

of raising the ESRD base rates by 1 percent. Since the proposed notice results in increases in total expenditures of less than \$100 million per year, this notice is not a major rule as defined in Title 5, United States Code, section 804(2) and is not an economically significant rule under Executive Order 12866.

The RFA requires agencies to analyze the economic impact on small entities, and if an agency finds that a regulation imposes a significant burden on a substantial number of small entities, it must explore options for reducing the burden. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of \$7.5 million or less annually. For purposes of the RFA, most managed care organizations are not considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in anyone year by State, local, or tribal governments, in the aggregate, or by the private sector, of \$110 million. This proposed notice would have no consequential effect on State, local, or tribal governments, and the private sector cost of this rule falls below these thresholds as well.

We have reviewed this proposed notice under the threshold criteria of E.O. 13132, Federalism. We have determined that the proposed notice would not significantly affect the rights, roles, and responsibilities of the States.

We have examined the economic impact of this notice on M+C organizations and find that the overall impact is positive. However, because the number of ESRD patients enrolled in M+C organizations represents a very small fraction of M+C organizations' annual receipts and because a small number of M+C organizations qualify as small entities under the RFA, the

Secretary is initially certifying that this notice will not have a significant impact on a substantial number of small entities. To our knowledge, no small rural hospitals will be affected by this notice, so the Secretary is also initially certifying that this notice will not have a significant impact on a substantial number of small rural hospitals.

In accordance with the provisions of E.O. 12866, this proposed notice was reviewed by OMB.

#### Works Cited

Eggers, Paul W., Diane L. Frankenfield, Joel W. Greer, William McClellan, William F. Owen, Jr., and Michael V. Rocco, "Comparison of Mortality and Intermediate Outcomes between Dialysis Patients Enrolled in HMO and Fee for Service," February 2001. Under review at the American Journal of Kidney Disease.

Eggers, Paul. "Outcome of ESRD Patients in HMOs." RPA/REF 2000 Annual Meeting. Washington DC March 25-27, 2000.

The Lewin Group and University Renal Research and Education Association (URREA). "Capitation Models for ESRD: Methodology and Results." Prepared for Renal Physicians Association, American Society of Nephrology, American Society of Transplant Physicians, American Society for Pediatric Nephrology, and Amgen. January 7, 2000.

Section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w-23(a)(1)(B))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; and Program No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: March 19, 2001.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

Dated: April 12, 2001.

**Tommy G. Thompson,**  
*Secretary.*

[FR Doc. 01-10865 Filed 4-26-01; 3:48 pm]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Postponement of Meeting of the Advisory Committee on Organ Transplantation

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice; postponement.

**SUMMARY:** A notice announcing the first meeting of the Advisory Committee on Organ Transplantation (ACOT), Department of Health and Human

Services (HHS), was published in the **Federal Register** dated April 12, 2001 (66 FR, page 18962). This meeting, scheduled for May 1-2, 2001, has been postponed.

**SUPPLEMENTARY INFORMATION:** This notice is to inform the public that the first meeting of the Advisory Committee on Organ Transplantation (ACOT), Department of Health and Human Services (HHS), which was scheduled for May 1-2, 2001, has been postponed. The Secretary of HHS will publish a notice in the **Federal Register** once the date for the rescheduled ACOT meeting is determined. Individuals with questions should contact the ACOT Executive Director, Ms. Lynn Rothberg Wegman, M.P.A., by telephone at (301)-443-7577, by e-mail at [Lwegman@hrsa.gov](mailto:Lwegman@hrsa.gov), or in writing at the Division of Transplantation, Office of Special Programs, Health Resources and Services Administration, Room 7C-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Dated: April 27, 2001.

**Elizabeth M. Duke,**

*Acting Administrator, Health Resources and Services Administration.*

[FR Doc. 01-11004 Filed 4-27-01; 3:10 pm]

**BILLING CODE 4180-15-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Information Collection Renewal and Revision to be Submitted to the Office of Management and Budget (OMB) for Approval under the Paperwork Reduction Act

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed information collection; request for comments.

**SUMMARY:** The collection of information described below will be submitted to OMB for approval under the provisions of the Paperwork Reduction Act of 1995. Copies of specific information collection requirements, related forms and explanatory material may be obtained by contacting the Information Collection Clearance Officer of the U.S. Fish and Wildlife Service at the address and/or phone numbers listed below.

