

**Permits and Modified Permits Issued***Permit 1237*

Notice was published on February 16, 2000 (65 FR 7855) that the Corps applied for an enhancement permit (1237). Permit 1237 was issued to the Corps on March 22, 2001. Permit 1237 authorizes the Corps annual takes of ESA-listed juvenile salmon and steelhead associated with transporting juvenile anadromous fish around the dams and past the reservoirs on the mainstem lower Snake and Columbia Rivers in the Pacific Northwest. The purpose of the Corps' Juvenile Fish Transportation Program is to increase juvenile fish survival over the alternative of in-river passage, given current in-river migratory conditions. The collection and transportation of juvenile salmonids is projected to occur approximately March 25 through October 31 each year at Lower Granite, Little Goose, and Lower Monumental Dams on the lower Snake River, and approximately early to mid-June through December 15 each year at McNary Dam on the lower Columbia River. The Corps will load the juvenile fish into aerated trucks and barges for transportation to below Bonneville Dam on the Columbia River. Further handling of the fish does not occur, except for loading via raceways or when the fish are handled for monitoring purposes by Corps personnel or for scientific research purposes by individuals holding separate take authorizations. Annual takes of ESA-listed adult fish associated with handling fallbacks at the juvenile fish transportation facilities are also authorized. Permit 1237 expires on December 31, 2005.

*Permit 1273*

Notice was published on December 7, 2000 (65 FR 76612) that Mr. Chris Ivers, of NCAD applied for an enhancement permit (1273). NCAD proposes to continue to maintain 17 endangered shortnose sturgeon for the purposes of public education through species enhancement as identified in the Final Recovery Plan for Shortnose Sturgeon. Permit 1273 was issued on March 24, 2001, authorizing take of listed species. Permit 1273 expires March 1, 2006.

Dated: April 3, 2001.

**Phil Williams,**

*Acting Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Telecommunications and Information Administration**

**[Docket No. 010327080-1080-01]**

**RIN 0660-XX12**

**Request for Comment on Energy, Water and Railroad Service Providers' Spectrum Use Study**

**AGENCY:** National Telecommunications and Information Administration, Commerce.

**ACTION:** Notice, request for comments.

**SUMMARY:** Public Law 106-553, making appropriated funds available to the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 2001, contained a provision directing the National Telecommunications and Information Administration (NTIA) to submit to Congress a study of the current and future use of spectrum by providers of energy, water and railroad services to protect and maintain the nation's critical infrastructure.<sup>1</sup> Therefore, NTIA is conducting an investigation of current and future use of radio frequency spectrum in the United States by providers of energy, water and railroad services, and how current and emerging technology trends affect use of the radio spectrum. By this notice and request for comments, NTIA is soliciting the views of the industry and the public on these issues.

**DATES:** Comments must be received on or before June 8, 2001.

**ADDRESSES:** The Department invites the public to submit written comments in paper or electronic form. Comments may be mailed to Jeng Mao, Public Safety Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4624, 14th and Constitution Avenue, NW., Washington, DC 20230. Paper submissions should include an electronic version on diskette in ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format.

In the alternative, comments may be submitted in electronic form to the following electronic mail address: <utilities@ntia.doc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeng Mao, (202) 501-0342, [jmao@ntia.doc.gov](mailto:jmao@ntia.doc.gov), or Marshall Ross, (202) 482-1222, [mross@ntia.doc.gov](mailto:mross@ntia.doc.gov), Public Safety Program, NTIA.

<sup>1</sup> See Federal Funding, Fiscal Year 2001, Public Law 106-553, 114 Stat. 2762, 2762A-174 (2000).

**SUPPLEMENTARY INFORMATION:****Background**

Energy, water and railroad services are primary components of the nation's critical infrastructure. Processing voice and data information via wireless radio systems is an efficient way to supervise, control and monitor these utilities on a daily basis. It is also an efficient means of communications during situations requiring emergency response. Without adequate radio spectrum, providers of energy, water and railroad services would be unable to address major service interruptions due to natural disaster, equipment malfunctions or in some cases, terrorist activities. Wireless telecommunications are frequently used by utilities to monitor power transmission lines, water pumps and also to send commands to various remote control switches. In addition, some utilities must comply with State statutes requiring them to respond to service interruptions within a specified time period. Interruption of these services could disrupt emergency response efforts and impede law enforcement activities. Furthermore, lack of interoperability can be a major hindrance to mission-critical public safety communications. Multi-jurisdictional coordination between Federal and non-federal entities during crisis situations can be severely impacted because of inadequate radio spectrum.

