

Administration amends 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 adding a new airworthiness directive to read as follows:

2001-20-02 Pratt & Whitney: Amendment 39-12448. Docket 2000-NE-25-AD.

Applicability

This airworthiness directive (AD) is applicable to Pratt & Whitney (PW): PW4074, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090-3, PW4074D, PW4090D, and PW4098 turbofan engines with 2nd stage high pressure turbine (HPT) air seal assembly part number (P/N) 50L976 or P/N 50L960 installed. These engines are installed on but not limited to Boeing 777 series airplanes.

Note 1: This AD applies to each engine 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 engines 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

Compliance with this AD is required as indicated, unless already done.

To prevent 2nd stage HPT air seal assembly failure that could result in uncontained engine failure, accomplish the following:

Calculation of Service Limits

(a) Within 30 days of the effective date of this AD, and then each calendar month thereafter, determine the hour-to-cycle ratio of 2nd stage HPT air seal assemblies based on the hours and cycles accumulated in the previous month in accordance with Paragraph 1 of the Accomplishment Instructions for air seal management of PW Alert Service Bulletin (ASB) No. PW4G-112-A72-233, Revision 3, dated August 3, 2001. The original ASB or any of the revisions may also be used and are considered to be in compliance with the AD.

Borescope Inspections

(b) For 2nd stage HPT air seal assemblies, determine the initial inspection time and repetitive inspection interval in cycles, in accordance with Paragraph 2 of the Accomplishment Instructions for air seal

management of PW ASB No. PW4G-112-A72-233; Revision 3, dated August 3, 2001. Perform borescope inspections of the 2nd stage HPT air seal assembly for cracks, and remove HPT air seal assemblies from service if cracked, in accordance with the On-Wing Procedure section of Accomplishment Instructions of PW ASB No. PW4G-112-A72-233, Revision 3, dated August 3, 2001. Inspections done in accordance with the original ASB or any of the revisions are considered to be in compliance with the AD.

New Cycle Limits

(c) Determine new cycle limits for 2nd stage HPT air seal assemblies in accordance with Paragraph 3 of the Accomplishment Instructions for air seal management of PW ASB No. PW4G-112-A72-233; Revision 3, dated August 3, 2001, and remove from service 2nd stage HPT air seal assemblies prior to exceeding those limits. Determinations made using the original ASB or any of the revisions are considered to be in compliance with the AD.

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, Engine Certification Office (ECO). Operators must submit their request through an appropriate Federal Aviation Administration (FAA) Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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.

Documents That Have Been Incorporated by Reference

(f) The inspections must be done in accordance Pratt & Whitney ASB PW4G-112A72-233, Revision 3, dated August 3, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main Street, East Hartford, CT 06108. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date of This AD

(g) This amendment becomes effective on November 5, 2001.

Issued in Burlington, Massachusetts, on September 21, 2001.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01-24273 Filed 9-28-01; 8:45 am]

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DEPARTMENT OF COMMERCE

15 CFR Part 14

[Docket No. 980422101-1224-03]

RIN 0605-AA09

Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations

AGENCY: Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce (DoC).

ACTION: Final rule.

SUMMARY: This final rule amends the DoC interim final rule on grants administration which implements Office of Management and Budget (OMB) Circular A-110. This final rule allows recipients to transfer funds among direct cost categories for awards in which the Federal share of the project is \$100,000 or less. Also, this rule makes a correction to the language concerning disclosure requirements under the Byrd Anti-Lobbying Amendment and it updates language and provisions as a result of changes to law.

EFFECTIVE DATE: This final rule is effective October 1, 2001.

FOR FURTHER INFORMATION CONTACT:

Elizabeth L. Dorfman, Office of Executive Assistance Management, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room HCHB 6022, Washington, DC 20230, 202-482-4115, e-mail: EDorfman@doc.gov.

SUPPLEMENTARY INFORMATION: On September 4, 1998, DoC published an interim final rule (63 FR 47155) adopting the provisions of the Office of Management and Budget Circular A-110, "Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." Changes made by the interim final rule were not intended to deviate from the substance of Circular A-110. However, the interim final rule made minor changes to update the procedures, clarify the language, and make the language apply specifically to

DoC and its operating units. The interim final rule is codified at 15 CFR part 14.