**DATES:** Consideration will be given to all comments received on or before July 2, 2001.

**ADDRESSES:** Comments and suggestions on specific requirements should be sent to Rebecca A. Mullin, Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax

Drive, Suite 222, Arlington, VA 22203, (703) 358-2278 or Rebecca\_Mullin@FWS.gov Email.

**FOR FURTHER INFORMATION CONTACT:** Ren Lohoefer, Chief, Division of Consultation, Recovery, Habitat, and State Grants, 703/358-2171

**SUPPLEMENTARY INFORMATION:** The U.S. Fish and Wildlife Service (Service) proposes to submit the following information collection requirements to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are invited on (1) whether the 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 burden, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the 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. The information collections in this program will not be part of a system of records covered by the Privacy Act (5 U.S.C. 552(a)).

Experimental populations established under section 10(j) of the Endangered Species Act of 1973 (ESA), as amended, require information collection and reporting to the Service. Section 9 of the ESA describes prohibited acts involving threatened or endangered species (16 U.S.C. section 1538 (a)(1)(B)). There are three major categories of information collected under the already issued experimental population rules. To date these categories have encompassed information relating to: (1) The general taking or removal of individuals of an experimental population, and (2) the authorized taking of individuals related to reports of depredation on livestock or pets caused by individuals that are part of an experimental population and (3) the collection of specimens or the recovery of dead animals that are part of an experimental population. These three categories have adequately described the types of information needed to evaluate the efficacy of the program and are expected to continue to accurately describe activities under the program.

Because individuals of designated experimental populations for species listed as threatened or endangered under the ESA are categorically protected, documentation of human-

related mortalities, recovery of dead specimens and other types of take related to the status of experimental populations is important to the Service in order to monitor the success of reintroduction efforts, and recovery efforts in general. In order to minimize potential conflict with humans which could undermine recovery efforts, livestock depredations connected with experimental populations of listed species require prompt attention for purposes of determining the location, timing, and nature of the predatory behavior involved, accurate determination of the species responsible for a livestock kill, and the timely application of necessary control measures. The Service, in cooperation with the United States Department of Agriculture/Animal Plant Health Inspection Service Division of Wildlife Services or other cooperating State or Federal agencies, relies on prompt public reporting of depredation in order to resolve livestock related problems, and, therefore, a time sensitive requirement for reporting problems (generally within 24 hours) to the appropriate Service office is necessary. Information collection is achieved primarily by means of telephone calls by members of the public to Service offices specified in the individual rules (some may choose to use facsimile or electronic mail). Information required is limited to the identity of the caller, species involved, time and place of an incident, the type of incident, and circumstances related to the incident described. The vast majority of the information supplied to the Service as a result of experimental population regulations, is provided by cooperating State and Federal agencies under cooperative agreement. However, some of the information collected by the Service under the experimental population rules is provided by the public.

The collected information can be separated into three categories; general take or removal, depredation related take, and specimen collection. General take or removal information refers to human-related mortality including unintentional taking incidental to otherwise lawful activities (e.g. highway mortalities), take in defense of human life, take related to defense of property (if authorized), or take in the form of authorized harassment. Most contacts related to this type of information collection are in regard to sightings of experimental animals, or the inadvertent discovery of an injured or

dead individual. Depredation related take refers to the reporting of take for management purposes, where livestock depredation has been documented or may include authorized harassment or lethal take of experimental animals in the act of attacking livestock. The information collection required by the rules for this type of take include the necessary follow-up reports after the Service has authorized harassment or lethal take of experimental animals in relation to confirmed instances of livestock depredation or in defense of human life. Specimen collection is for the purpose of documenting incidental or authorized scientific collection. Most of the information collection requirement for this take pertains primarily to the reporting of sightings of experimental population animals or the inadvertent discovery of an injured or dead individual. Information collection is required for necessary follow-up reports when the Service has authorized take of experimental animals for specimen collection.

The standard information collection includes the name, address, and phone number of the reporting party, location and time of the reported incident, species of experimental population involved. Reporting parties include, but are not limited to, individuals or households, farms, businesses, and other non-profit organizations. The reporting of specimen collections, recovery, or even the reporting of dead individuals from experimental populations is important to the Service's efforts in monitoring these individuals and for other scientific purposes. Federal agencies 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 control numbers for this collection are 1018-0095 and 1018-0096.

Because the number of reports generated annually by the general public (rather than cooperating agencies or separately permitted individuals) under these rules is extremely small (far less than one report per year, per rule) and to assure thorough documentation of results, the Service is estimating the number of expected reports to assume a maximum number per year based on allowance for increased population size and public awareness of experimental populations.

