

evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the Board will remand the matter to the ALJ for consideration of such additional evidence.

(j) The Board may affirm, reduce, reverse, compromise, remand, or settle any penalty or assessment determined by the ALJ in any initial decision.

(k) The Board will promptly serve each party to the appeal with a copy of the decision of the Board and a statement describing the right of any person determined to be liable for a penalty or an assessment to seek judicial review.

(l) Unless a petition for review is filed as provided in 31 U.S.C. 3805 after a defendant has exhausted all administrative remedies under this subpart and within 60 days after the date on which the Board serves the defendant with a copy of the Board's decision, a determination that a defendant is liable under § 308.502 of this subpart is final and is not subject to judicial review.

§ 308.539 Stays ordered by the Department of Justice.

If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General transmits to the Board a written finding that continuation of the administrative process described in this subpart with respect to a claim or statement may adversely affect any pending or potential criminal or civil action related to such claim or statement, the Board will stay the process immediately. The Board may order the process resumed only upon receipt of the written authorization of the Attorney General.

§ 308.540 Stay pending appeal.

(a) An initial decision is stayed automatically pending disposition of a motion for reconsideration or of an appeal to the Board.

(b) No administrative stay is available following a final decision of the Board.

§ 308.541 Judicial review.

Section 3805 of Title 31, United States Code, authorizes judicial review by an appropriate United States District Court of a final decision of the Board imposing penalties or assessments under this subpart and specifies the procedures for such review.

§ 308.542 Collection of civil penalties and assessments.

Sections 3806 and 3808(b) of Title 31, United States Code, authorize actions for collection of civil penalties and assessments imposed under this subpart

and specify the procedures for such actions.

§ 308.543 Right to administrative offset.

The amount of any penalty or assessment which has become final, or for which a judgment has been entered under § 308.541 or § 308.542 of this subpart, or any amount agreed upon in a compromise or settlement under § 308.545 of this subpart, may be collected by administrative offset under 31 U.S.C. 3716, except that an administrative offset may not be made under this section against a refund of an overpayment of federal taxes, then or later owing by the United States to the defendant.

§ 308.544 Deposit in Treasury of United States.

All amounts collected pursuant to this subpart will be deposited as miscellaneous receipts in the Treasury of the United States, except as provided in 31 U.S.C. 3806(g).

§ 308.545 Compromise or settlement.

(a) Parties may make offers of compromise or settlement at any time.

(b) The reviewing official has the exclusive authority to compromise or settle a case under this subpart at any time after the date on which the reviewing official is permitted to issue a complaint and before the date on which the ALJ issues an initial decision.

(c) The Board has exclusive authority to compromise or settle a case under this subpart any time after the date on which the ALJ issues an initial decision, except during the pendency of any review under § 308.541 of this subpart or during the pendency of any action to collect penalties and assessments under § 308.542 of this subpart.

(d) The Attorney General has exclusive authority to compromise or settle a case under this subpart during the pendency of any review under § 308.541 of this subpart or of any action to recover penalties and assessments under 31 U.S.C. 3806.

(e) The investigating official may recommend settlement terms to the reviewing official, the Board, or the Attorney General, as appropriate. The reviewing official may recommend settlement terms to the Board, or the Attorney General, as appropriate.

(f) Any compromise or settlement must be in writing.

§ 308.546 Limitations.

(a) The notice of hearing with respect to a claim or statement will be served in the manner specified in § 308.507 of this subpart within 6 years after the date on which such claim or statement is made.

(b) If the defendant fails to file a timely answer, service of notice under § 308.509(b) of this subpart will be deemed a notice of a hearing for purposes of this section.

(c) The statute of limitations may be extended by agreement of the parties.

By order of the Board of Directors.

Dated at Washington, DC, this 19th day of January, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 01-3168 Filed 2-6-01; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 655 and 940

[FHWA Docket No. FHWA-99-5899]

RIN 2125-AE65

Intelligent Transportation System Architecture and Standards: Delay of Effective Date

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; 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 temporarily delays for 60 days the effective date of the rule entitled Intelligent Transportation System Architecture and Standards, published in the **Federal Register** on January 8, 2001, 66 FR 1446. The rule concerns Intelligent Transportation System (ITS) projects carried out using funds made available from the Highway Trust Fund. This rule requires regions which have implemented ITS or are planning ITS implementations to develop a regional ITS architecture, based on the National ITS Architecture, to guide their implementation.

EFFECTIVE DATE: The effective date of the Intelligent Transportation System Architecture and Standards rule, published in the **Federal Register** on January 8, 2001, at 66 FR 1446, is delayed for 60 days, from February 7, 2001, to a new effective date of April 8, 2001.

FOR FURTHER INFORMATION CONTACT: For technical information: Mr. Robert Rupert, Office of Travel Management (HOTM-1), (202) 366-2194 and Mr.

Michael Freitas, (202) 366-9292, ITS Joint Program Office (HOIT-1). For legal information: Mr. Wilbert Baccus, Office of the Chief Counsel, (HCC-32), (202) 366-1346, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the FHWA's 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. section 553(b)(B) and 553 (d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of the 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 temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Issued on: January 31, 2001.

Anthony R. Kane,
Executive Director.

[FR Doc. 01-3206 Filed 2-2-01; 4:50 pm]

BILLING CODE 4910-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720-AA57

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health

AGENCY: Department of Defense.

ACTION: Final rule; withdrawal.

SUMMARY: The Department of Defense published a final rule on Methodology for Coverage of Phase II and Phase III Clinical Trials Sponsored by the

National Institutes of Health. This rule should not have been published in accordance with the Regulatory Review Plan, therefore, this document is published to withdraw the rule.

DATES: The rule published on Wednesday, January 31, 2001 at 66 FR 8365 is withdrawn as of February 7, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia Collins, 703-681-0039

Dated: January 30, 2001.

L.M. Bynum,

*Alternate OSD Federal Register Liaison,
Department of Defense.*

[FR Doc. 01-3034 Filed 2-6-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-01-008]

Drawbridge Operation Regulations: Harlem River, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Macombs Dam Bridge, at mile 3.2, across the Harlem River at New York City, New York. This deviation allows the bridge owner to keep the bridge in the closed position from February 1, 2001 through April 1, 2001. This action is necessary to facilitate maintenance at the bridge.

DATES: This deviation is effective from February 1, 2001 through April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Macombs Dam Bridge, at mile 3.2, across the Harlem River, has a vertical clearance of 27 feet at mean high water, and 32 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.789(c).

The bridge owner, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the drawbridge operating regulations to facilitate the necessary structural maintenance at the bridge. This deviation from the operating regulations allows the bridge owner to keep the bridge in the closed position

from February 1, 2001 through April 1, 2001.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay.

Vessels that can pass under the bridge without an opening may do so at all times during the closed period.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 25, 2001.

G.N. Naccara,

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

[FR Doc. 01-3109 Filed 2-6-01; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07-01-003]

RIN 2115-AE47

Drawbridge Operation Regulations: Hillsborough River, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the operation of the Platt and Brorein Street Drawbridges across the Hillsborough River in Tampa, Florida. This temporary rule allows the Platt and Brorein Street Drawbridges to remain closed from 8 a.m. to 1 p.m. on Saturday, February 24, 2001. This action is necessary to facilitate the running of the Bank of America Gasparilla Distance Classic foot race.

DATES: This rule is effective from 8 a.m. to 1 p.m. on February 24, 2001.

ADDRESSES: Material received from the public as well as documents indicated in this preamble as being available in the docket are part of docket [CGD07-01-003] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, Florida, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Seventh Coast Guard District, Bridge Section, at (305) 415-6743.