of the tribe.

Topic Addressed: Infant or Toddler With a Disability

• Letter dated September 25, 2000 to individual, (personally identifiable information redacted), regarding the flexibility Part C provides States in defining the developmental delay category of eligibility of infants and toddlers with disabilities and in establishing standards that exceed Federal requirements.

Topic Addressed: Procedural Safeguards

• OSEP memorandum 00–21 dated July 17, 2000 to Chief State School Officers regarding guidance on State complaint resolution procedures under Part C of IDEA.

Topic Addressed: Federal Interagency Coordinating Council

• Letter dated August 11, 2000 regarding application of Section 644 of the IDEA and other Federal requirements to activities of the Federal Interagency Coordinating Council.

Part D—National Activities To Improve Education of Children With Disabilities

Subpart 1—State Program Improvement Grants for Children With Disabilities

Section 653—Applications

Topic Addressed: Information About State Program Improvement Grants

• OSEP memorandum 00–25 dated September 28, 2000 to State Directors of Special Education regarding the State Improvement Grant application process and procedures.

Other Letters Relevant to the Administration of Idea Programs

Topic Addressed: Disability Harassment

• Dear Colleague Letter dated July 25, 2000 providing an overview of the existing legal and educational principles related to disability harassment.

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(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, Office of Special Education and Rehabilitative Services.

[FR Doc. 01–5778 Filed 3–8–01; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday,
March 9, 2001

Part V

Department of Education

Office of Special Education and Rehabilitative Services; Grant Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Grant Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Extension notice.

SUMMARY: On January 22, 2001, a notice inviting applications for new FY 2001 awards under the Office of Special Education and Rehabilitative Services; Grant Applications under part D, subpart 2 of the Individuals with Disabilities Education Act was published in the **Federal Register** (66 FR 6832). The notice provided information regarding the transmittal of applications for fiscal year (FY) 2001 competitions under three programs authorized by the Individuals with Disabilities Education Act (IDEA), as amended. The purpose of this notice is to extend the deadline for the transmittal of applications for the priorities included in the notice. The notice contained a ''chart'' on page 6847 that provided closing dates and other specific information regarding the transmittal of applications for the FY 2001 competitions.

The following is a list of the new deadline dates for the transmittal of applications and the intergovernmental review (Not applicable to Research competitions):

84.324K Research and Training Center on the Development of Infants, Toddlers, and Preschool Children With or At Risk of Disabilities—April 20, 2001

84.324Q Research Institute on Early Literacy for Infants, Toddlers, and Young Children with Visual Impairments—April 20, 2001

84.324T Model Demonstration Projects for Children with Disabilities—April 27, 2001

84.324W Improving Post School Outcomes: Identifying and Promoting What Works—April 20, 2001

84.326H National Clearinghouse on Postsecondary Education—April 20, 2001

Intergovernmental Review—June 19, 2001

84.326T National Technical Assistance Project for Infants, Toddlers, and Children Who Are Deaf-Blind—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327C Video Description—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327E Accessible Educational TV—April 27, 2001

Intergovernmental Review—June 26, 2001

84.327N Open-Captioned Educational Media: Selection, Captioning and Distribution—April 20, 2001

Intergovernmental Review—June 19, 2001

84.327S Closed Captioned Daytime Television Programs—May 4, 2001

Intergovernmental Review—July 3, 2001

84.327X Research Institute on Technology for Early Intervention—May 4, 2001

Intergovernmental Review—July 3, 2001

Note to Applicants

The notice published on January 22, 2001, provides other information that applies to these competitions. Specifically, the priorities in the notice identify the requirements for applications submitted in response to this notice. This notice extends only the closing dates for the transmittal of applications.

Potential applicants should consult the statement of the final priority published in the **Federal Register** on January 22, 2001 (66 FR 6832) to ascertain the substantive requirements for their applications.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 600 Independence Avenue, SW, room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov

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(Catalog of Federal Domestic Assistance Number 84.328, Training and Information for Parents of Children with Disabilities).

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, Office of Special Education and Rehabilitative Services.

[FR Doc. 01–5800 Filed 3–8–01; 8:45 am]

BILLING CODE 4000–01–U

Federal Register

Friday,
March 9, 2001

Part VI

Department of Education

Office of Special Education and Rehabilitative Services; Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services;

[CFDA NO. 84.324D]

Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Reopening notice.

SUMMARY: On January 22, 2001, a notice inviting applications for new fiscal year (FY) 2001 awards under the Office of Special Education and Rehabilitative Services; Grant Applications under Part D, Subpart 2 of the Individuals with Disabilities Education Act was published in the **Federal Register** (66 FR 6832). The notice provided closing dates and other information regarding the transmittal of applications for FY 2001 competitions under three programs authorized by the Individuals with Disabilities Education Act (IDEA), as amended. The purpose of this reopening notice is to invite applications for the Directed Research Projects (CFDA 84.324D) priority under the Research and Innovation to Improve Services and Results for Children with Disabilities Program.

Deadline for Transmittal of Applications: April 13, 2001

Note to Applicants: The notice published on January 22, 2001, provides other information that applies to this competition. Specifically, the priority in that notice, entitled Directed Research Projects (84.324D), identifies the requirements for applications submitted in response to this notice.

Potential applicants should consult the statement of the final priority published in the **Federal Register** on January 22, 2001 (66 FR 6833) to ascertain the substantive requirements for their applications.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Debra Sturdivant, U.S. Department of Education, 600 Independence Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov

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(Catalog of Federal Domestic Assistance Number 84.328, Training and Information for Parents of Children with Disabilities)

Dated: March 5, 2001.

Andrew J. Pepin,

Executive Administrator, OSERS.

[FR Doc. 01–5801 Filed 3–8–01; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.J. Res. 7/P.L. 107–1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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