NTIA is the President's principal adviser on telecommunications and information policy and manages the Federal Government's use of radio spectrum.<sup>2</sup> The Federal Communications Commission (FCC), an independent agency established by the Communications Act of 1934, manages the use of radio spectrum by state and local governments and the private sector, including the energy, water and railroad industries.<sup>3</sup> Public Law 106-553, making appropriated funds available to the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 2001, contained a provision directing the National Telecommunications and Information Administration (NTIA) to submit to Congress a study of the current and future use of spectrum by providers of

<sup>2</sup> 47 U.S.C. 902 (2000).

<sup>3</sup> For example, see the FCC's proceeding to address the requirements of the private land mobile radio community, including the energy, water and railroad industries, for more efficient use of the radio spectrum below 800 MHz, commonly called the "Refarming Proceeding." Documents related to the Refarming Proceeding are available on the FCC's web site at <<http://www.fcc.gov/wtb/plmrs/refarmdocs.html>>.

energy, water and railroad services to protect and maintain the nation's critical infrastructure.<sup>4</sup> The statute also requires the FCC Chairman to submit a subsequent report to Congress addressing any needs identified in NTIA's study. The statute specifically provides:

[T]he [NTIA] Administrator shall, after consultation with other federal departments and agencies responsible for regulating the core operations of entities engaged in the provision of energy, water and railroad services, complete and submit to Congress, not later than twelve months after date of enactment of this subsection, a study of the current and future use of spectrum by these entities to protect and maintain that nation's critical infrastructure: Provide further, That within six months after the release of this study, the Chairman of the Federal Communications Commission shall submit a report to Congress on the actions that could be taken by the Commission to address any needs identified in the Administrator's study.<sup>5</sup>

#### Questions for Public Comment

In order to obtain information necessary for NTIA to conduct an assessment of current and future spectrum requirements of providers of energy, water, and railroad services to protect and maintain the nation's critical infrastructure, NTIA seeks public comment on any issue of fact, law, or policy that may inform the agency about spectrum requirements of these industries taking into account growth, new technology, and future applications. Specifically, comments are requested on the questions below.

These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comments may be submitted. Comments should cite the number of the question(s) being addressed. Please provide copies of any studies, research and other empirical data referenced in the comments.

1. How much spectrum is presently available for the energy, water and railroad industries?
2. In which spectrum bands and in which radio services do these industries operate radio communications equipment?
3. What kinds of spectrum-dependent telecommunications equipment are currently being used by the energy, water and railroad industries?
4. Are there non-spectrum dependent alternative technologies or commercial services currently available?
5. What part of the spectrum do the energy, water and railroad industries

foresee for possible future use? What is the rationale for these additional spectrum requirements?

6. What non-spectrum dependent communications technologies or commercial alternatives will be available in the future for the energy, water and railroad industries?

**Kathy Smith,**  
*Chief Counsel.*

[FR Doc. 01-8672 Filed 4-6-01; 8:45 am]

**BILLING CODE 3510-60-P**

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Denying Entry to Textiles and Textile Products Allegedly Produced in Certain Companies in Taiwan

April 3, 2001.

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

**ACTION:** Issuing a directive to the Commissioner of Customs directing Customs to deny entry to shipments allegedly manufactured in certain companies in Taiwan.

**EFFECTIVE DATE:** April 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see **Federal Register** notice 64 FR 41395, published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA is directing the U.S. Customs Service to deny entry to textiles and textile

products allegedly manufactured by Hong Win Trading Company, City Art Printing, Hsu Chun Mei, and Spring Information Industry Co., Ltd. for two years. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Should CITA determine that this decision should be amended, such amendment will be published in the Federal Register.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

April 3, 2001.

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

Dear Commissioner: The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see directive dated July 27, 1999 (64 FR 41395), published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA directs the U.S. Customs Service, effective for goods exported on and after April 9, 2001 and extending through April 8, 2003, to deny entry to textiles and textile products allegedly manufactured by the Taiwanese companies Hong Win Trading Company, City Art Printing, Hsu Chun Mei, and Spring Information Industry Co., Ltd. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

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

Sincerely,

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-8615 Filed 4-6-01; 8:45 am]

**BILLING CODE 3510-DR-F**

<sup>4</sup> Supra, n. 1.

<sup>5</sup> Id at 2762A-174 to 2762A-175. NTIA is required to submit its report to Congress no later than December 21, 2001.