This rule amends the interim final rule to incorporate a change requested through public notice and comment. This final rule is not subject to the rulemaking requirements of 5 U.S.C. 553 because it relates to public property, loans, grants, benefits, and contracts, 5 U.S.C. 553(c)(2), including the provision of prior notice and an opportunity for public comment and delayed effective date. No other law requires that notice and opportunity for comment be given for this rule. However, given the nature of OMB Circular A-110 as a common rule, the DoC accepted comments from interested parties in an effort to ensure consistency.

DoC received comments from five colleges and universities concerning the DoC requirement for prior approval on any rebudgeting request that exceeds 10 percent of program costs for all awards, including those awards of \$100,000 or less. Each of the institutions objected to the provision that recipients may not transfer funds among direct cost categories or programs, functions and activities for awards in which the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved. All comments received were considered in developing these final amendments.

As stipulated at 15 CFR 14.25(f), the DoC interim final rule requires prior approval on budget revisions exceeding 10 percent for all awards regardless of the amount of Federal funding. DoC continues to take steps toward improving its program delivery, policies and procedures, and to be more responsive to those whom it serves. This final rule revises 15 CFR 14.25(f) to require prior approval for awards in which the Federal share of the project exceeds \$100,000. In addition, the final rule makes clear that the 10 percent threshold applies to the total Federal and non-Federal funds authorized by the Grants Officer at the time of the transfer request. This is the accumulated amount of Federal funding obligated by the Grants Officer along with any approved non-Federal share.

In addition to making changes requested by the public, this final rule updates language and provisions. The phrase "small purchase threshold" is changed to "simplified acquisition threshold" throughout the document in order to be consistent with section 4(11) of the Office of Federal Procurement Policy Act, 41 U.S.C. 403(11), as amended by section 4001 of the Federal Acquisition Streamlining Act of 1994, Public Law 103-355. In addition,

Appendix A is updated in accordance with the Federal Acquisition Streamlining Act of 1994, Public Law 103-355, which raised the threshold to \$100,000 for the requirement to include the provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333). Finally, Appendix A is corrected to reflect that the disclosure requirements under the Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, apply to organizations that apply or bid for an award exceeding \$100,000 (not \$100,000 or more).

Executive Order 12866

This notice has been determined to be "not significant" for purposes of Executive Order 12866, "Regulatory Planning and Review."

Regulatory Flexibility Act

Because notice and comment are not required under 5 U.S.C. 553 or any other law for this rule relating to public property, loans, grants benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act. Reporting and recordkeeping requirements in 15 CFR Part 14 are those required by OMB Circular A-110 and have already been cleared by OMB.

Catalog of Federal Domestic Assistance

This rule affects all of the grant and cooperative agreement programs with institutions of higher education, hospitals, other non-profit, and commercial organizations administered by DoC.

List of Subjects in 15 CFR Part 14

Accounting, Administrative practice and procedure, Colleges and universities, Grants administration, Grant programs—economic development, Grant programs—oceans and atmosphere, Grant programs—minority businesses, Grant programs—technology, Grant programs—telecommunications, Grant programs—international, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

Approved: September 26, 2001.

Robert F. Kugelman,

Director, Office of Executive Budgeting and Assistance Management, Department of Commerce.

Accordingly, the interim final rule adding Part 14 of Title 15 of the Code of Federal Regulations, which was published at 63 FR 47155 on September 4, 1998, is adopted as final, with the following changes:

PART 14—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NON-PROFIT, AND COMMERCIAL ORGANIZATIONS

1. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 301; OMB Circular A-110 (64 FR 54926, October 8, 1999).

2. Part 14 is amended by removing the phrase "small purchase threshold" and adding "simplified acquisition threshold" in its place wherever it occurs.

3. Section 14.25 is amended by revising paragraph (f) to read as follows:

§ 14.25 Revision of budget and program plans.

* * * * *

(f) The recipient may not transfer funds among direct cost categories or programs, functions and activities for awards in which the Federal share of the project exceeds \$100,000 and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total Federal and non-Federal funds authorized by the Grants Officer. This does not prohibit the recipient from requesting Grants Officer approval for revisions to the budget. No transfers are permitted that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.