The following existing experimental populations described under Title 50 of the Code of Federal Regulations contain information collection requirements:

| 50 CFR Section | Species (scientific name)                                    | Type of reporting                                                                      |
|----------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 17.84(c) ..... | Red Wolf ( <i>Canis rufus</i> ): .....                       | Take in defense of human life, incidental take, take related to livestock depredation. |
| 17.84(g) ..... | Black footed ferret ( <i>Mustela nigripes</i> ): .....       | Incidental take, specimen collection/reporting.                                        |
| 17.84(h) ..... | Whooping crane ( <i>Grus americana</i> ): .....              | Specimen collection/reporting.                                                         |
| 17.84(i) ..... | Gray wolf ( <i>Canis lupus</i> ): .....                      | Take in defense of human life, incidental take, take related to livestock depredation. |
| 17.84(j) ..... | California condors ( <i>Gymnogyps californianus</i> ): ..... | Specimen collection/reporting, incidental take.                                        |
| 17.84(k) ..... | Mexican gray wolf ( <i>Canis lupus baileyi</i> ) .....       | Take in defense of human life, incidental take, take related to livestock depredation. |
| 17.84(l) ..... | Grizzly bear ( <i>Ursus horribilis</i> ) .....               | Take in defense of human life, incidental take, take related to livestock depredation. |

Future experimental populations that are established will require the same types of reports as listed above. This proposed information collection notice would also apply to future experimental populations that encompass the same

information requirements outlined above to streamline the process.

*Title:* Endangered and Threatened Wildlife, 50 CFR 17.84, Experimental populations.

*Description of respondents:* Private individuals and households, businesses, not-for-profit organizations, and farms.

*Bureau form number:* N/A.

*Frequency of collection:* On occasion. Species]

#### BURDEN ESTIMATES FOR REPORTING REQUIREMENTS FOR EXPERIMENTAL POPULATIONS

| Type of report                              | Number of respondents | Average time required per report (in minutes) | Total annual burden (in hours) |
|---------------------------------------------|-----------------------|-----------------------------------------------|--------------------------------|
| General take or removal <sup>a</sup> .....  | 20                    | 15                                            | 5                              |
| Depredation related take <sup>b</sup> ..... | 22                    | 15                                            | 5.5                            |
| Specimen collection <sup>c</sup> .....      | 20                    | 15                                            | 5                              |

(a) General take or removal includes human related mortality including unintentional taking incidental to otherwise lawful activities (e.g. highway mortalities), take in defense of human life, take related to defense of property (if authorized) or take in the form of authorized harassment.

(b) Depredation-related take is take for management purposes where livestock depredation has been documented and may include authorized harassment or authorized lethal take of experimental animals in the act of attacking livestock.

(c) Specimen collection, recovery, or reporting of dead individuals from experimental populations for documentation purposes or authorized scientific collection purposes.

Dated: April 26, 2001.

**Rebecca A. Mullin,**

*Fish and Wildlife Service, Information Collection Office.*

[FR Doc. 01-10810 Filed 4-30-01; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Northern Spotted Owl, Boise Cascade Corporation, Klickitat County, WA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the Boise Cascade Corporation (Boise) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number TE 028219-0. The proposed permit would authorize the incidental take, in the form of habitat

modification (i.e., harm), of the northern spotted owl (*Strix occidentalis caurina*), a species that is federally listed as threatened. The proposed duration of the permit and habitat conservation plan (HCP) is 5 years, or as long as the owl site is active. We also announce the opening of a 30-day comment period to receive comments from the public on Boise's incidental take permit application and the accompanying proposed HCP. The HCP fully describes the proposed project and the measures Boise will undertake to minimize and mitigate for project impacts to the owl. These measures and associated impacts are also described in the background and summary information that follow. We also request comments from the public on our preliminary determination that Boise's HCP would qualify as a "Low Effect" HCP, eligible for a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1). The basis for this determination is discussed in an Environmental Action Statement, which is also available for public review. All comments received will become part of the public record and will be available

for review pursuant to section 10(c) of the Act.

**DATES:** Written comments must be received by 5 p.m. on May 31, 2001.

**ADDRESSES:** Comments should be addressed to the State Supervisor, Fish and Wildlife Service, Western Washington Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, fax number (306) 753-9518 (for further information and instruction on the reviewing and commenting process, see Public Review and Comment section below).

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Zisa, Fish and Wildlife Service, Western Washington Office, telephone (360) 534-9330.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act and Federal regulation prohibit the taking of a species listed as endangered or threatened. The term "take" is defined under the Act to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is defined to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns,