2. Documentation for the Assertion That Appropriately Applied Existing Technologies Can Reduce Fish Losses to Levels Reasonably Consistent With Wet Cooling Towers With Low-Velocity

UWAG asserts that, at certain sites and under certain conditions, technologies such as wedge wire screens, fine mesh traveling screens with a fish return system, and Gunderbooms can be used at intakes with a capacity commensurate with once-through cooling and can reduce losses from entrainment and impingement to levels reasonably consistent with those of an intake structure with a capacity commensurate with use of a wet, closed-cycle cooling system and an intake velocity of no more than 0.5 feet per second. In the document, ''Existing Technologies Which, Appropriately Applied, Can Reduce Fish Losses to Levels Reasonably Consistent with Wet Cooling Towers,'' April 18, 2001 (see #2–044A in the Docket), UWAG provides data that it asserts supports this position. UWAG also discusses this assertion in the document ''Reasonably Consistent,'' April 20, 2001 (see #2–044B in the Docket). These data and information are intended to support the alternative industry approach discussed in section H.1. of this Notice. EPA is evaluating the UWAG assertions and will consider any public comments on them.

3. Financial Issues That Necessitate Minimal or No Pre-Permit Biological Study

As discussed in the document, ''Financial Ramifications of Pre-operational Biological Monitoring Requirements'' (see #2–045 in Docket), UWAG asserts that delays associated with EPA's proposed requirements for pre-operational biological monitoring could have significant costs for the facilities required to conduct such monitoring. These costs would include the replacement value for electricity not generated because new facilities did not enter the market as quickly as they might have without the requirement. UWAG also asserts that these delays will increase the costs of financing for a new facility because the lender will be taking a greater risk over a longer term for a facility that does not yet have a permit. EPA solicits comment on specifically how much the cost of financing would increase for a new facility based on such delay and uncertainty. UWAG further asserts that the pre-operational biological monitoring requirement will create an incentive to build plants that are not subject to this requirement and its associated delays and produce more expensive electricity. These data and information are intended to support the alternative industry approach discussed in Section H.1. of this Notice. EPA is evaluating and invites public comment on the UWAG assertions. EPA is very interested in evaluating any impact these regulations may have on new facility construction. EPA invites the public to provide detailed information on the extent to which a year-long, pre-operational biological monitoring program might lengthen the timeframes for new facility development beyond those normally associated with, for example, site selection, financing, construction, local permitting, and environmental assessments conducted under other federal, state or local requirements.

III. General Solicitation of Comment

EPA encourages public participation in this rulemaking and requests comments on this notice of data availability supporting the proposed rule for cooling water intake structures for new facilities.

EPA invites all parties to coordinate their data collection activities with the Agency to facilitate mutually beneficial and cost-effective data submissions. Please refer to the **FOR FURTHER INFORMATION** section at the beginning of this preamble for technical contacts at EPA.

To ensure that EPA can properly respond to comments, the Agency prefers that commenters cite, where possible, the paragraph(s) or sections in the document or supporting documents to which each comment refers. Please submit an original and two copies of your comments and enclosures (including references).

Dated: May 16, 2001.

Diane C. Regas,

Acting Assistant Administrator, Office of Water.

[FR Doc. 01–13187 Filed 5–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AK–01–003a; FRL–6986–5]

Clean Air Act Attainment Extension for the Fairbanks North Star Borough Carbon Monoxide Nonattainment Area: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We propose to grant the one (1) year attainment date extension request for the Fairbanks North Star Borough carbon monoxide (CO) nonattainment area submitted by the State of Alaska on March 29, 2001. In the Final Rules section of this **Federal Register**, we are approving the State's extension request as a direct final rule without prior proposal because we view this as a noncontroversial action 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 action, no further activity is contemplated in relation to this 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: Written comments on this proposed rule must be received on or before June 25, 2001.

ADDRESSES: Written comments should be addressed to: Connie Robinson, EPA, Region 10, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, WA 98101. Copies of documents relevant to this action are available for public review during normal business hours (8:00 a.m. to 4:30 p.m.) at this same address.

FOR FURTHER INFORMATION CONTACT: Connie Robinson, EPA, Region 10, Office of Air Quality, (OAQ–107), 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–1086.

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

Dated: May 16, 2001.

Charles Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 01–13274 Filed 5–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Docket No. AK–01–002; FRL–6986–6]

Finding of Attainment for Carbon Monoxide; Anchorage CO Nonattainment Area, Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule.

SUMMARY: EPA is proposing to find that the Anchorage nonattainment area in Alaska has attained the National Ambient Air Quality Standards (NAAQS) for carbon monoxide as of December 31, 2000.

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

ADDRESSES: Written comments should be mailed to Connie Robinson, Office of Air Quality, Mailcode OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of documents relevant to this action are available for public review during normal business hours (8:00 A.M. to 4:30 P.M.) at this same address.

FOR FURTHER INFORMATION CONTACT: Connie Robinson, Office of Air Quality Mail Code OAQ–107, EPA Region 10, 1200 Sixth Avenue, Seattle Washington, 98101, (206) 553–1086.

SUPPLEMENTARY INFORMATION: Throughout this document, the words ''we,'' ''us,'' or ''our'' means the Environmental Protection Agency (EPA).

Table of Comments

I. Background

A. Designation and Classification of CO Nonattainment Areas

The Clean Air Act (CAA) Amendments of 1990 authorized EPA to designate areas across the country as nonattainment, and to classify these areas according to the severity of the air pollution problem. Pursuant to section 107(d) of the CAA, following enactment on November 15, 1990, States were requested to submit lists, within 120 days, which designated all areas of the country as either attainment, nonattainment, or unclassifiable for CO. The EPA was required to promulgate these lists of areas no later than 240 days following enactment of the CAA Amendments (see 56 FR 56694, (November 6, 1991)).

On enactment of the CAA Amendments, a new classification structure was created for CO nonattainment areas, pursuant to section 186 of the CAA, which included both a moderate and a serious area classification. Under this classification structure, moderate areas with a design value of 9.1–16.4 ppm, were expected to attain the CO NAAQS as expeditiously as practicable, but no later than December 31, 1995. CO nonattainment areas designated as serious, with a design value of 16.5 ppm and above, were expected to attain the CO NAAQS as expeditiously as practicable, but no later than December 31, 2000.

States containing areas designated as either moderate or serious for CO had the responsibility of developing and submitting to EPA State Implementation Plans (SIPs) which addressed the nonattainment air quality problems in those areas. The EPA issued general guidance concerning the requirements for SIP submittals, which included requirements for CO nonattainment area SIPs, pursuant to Title I of the CAA (see generally, 57 FR 13498 (April 16, 1992), and 57 FR 18070 (April 28, 1992)). The air quality planning requirements for moderate and serious CO nonattainment areas are addressed in sections 186–187 respectively of the CAA, which pertain to the classification of CO nonattainment areas, as well as to the requirements for the submittal of both moderate and serious area SIPs.

The EPA has the responsibility for determining whether a nonattainment area has attained the CO NAAQS by the applicable attainment date.[1] In this case the EPA is required to make determinations concerning whether serious CO nonattainment areas attained the NAAQS by their December 31, 2000 attainment date. Pursuant to the CAA, the EPA is required to make attainment determinations for these areas by June 30, 2001, no later than 6 months following the attainment date for the areas. Therefore, this action is being taken to make a determination of attainment for a serious CO nonattainment area with a December 31, 2000 attainment date.

B. How Does EPA Make Attainment Determinations?

Section 179(c)(1) of the CAA provides that attainment determinations are to be based upon an area's ''air quality as of the attainment date, and section 186(b)(2) is consistent with this requirement.'' EPA will make the determination as to whether an area's air quality is meeting the CO NAAQS based upon air quality data gathered at CO monitoring sites in the nonattainment area which has been entered into the Aerometric Information Retrieval System (AIRS). This data is reviewed to determine the area's air quality status in accordance with EPA guidance at 40 CFR 50.8, and in accordance with EPA policy and guidance as stated in a memorandum from William G. Laxton, Director Technical Support Division, entitled ''Ozone and Carbon Monoxide Design Value Calculations,'' dated June 18, 1990.