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4. Appendix A to part 14 is amended by revising paragraphs 4 and 7 to read as follows:

Appendix A to Part 14—Contract Provisions

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4. *Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)*—Where applicable, all contracts awarded by recipients exceeding \$100,000 for construction contracts and for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by

Department of Labor regulations (29 CFR Part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

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7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*—Contractors who apply or bid for an award exceeding \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33-8007; 34-44834; 35-27443; 39-2393; IC-25168]

RIN 3235-AG96

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the EDGAR Filer Manual to reflect updates to the EDGAR system made in EDGAR Release 8.0. The new release includes an updated version of EDGARLink (Release 8.0) that filers must now download and use. The new version includes various enhancements to the templates and software. The revisions to the Filer

Manual reflect these changes. The updated manual will be incorporated by reference into the Code of Federal Regulations.

EFFECTIVE DATE: October 1, 2001. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of October 1, 2001.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, Rick Heroux at (202) 942-8800; for questions concerning Investment Management company filings, Ruth Armfield Sanders, Senior Special Counsel, or Shaswat K. Das, Senior Counsel, Division of Investment Management, at (202) 942-0978; and for questions concerning Corporation Finance company filings, Herbert Scholl, Office Chief, EDGAR and Information Analysis, Division of Corporation Finance, at (202) 942-2940.

SUPPLEMENTARY INFORMATION: Today we are adopting an updated EDGAR Filer Manual (Filer Manual). The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system.¹ It also describes the requirements for filing using modernized EDGARLink.²

The Filer Manual contains all the technical specifications for filers to submit filings using the new modernized EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.³ Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.⁴

¹ We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33-6986 (Apr. 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on July 30, 2001. See Release No. 33-7999 (August 7, 2001) [66 FR 42941].

² This is the filer assistance software we provide filers filing on the EDGAR system.

³ See Rule 301 of Regulation S-T (17 CFR 232.301).

⁴ See Release Nos. 33-6977 (Feb. 23, 1993) [58 FR 14628], IC-19284 (Feb. 23, 1993) [58 FR 14848], 35-25746 (Feb. 23, 1993) [58 FR 14999], and 33-6980 (Feb. 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. See also Release No. 33-7122 (Dec. 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33-7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33-7472 (Oct. 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we

EDGAR Release 8.0, the most recent step in the Commission's modernization project, will be implemented on September 24, 2001. This release includes a new version of EDGARLink (Release 8.0), which makes certain enhancements to the templates and software. Filers must download and use the updated EDGARLink 8.0 software and templates to ensure their filings will be processed successfully. EDGAR will no longer support earlier versions of EDGARLink. Notice of the update has previously been provided on the EDGAR Filing Web Site, through return notices to filers, and on the Commission's public web site. The discrete updates are reflected on the filing web site, and in the updated Filer Manual.

One benefit of the new release is its update to the Internet Forms Viewer and the Java Runtime Environment software packages, which are incorporated into EDGARLink. This upgrade will make EDGARLink more compatible with newer versions of commercial and custom software already deployed and used by our customers.

Other enhancements facilitate the entry of data for fee-based filings. EDGARLink Release 8.0 contains two new fee pages within Templates 1 and 2: the Fee and Offering Information page and Fee Offset Information page. The Fee and Offering Information page contains fee-related fields: Payor CIK and Payor CCC, Method of Payment and the Fee Paid (if applicable). Also displayed is an Offering Table that replaces the Equity, Debt, Convertible and Other fields. Fee Paid is now required, if applicable to the particular form type, and a suspense error "incorrect fee amount" will be displayed if the amount in the Fee Paid field is less than the calculated fee amount.

The Fee Offset Information page allows the entry of multiple offsets for a single submission. Each offset information row contains the CIK, Form Type, File Number, Offset Filing Date and the Amount. There is also a new automatic fee estimating function within EDGARLink that calculates the fee, based upon data entered by the filer. This function will be kept current through the use of the Fee Rate Table file; this file will be updated by the Commission and will be available for

require filers to submit electronically; Release No. 34-40934 (Jan. 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33-7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; Release No. 33-7855 (April 24, 2000) [65 FR 24788], in which we implemented EDGAR Release 7.0.