The 8-hour CO design value is used to determine attainment of CO areas, and is computed by first finding the maximum and second maximum (non-overlapping) 8-hour values at a monitoring site for the most recent 2 years of air quality data. Then the maximum value of the second high values is used as the design value for the monitoring site. The CO NAAQS requires that not more than one 8-hour average per year can exceed 9.0 ppm (9 greater than or equal to 9.5 ppm to adjust for rounding). CO attainment is evaluated and determined by reviewing 8 quarters of data, or a total of 2 complete calendar years of data for an area. If an area has a design value that is greater than 9.0 ppm, this means that a monitoring site in the area, where the second highest (non-overlapping) 8-hour average was measured, was greater than 9.0 ppm in at least 1 of the 2 years being reviewed to determine attainment for the area. Then this indicates that there were at least two values which measured above the NAAQS for CO. Thus, the standard was not met in the area.

C. What Is the Attainment Date for the Anchorage CO Nonattainment Area?

As stated above, the Anchorage CO nonattainment area was designated nonattainment for CO by operation of law upon enactment of the CAA Amendments of 1990. Under 186(a) of the CAA, each CO area designated nonattainment was also classified by operation of law as either ''moderate'' or ''serious'' depending on the severity of the area's air quality problem. States containing areas that were classified as moderate nonattainment were required to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 1995. Anchorage received a one year extension to December 31, 1996, from the mandated attainment date of December 31, 1995, for moderate nonattainment areas. On June 12, 1998, EPA made a finding that Anchorage did not attain the CO NAAQS by the December 31, 1996 attainment date for the moderate nonattainment area. This finding is based on EPA's review of monitored air quality data for compliance with the CO NAAQS. As a result of this finding the

[1] See sections 179(c) and 186(b)(2) of the CAA Amendments.

Anchorage CO nonattainment area was reclassified as a serious CO nonattainment area by operation of law (see 62 FR 63687, (December 2, 1997)). As a result of this reclassification, the State was to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 2000, the CAA attainment date for serious areas.

II. EPA's Proposed Action

EPA is, by today's action, making the determination that the Anchorage serious CO nonattainment area did attain the CO NAAQS by the attainment date of December 31, 2000. As explained below, the Anchorage nonattainment area remains classified a serious CO nonattainment area, and today's action does not redesignate the Anchorage nonattainment area to attainment.

III. Basis for EPA's Action

Alaska has four CO monitoring sites in the Anchorage CO nonattainment area. The air quality data in AIRS for these monitors show that, for the 2-year period from 1999 through 2000, there were no violations of the annual CO standard. The highest 8-hour annual average measured during this 2-year period was at the Trinity Christian Church monitoring site in 1999 where the 8-hour CO NAAQS average measured 7.8 ppm. Based on this information, EPA has determined that the area attained the CO NAAQS standard as of the attainment date of December 31, 2000.

In summary, EPA proposes to find that the Anchorage CO nonattainment area attained the CO NAAQS as of the attainment date of December 31, 2000. If we finalize this proposal, consistent with CAA section 188, the area will remain a serious CO nonattainment area with the additional planning requirements that apply to serious CO nonattainment areas. This proposed finding of attainment should not be confused with a redesignation to attainment under CAA section 107(d). Alaska has not submitted a maintenance plan as required under section 175A(a) of the CAA or met the other CAA requirements for redesignation to attainment. The designation status in 40 CFR part 81 will remain serious nonattainment for the Anchorage CO nonattainment area until such time as EPA finds that Alaska has met the CAA requirements for redesignations to attainment.

IV. Request for Public Comments

We are soliciting public comments on EPA's proposal to find that the Anchorage CO nonattainment area has attained the CO NAAQS as of the December 31, 2000, attainment date. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking process by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

V. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely makes a determination based on air quality data and does not impose any requirements. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this proposed rule does not impose any enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely makes a determination based on air quality data and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 81

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

Dated: May 16, 2001.

Charles Findley,

Acting Regional Administrator, Region 10.

[FR Doc. 01–13277 Filed 5–24–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1183; MM Docket No. 01–58; RM–10071]

Radio Broadcasting Services; Morenci, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Copper Valley Radio proposing the allotment of Channel 290A to Morenci, Arizona, as that community's first local aural transmission service, based upon the lack of an expression of interest in pursuing the proposal by any party. *See* 66 FR 13870, March 8, 2001. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 01–58, adopted May 2, 2001, and released May 11, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC 20036, (202) 857–3800. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th